DISPLACED PERSONS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT

OF THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

EIGHTY-FIRST CONGRESS

FIRST AND SECOND SESSIONS

ON

BILLS

TO AMEND THE DISPLACED PERSONS ACT OF 1948

MARCH 25, APRIL 8, JULY 26, 27, AUGUST 4, 5, 11, 17, 18, 19, 23, 25, 26, 31, SEPTEMBER 1, 9, 16, 23, 28, 30, OCTOBER 3, 7, 8, 1949; JANUARY 3, 5, 19, FEBRUARY 3, 6, 14, 15, 16, 17, 22, 24, MARCH 3, 7, 8, 10, 13, 15, 16, 1950

Printed for the use of the Committee on the Judiciary

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DISPLACED PERSONS

FRIDAY, MARCH 25, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 2:30 p. m., pursuant to call, in room 424 of the Senate Office Building, Senator Pat McCarran, chairman, presiding.

Present: Senators McCarran and Donnell.

Also present: Richard Arens, staff director of the special subcommittee, Thomas J. Davis, staff member, and J. G. Sourwine, committee counsel.

The CHAIRMAN. The committee will come to order.

Is Mr. Carusi present?

Mr. CARUSI. Yes, sir.

The CHAIRMAN. Are the other Commissioners present?

Mr. CARUSI. Yes.

The CHAIRMAN. Will you kindly step out into the far room and take a seat out there until you are called.

Mr. Carusi, will you kindly state your name, your place of residence, and your official position?

STATEMENT OF UGO CARUSI, CHAIRMAN, DISPLACED PERSONS COMMISSION, WASHINGTON, D. C.

Mr. CARUSI. My name is Ugo Carusi. I live at 3720 Fordham Road here in Washington, and I am Chairman of the Displaced Persons Commission, serving under recess appointment.

The CHAIRMAN. Mr. Arens, of the staff of the Judiciary Committee, will ask you some questions.

Mr. ARENS. With your permission, I should like to ask Mr. Carusi a few general questions and then a number of specific questions on the operation of the present program.

The CHAIRMAN. All right, proceed, Mr. Arens.

Mr. ARENS. Mr. Carusi, approximately how many displaced persons are there now in the American, British, and French zones of Germany and Austria and Italy, both in camp and out of camp?

Mr. CARUSI. Approximately 750,000.

Mr. ARENS. Of that number, approximately how many are in camp and what number are out of camp?

Mr. CARUSI. The ratio is about 5 to 2. That is roughly 500 in and 200 out.

Mr. ARENS. Approximately how many persons per month are applying for IRO status? What is the rate?

Mr. CARUSI. I do not know, but I am told that in the last 3 or 4 months the total number has been about 10,000.

Mr. ARENS. Is that 10,000 per month?

Mr. CARUSI. No, in the whole period, and most of them in Italy.

Mr. ARENS. We have received information that it is approximately 20,000 a month from IRO.

Mr. CARUSI. I have not received that information. It may well be. I do not dispute it.

Mr. ARENS. And the rate of new persons being taken on the rolls is approximately 7,000 a month.

Mr. CARUSI. That could be. That is a feature we do not have anything to do with.

Mr. ARENS. Could you give us the approximate break-down of the displaced persons to whom visas have been issued or who have entered the United States pursuant to the displaced persons law, on the basis of religious affiliation?

Mr. CARUSI. Yes. Roughly 36 percent Jewish, about 40 percent Catholic, and the remainder are mixed Protestant and Orthodox, and they have been grouped together so often that it is hard to tell just how many of each.

Mr. ARENS. We have just received under today's date a letter from one of your colleagues on the Commission, Mr. Rosenfield,[1] who gives these figures. I would like to read them into the record and see if, in your judgment, they are substantially correct.

Mr. CARUSI. They vary as each boat comes in.

Mr. ARENS. The religious affiliation of persons who have received quota visas as of February 28, 1949, were: Catholic, 4,936; Jewish, 4,651; Protestant, 1400; Orthodox, 1,416; others and not reported, 369.

To the best of your judgment, is that substantially correct, Mr. Carusi?

Mr. CARUSI. Yes. The figures I was giving were on arrivals, which may vary somewhat from that.

Mr. ARENS. Have any displaced persons been brought into the United States or have visas been issued to any persons since the enactment of the displaced persons law who are not eligible under the IRO constitution?

Mr. CARUSI. No. It is possible, under the present wording of the law, that could happen, but I think we have insisted in every case that they be IRO[2] eligibles. When I say "No," I mean unless there has been some fraud or deceit we did not know about.

Mr. ARENS. Mr. Carusi, your attention is invited to section 2 (c) of the Displaced Persons Act, which provides a cut-off date of December 22, 1945, for persons who are to be eligible for consideration under the act. You are familiar with that provision?

Mr. CARUSI. Yes, sir.

Mr. ARENS. Now, I direct your attention at this time to the regulations of the Displaced Persons Commission, particularly regulation 700.5, subparagraph (b). May I first read the first part of subsection (c) of section 2 of the act:

"Eligible displaced persons" means a displaced person as defined in subsection (b) above, (1) who on or after September 1, 1939, and on or before December

[1] For the statement of Harry N. Rosenfield, see p. 123.
[2] International Refugee Organization.

22, 1945, entered Germany, Austria, or Italy and who on January 1, 1948, was in Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna or the American zone, the British zone, or the French zone of either Germany or Austria * * *.

And then the alternative class is set out. I direct your attention to the regulation to which I have referred, which provides:

(b) An applicant's eligibility under the act shall not be affected:
(1) By absence from the geographical areas listed in section 2 (c) of the act after December 22, 1945, or before January 1, 1948, or on or after January 2, 1948, unless such absence was for the purpose of a firm resettlement * * *.

Then there are other alternative provisions set forth subsequently in this paragraph. Now, may I ask you to kindly give to the Senator your explanation of the reason for that regulation?

Mr. CARUSI. We found cases where people went back during those periods to look for family members or went to other parts of Europe, Switzerland, for health, to see doctors, or something, and whose absence was purely temporary, as you and I might visit away from home. If that absence was actually on January 1 it would violate the law, and what we are saying is if they got in and out and were back there on the date that the law requires, they are presumed to have been there during that period.

Mr. ARENS. But under the operation of this regulation, who makes the determination as to whether or not the absence of the person from the zone specified in section 2 (c) of the act is or is not for the purpose of a firm resettlement, Mr. Carusi?

Mr. CARUSI. Our Commission people do it, and, of course, that is subject to review by the consuls.

Mr. ARENS. How many persons are embraced or have been embraced thus far in this category?

Mr. CARUSI. I am not certain that any have been processed, but there would be very, very few indeed in the whole program.

Mr. ARENS. In that same section, section 2 of the act, there is the provision that the person must be in Germany, Austria, or Italy, on designated dates. I invite your attention to regulation 700.1 (e) which defines the area of Germany, Austria, and Italy as they existed on January 1, 1939. Why have you defined those areas to be the areas as they existed on January 1, 1938?

Mr. CARUSI. Because that is the basis upon which nationality quotas are fixed under the normal immigration laws.

Mr. ARENS. Were not the areas of Germany, Austria, and Italy, as of January 1, 1938, much larger than the areas of Germany, Austria, and Italy as of the conclusion of the war?

Mr. CARUSI. They have not been changed. There has been no official changing of all the boundaries. That is what bothered us. This is so vague we did not know what you meant. We thought we would take the last known fixed geographical areas of those countries.

Mr. ARENS. What is embraced in Germany, Austria, and Italy geographically as of January 1, 1938, which is not embraced at the present time?

Mr. CARUSI. It could well be East Prussia, for example, and that part of Germany which is now under Polish Government control; also that part of Italy which has gone to Yugoslavia or which is now part of the principality of Trieste, that are not Italy now or Germany, but

were, not only before the war, but at the time these people moved into it.

We thought that was what you had in mind, what the countries were at the time they moved in, which was Germany, when they went in there. Again, if we use that definition, there would be the question; when did they get in, when did the boundary change? And we would have to find a precise rule.

Mr. ARENS. Your attention is invited here to the same section of the act, as to the law, and to the regulations which have been promulgated applicable to employment and housing. What percentage of the displaced persons who have been admitted into the United States pursuant to the act have been sponsored by a voluntary agency?

Mr. CARUSI. Sponsored absolutely by a voluntary agency, I would say a very, very small percentage, because the voluntary agency cases have individual sponsors, but the agency merely takes them in hand and handles them for them. Usually, even though the agency may sign the sponsorship we get, they have in their own files the individual sponsor, back home.

Mr. ARENS. What percentage of the cases have you had in which the agency participated in the process at all?

Mr. CARUSI. Between 80 and 90 percent.

Mr. ARENS. You will observe the language of the law that as a prerequisite to eligibility under the act, assurances must be given that the person shall have safe and sanitary housing, without displacing some other person from such housing, and that the person will have suitable employment, without displacing some other person from the employment.

Mr. CARUSI. It does not say that. It says assurances will be given that will be so.

Mr. ARENS. I meant to say that, assurances will be given. Now, will you kindly explain your regulation 700.2 (e) which provides as follows:

> Assurances of suitable employment and safe and sanitary housing provided by a public agency or a voluntary agency recognized by the Commission for this purpose need not be assurances of a specifically identified job or housing accommodation.

Mr. CARUSI. That is purely technical. They find the specified job but they do not have to tell us what it is. We know they have it because we have faith in their integrity and honesty.

Mr. ARENS. What investigation is made by the Commission or by any agency of the Government of the United States with reference to a particular applicant to ascertain whether or not there is a specified job or a specified house available without displacing some other person from that job or from that house?

Mr. CARUSI. None.

Mr. ARENS. Now, Mr. Carusi, you were formerly Commissioner of Immigration and Naturalization?

Mr. CARUSI. Yes, sir.

Mr. ARENS. You are familiar with the general provisions of the immigration law?

Mr. CARUSI. I will say "Yes" but I may not be. I think generally, yes.

Mr. ARENS. In section 10 of the Displaced Persons Act we find this language:

> Except as otherwise authorized in this act, all immigration laws, including deportation laws, shall be applicable to eligible displaced orphans and eligible displaced persons who apply to be or who are admitted into the United States pursuant to this act.

You are familiar with that provision of the displaced persons law?

Mr. CARUSI. Yes, sir.

Mr. ARENS. Are you familiar with the provision of the immigration law which, in defining a child, in section 28 of the 1924 act, is as follows:

> The terms "child," "father," and "mother" do not include a child or parent by adoption unless the adoption took place before January 1, 1924.

That is the general immigration law, is it not, Mr. Carusi?

Mr. CARUSI. Yes, sir.

Mr. ARENS. Would you kindly explain the regulation of the Displaced Persons Commission, regulation 700.1 (d), which reads as follows:

> "Child" includes a stepchild and a legally adopted child; also a child legitimated under the law of the father's domicile or under the law of the child's residence or domicile.

Mr. CARUSI. The normal immigration laws are couched in language which is restrictive and suggest that there should be certain bars against immigration. They specify very clearly who should be kept out.

This is one of the first general laws which tells how to bring people in. We took it in that spirit, that you did wish to authorize the bringing in of a certain number of people of certain categories, and we took it to be good business and the sense of the Congress, and if it was not, we should be corrected; that you do not want family groups broken up, that you are trying to solve this problem, and that so far as we can, we should keep the family groups together.

We thought that that definition was consistent with the spirit of the law. We have checked with the House committee[1] and they agree that is so. And, to make doubly certain of the fact, they plan to amend the law accordingly, so we will be protected on it. However, the State Department takes the opposite view, that they should stick to the definitions contained in normal immigration law. So the net result has been they have so instructed their consulates, and stepchildren and adopted children are not being given the status which we would have given under our regulations.

Mr. ARENS. In other words, the Visa Division has refused to issue visas to adopted children who would be eligible under the regulations which have been promulgated by the Displaced Persons Commission? Is that correct, Mr. Carusi?

Mr. CARUSI. The way those youngsters come in now, they are treated as adults and given suitable employment, which means going to school or running around the house and housing with their parents. So they come in anyway under separate assurances.

Mr. ARENS. The child would not have to have any employment prerequisites or housing if his father was an eligible displaced person under the terms of the act?

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[1] House Committee on the Judiciary.

Mr. CARUSI. There are many cases, for instance, of an uncle adopting his brother's son. The brother may be dead or alive, may be abroad. There is a case, and we have a number of these, where the woman has remarried, the widow, and her children are not the children of an applicant, so that the youngster has to have a separate job and house assurance even though he is only 2 or 3 years old.

Mr. ARENS. Under the regulation which has been promulgated by the Displaced Persons Commission, assuming that the Visa Division would issue visas, it would be possible, would it not, for a person who was an eligible displaced person under section 2 of the act to adopt an unlimited number of persons and bring them in under section 2 as eligible displaced persons?

Mr. CARUSI. It would be possible if he could legally adopt that many.

Mr. ARENS. Under the regulation, he would not have to actually legally adopt the individual, would he? He could bring in a person who was legitimated under the law of the father's domicile or under the law of the child's residence or domicile abroad.

Mr. CARUSI. By "legally," I mean abroad.

Mr. SOURWINE. You do not have any trouble with that assurance, with the business of assurances on these adopted children?

Mr. CARUSI. Only in this way: That we do not know they are adopted or stepchildren until we are advanced in the case. Then the case stops until the assurance is asked for back here, obtained, sent abroad. It holds up the case several weeks or a month or so.

Mr. SOURWINE. That is not quite what I meant. You had said because the Visa Division was refusing the visas they had to have assurances.

Mr. CARUSI. Yes.

Mr. SOURWINE. Are you finding any difficulty getting these assurances?

Mr. CARUSI. No.

Mr. SOURWINE. You pointed out, as a matter of fact, the assurances for a child are merely that he will go to school and live with his parents.

Mr. CARUSI. We call that suitable employment for a child.

Mr. SOURWINE. Thank you.

Mr. ARENS. That is your section 700.2 (c), is it not, Mr. Carusi, in which you provide that a person coming to undertake studies in the United States shall be determined to have suitable employment?

Mr. CARUSI. Yes. In other words, you do not say gainful occupation in your law. You say suitable employment, and we say suitable to the ability and station in life to the person concerned.

We had one case of a woman 84 years old coming to her son. When we insisted that he show suitable employment, I do not know whether he was sarcastic or not, but he wrote back and said:

> She will work around the house. I am sure what she can accomplish will not displace anybody. And as far as a safe and sanitary residence, I bought a new plot in the cemetery for her.

Mr. ARENS. What percentage of displaced persons who are potentially eligible under the act are from the Baltic States or east of the Curzon line in Poland?

Mr. CARUSI. I do not have those figures to freshly in my mind.

Mr. ARENS. What is the approximate figure?

Mr. CARUSI. Approximately, it runs just about the 40 percent that the law contemplates. In other words, if they are eligible, we just about get them in.

Mr. ARENS. What percentage of the displaced persons who have been admitted into the United States have been admitted pursuant to this priority designated in the law?

Mr. CARUSI. The latest figures of actual arrivals, as I recall, are that we are running about 30 percent, although visas have been issued so that as of this moment we have observed the 40-percent priority.

However, that meant culling over all the applications we had and taking the Baltic preference cases first, and then when we did that, we saw we were having to stop processing other cases and we would have run way under the figure here contemplated. So now we are taking them as they come chronologically and are not making that week by week adjustment. And the net result is that, unless the law is changed, or if it is not changed, unless we sit down and make that adjustment, as indeed we shall and must, we shall not come anywhere near maintaining that 40 percent. Assurances are not coming in in that ratio.

Mr. SOURWINE. You are anticipating the law will be changed, Mr. Carusi?

Mr. CARUSI. We are. But if it is not, we will have to make an adjustment which will mean we will stop processing thousands of cases, non-Baltic cases, because they are not coming in in that ratio, The rule made up here is not being followed by people who filed the assurances.

Mr. ARENS. What percentage of displaced persons are agriculturalists?

Mr. CARUSI. Who have arrived?

Mr. ARENS. No, in Europe.

Mr. CARUSI. Something like 25 or 26 percent.

Mr. ARENS. It is about 22 or 23 percent of the males, is it not?

Mr. CARUSI. Something like that.

Mr. ARENS. What percentage of the persons in the displaced person category are in family groups?

Mr. CARUSI. I cannot give it to you that way, except to say they average 2.2 persons per family.

Mr. ARENS. The law gives a 30-percent priority to agriculturalists, does it not, Mr. Carusi?

Mr. CARUSI. Yes, sir.

Mr. ARENS. But that priority embraces not only the head of the family as an agriculturalist, it also embraces members of his family, does it not?

Mr. CARUSI. That is correct.

Mr. ARENS. Which would mean if the number of agriculturalists among the males was twenty-some-odd percent and we would only double it to bring in members of his family, we would have at least 40-percent agriculturalists, or in the agriculturalists category, would we not?

Mr. CARUSI. Yes, if that happened. But remember it depends not on what we would like to do but on the assurances.

Mr. ARENS. I will get to them in a few moments. But as of the group in Europe, in the group which is embraced in the agricultural

priority, there are at least 40 percent of the displaced persons that could be embraced in agricultural priority?

Mr. CARUSI. There would be an ample number to take care of that 30 percent.

Mr. ARENS. It would mean substantially a greater percentage than the percentage priority which is given in the law. Is that not true, Mr. Carusi?

Mr. CARUSI. That is true, if you assume them all to be able to pass all the other requirements.

Mr. ARENS. Yes. I want to get to that in just a moment. What percentage of the displaced persons who have been admitted into the United States thus far pursuant to the act have been in the agriculturalists category?

Mr. CARUSI. The last figure I had was about 15 percent. I am told it is rising. These last two or three vessels going into Louisiana had predominantly agriculturalists. So, I think I am safe in saying about 20 percent.

Mr. ARENS. When the Commission promulgated its rule interpreting the term "agricultural pursuits," the definition in the rule 700.1 (c) embraces, generally speaking, persons who are engaged not only in tilling the soil but persons engaged in—

> storing, the preparation for market, delivery to storage or to market * * * and the operation, management, conservation, improvement or maintenance of the farm and the tools and equipment * * *—

and various and sundry activities of that nature.

What is in the mind of the Commission with respect to that definition?

Mr. CARUSI. We merely copied acts of Congress describing agricultural pursuits.

Senator DONNELL. May I ask how many persons have thus far come in, approximately, to the United States under the terms of the Displaced Persons Act, Public Law 774, Eightieth Congress?

Mr. CARUSI. As of this morning, 11,200. There are an additional 2,200 or 2,300 on the high seas.

Senator DONNELL. When did the first one of those 11,200 arrive?

Mr. CARUSI. On about the 30th of October.

Senator DONNELL. That is 5 months.

Mr. CARUSI. Yes.

The CHAIRMAN. When did you go into operation, the Commission?

Mr. CARUSI. The Commission was appointed in the middle of August.

Senator DONNELL. So, in approximately 5 months you have received 11,200 displaced persons?

Mr. CARUSI. That is correct. I should say this, Senator: It does not mean we have averaged that through the months. For example, in October, 813 came in; in November, something like 830; and in December, enough more so that by the end of December there were about 2,500 in. Then in January, the number went up to about 3,600. In February alone, we doubled it. In March, it is about 6,500 in the month. In April, shipping space has already been arranged for over 8,000. So you see it is jumping very rapidly in the last few months.

Mr. SOURWINE. You are now operating then at something like the rate in excess of 40,000 a year?

Mr. CARUSI. Oh, yes. We have asked for shipping space for 10,000 in April. We have been accorded 8,200 or 8,300. Our plans call for 12,000 in May, 12,000 in June, and at least 16,000 every month thereafter.

Senator DONNELL. If I understand you correctly, only 11,200 have been received in this country since the 30th of October, 1948.

Mr. CARUSI. That is correct.

Mr. ARENS. Mr. Carusi, what is the comparative housing situation in the United States, as between urban and rural areas?

Mr. CARUSI. The information we get is it is much better in rural areas.

Mr. ARENS. It is approximately twice as acute in the urban areas, is it not, Mr. Carusi?

Mr. CARUSI. I do not know whether that is true of all urban areas.

Mr. ARENS. Generally speaking?

Mr. CARUSI. Generally speaking, the urban areas are much the worse off.

Mr. ARENS. What has been the area of settlement of the displaced persons, first of all, who were admitted into the United States pursuant to the Presidential directive of December 22, 1945, as between urban and rural areas?

Mr. CARUSI. A tremendous majority of them went into the cities.

Mr. ARENS. What percentage of the displaced persons who have been admitted thus far pursuant to the Displaced Persons Act have settled in the urban areas as compared to the rural areas?

Mr. CARUSI. There, again, the very large majority; I do not have the exact percentage. If I had known what this questioning was going to consist of, I would have brought some statistics with me.

Mr. SOURWINE. Have as many as 20 percent of the DP's you have brought in so far gone to rural areas?

Mr. CARUSI. I think so, judging from the number who have come in as agriculturalists.

Mr. ARENS. The semiannual report of the Displaced Persons Commission to the President and the Congress shows that 70 percent went to large cities, 20 percent to other urban areas, and 10 percent to rural areas.

Mr. CARUSI. The two vessels on the high seas to arrive in New Orleans, you will find the percentages reversed on those two.

Mr. SOURWINE. I was trying to find out if you have only 10 percent of them going to rural areas and 20 percent are engaged in agricultural pursuits, what happened to one-half?

Mr. CARUSI. The figures he is giving are as of December 31, when talking about 2,500 people. Around 10,000 more have come in. The figures I was giving mean as of now.

Senator DONNELL. That figure of 11,200 which you gave me 2 minutes ago—does it include the children or the adults?

Mr. CARUSI. That is everybody.

Senator DONNELL. How many adults are included in that 11,200?

Mr. CARUSI. Two-thirds of them are adults.

Mr. ARENS. Now I invite your attention, Mr. Carusi, to the next section here of the Displaced Persons Act, section 4, which, as you know, is the section pertaining to displaced persons who, prior to April 1, 1948, were in the United States on a nonimmigrant-status

basis. Does the Displaced Persons Commission participate in the administration of that section in any respect?

Mr. CARUSI. No, sir.

Mr. ARENS. The Displaced Persons Commission has, however, issued a rule and regulation respecting absence from the United States by one of those persons after the terminal date, April 1, 1948, has it not?

Mr. CARUSI. No, sir.

Mr. ARENS. Who issued the regulation?

Mr. CARUSI. The Immigration Service.

Mr. ARENS. Was that at the instigation of the Displaced Persons Commission?

Mr. CARUSI. No; we are not interested in that at all.

Mr. ARENS. May I ask you this: If a person is in the United States on a nonimmigrant status—we will say as a 3 (2)[1] visitor—and then applies for adjustment of status under section 4, thereafter leaves the United States before his status is adjusted, and subsequently returns to the United States, in your judgment would he be eligible for adjustment of status under section 4?

Mr. CARUSI. I can conceive of cases where he would be. I know of a case where a girl went to Niagara Falls, and crossed over and came in. I think it is just a stepping over. Take a person in Detroit going to Windsor to shop. I think it is quite obviously in the United States.

However, if they go out on an extended stay or make their home somewhere else, and wait until the case matures and does something of that sort or tries out another place and does not like it and comes back, it is an entirely different thing. I do not know the exact wording of that regulation. If it contemplates a casual absence, should not break the line of residence here for the purpose of this application, I should agree with it.

Mr. ARENS. What if an alien steps up to a consul abroad and says in effect: "I have made application under section 4 of the Displaced Persons Act for adjustment of status in the United States. And I would now like to have issue to me a nonimmigrant visa to go to the United States," would the consul be entitled, under the law, to issue a visa to that person?

Mr. CARUSI. He is permitted to give them a visa no matter what the person's purpose is for bona fide visitor's purpose.

Mr. ARENS. In determining whether or not it is a bona fide visit to the United States, the consul must first determine that the individual is going to return from the United States, come back from the United States, at the expiration of his visit, does he not?

Mr. CARUSI. That is right.

Mr. ARENS. And if the person has made application for adjustment of status under section 4——

Mr. CARUSI. He has indicated intention to remain. So, in that category, he would be ineligible for a visa by the American consul.

Mr. ARENS. Under the regulation which has been promulgated, even though the individual leaves the United States and makes application to come back in and by some means gets back into the United States, he is eligible for adjustment of status. Is that not true, Mr. Carusi?

Mr. CARUSI. That is correct, under that regulation.

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[1] Under sec. 3 (2) of the Immigration Act of 1924.

The CHAIRMAN. That is not one of your regulations?

Mr. CARUSI. No, sir.

Mr. ARENS. It is in the Displaced Persons Act, however, Senator.

Your attention, Mr. Carusi, is invited to section 10 of the Displaced Persons Act which provides, among other things, as follows—I will break into the middle of a paragraph there because the preceding part does not pertain to the matter I want to interrogate you on—

* * * except as otherwise expressly provided in this Act, the administration of this Act, under the provisions of this Act and the regulations of the Commission as herein provided, shall be by the officials who administer the other immigration laws of the United States.

Who are the officials who administer the other immigration laws of the United States?

Mr. CARUSI. The Public Health Service, the United States Immigration and Naturalization Service, the Department of Justice, and the consular officers and the Visa Division of the State Department.

Mr. ARENS. In view of this language of the law, I invite your attention to your regulations 1 (c) and 700.6.

Regulation 1 (c)——

Mr. CARUSI. There must be something in front of that 1.

Mr. ARENS. It is the regulation issued October 5, 1948.

Mr. CARUSI. You read it.

Mr. ARENS (reading):

Duly authorized officers and employees of the Commission shall, under the general direction of the Commission, be responsible for the selection, investigation, and processing of the applicants under the act, subject to such powers—

and so forth.

And the other regulation to which I invite your attention is section 700.6, which reads as follows:

Selection of applicants under section 2 (c) and (d) of the act for processing for admission into the United States shall be made by duly authorized representatives of the Commission on the basis of—

and so on.

Would you kindly explain the regulation in view of the provision of the law as to which we have directed your attention, Mr. Carusi?

Mr. CARUSI. Another section of the act, or perhaps the same one—it is the same one—requires that there be a thorough investigation and report filed in every case by the agency designated to do so by the President and the President designated the Displaced Persons Commission. And we have held that the gathering of all information and selection of people on the basis of it is a part of the investigative process and that is how the Commission gets that authority. Otherwise, it would not have it.

Mr. ARENS. Is the Commission aware of the legislative history of the act, which, on the floor of the Senate, it was explained in substance that it was the will of the persons handling the legislation that the regular immigration and naturalization officials and the officials of the visa division of the Department of State would administer the act, that there would not be a duplication of effort, but that the Commission would be concerned with promulgating rules and regulations for the resettlement of people?

Mr. CARUSI. I recall that and I recall your advising me that all the committee was concerned in was that the decisions which determined

whether a person should come into the United States or not would be made by the people I have mentioned—the immigration service, visa people, and the Public Health Service—and that this Commission would have no part in the making of that ultimate decision.

What we did in prior processing would be all right, because certainly from a reading of the act there are many provisions which are very obscure and unclear, and I had to get some enlightment from you folks. I remember talking to you and Mr. Davis about it and you gave me that answer.

Mr. ARENS. Mr. Carusi, have there been developed any further facts respecting false and fraudulent documents by applicants for admission pursuant to this act?

Mr. CARUSI. No; that has almost completely disappeared. We do, of course, have, in our investigative reports, references to the fact that the particular applicant had indulged or tried to indulge in that practice under the old procedure. And where it has reached the stage where he swore to a document or swore before a consul and his deception amounts to perjury, of course, he is disqualified from consideration under this act. That practice was grossly exaggerated in the committee's report.

I think on the floor of the Senate, particularly, we kept hearing expressions that 45 percent of the applications were fraudulent. The fact is that a very small percentage of the applications were accompanied by birth certificates and the like and that 45 percent of those birth certificates were found to be fraudulent, which brought the number way down under a thousand, and it was confined to a particular group which sought to prove birth in Germany in order to come in under the German quota.

But now the question of which quota they come under is not important, and there is no purpose to be gained by the use of those documents. In any event, the CIC,[1] at our suggestion, has established a separate unit for the examination of all questionable documents.

Mr. ARENS. I overlooked one question on a preceding section, Mr. Carusi. If I may, I will return to that. Under section 7 of the Displaced Persons Act, there is a priority given to persons who, on January 1, 1948, were located in displaced-persons camps and centers. The law further provides:

* * * but in exceptional cases visas may be issued to those eligible displaced persons located outside of displaced persons camps and centers upon a showing, in accordance with the regulations of the Commission, of special circumstances which would justify such issuance.

I observe in the regulations of the Displaced Persons Commission, starting in regulation 700.4, subparagraph (d), and the succeeding subsections of that subparagraph, a number of exceptions to the priorities which are set forth in the act. Would you care to give the Senator a word about each of those half dozen or so exceptions to the priority which is given to displaced persons in the camps and centers?

Mr. CARUSI. I am sorry, I did not catch the page.

Mr. ARENS. Section 700.4, starting with subparagraph (d).

Mr. CARUSI. No. 1: That the eligible displaced person left such camp or center prior to January 1, 1948, in compliance with compul-

[1] Counter Intelligence Corps, U. S. Army.

sory labor-service laws or orders applicable to him. That happened particularly in Austria when people were just told, "From now on, you have to go to such and such a place and work" and they had no choice in the matter. We thought he should not be punished for that or derived of the opportunity for resettlement because of that.

No. 2: That the eligible displaced person left such camp or center prior to January 1, 1948, because of his health or to accompany his spouse or a child or children who left such camp or center because of their health. We thought that was a perfectly proper, sensible, fair thing to do, not to penalize the man because he had the misfortune of illness in his family.

No. 3: That the eligible displaced person left such camp or center prior to January 1, 1948, in reliance upon promises or assurances made directly to him or directly to his spouse or to any of his children and relied upon by him, by officials of the United States Government, military or civil, that he could return to the camp or center or that none of the rights or privileges which might thereafter accrue to him as occupant of such camp or center in connection with migration to the United States for permanent residence would be prejudiced by departure from the camp or center. That does not apply if he becomes permanently resettled, of course.

There was a lot of showing made that large numbers of these people were induced to leave the camp and go out and try to make a go of it on their own. Where done on a group basis or because of a proclamation or manifesto, because the Congress was aware of that when it had in-camp and out-of-camp priority, we figured we would not be permitted to include them, because you knew what you were doing when you passed this law. Therefore, you did not intend to include them, but if a person was spoken to directly, and knowing the mentality and attitude of mind of these people, if an officer of the United States tells them to do something, makes them a promise directly as an individual that he would be apt to rely upon it either in good faith or in fear, and we thought he should not be punished for that, and that that was a fair exception.

Mr. SOURWINE. Does that mean that the law says thus but if anybody who works for the Government says so, the law is so?

Mr. CARUSI. No. That was all done prior to the plan and this gives us authority to make exceptions.

Mr. SOURWINE. It does not hold over to this day or any date subsequent to passage of the law?

Mr. CARUSI. No; this is a status acquired as of those particular dates, January 1.

Mr. ARENS. How about subparagraph 4, then, Mr. Carusi?

Mr. CARUSI. You see, because you have a precise date, January 1, there again, supposing the case I mentioned, he went looking for his family in some other part of Germany and he left his camp and was living on his own during those few days, if it happened to fall on January 1, we say that is a circumstance which should not mitigate against him.

Mr. ARENS. What if a man left the camp prior to January 1, 1948, to go to Switzerland to see what the opportunities were there for settlement? Would he, under this subparagraph be permitted to re-

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turn to the camp and be embraced in the priority of the displaced-persons law?

Mr. CARUSI. Yes; under this he could be, because he did not settle anywhere else. He went around to look.

Mr. ARENS. Unless there is a firm resettlement. Who makes a determination as to whether or not his sojourn away from the camp in another country is for the purpose of a firm resettlement?

Mr. CARUSI. Of course, IRO cancels off the books if they find he has ceased to be their care and has detached himself from IRO. If he, nevertheless, is retained by them on the rolls, then it is still within the province of the person in the Commission who writes this report that is required by law to declare him ineligible, or even if he declares him eligible, the consul can still say he is ineligible, or the Immigration Service. There are several of them.

Mr. ARENS. Do they make inspection at the port of entry of displaced persons similar to the inspection they make of all other aliens arriving in the United States?

Mr. CARUSI. No; not on arrival. That is done at the port of embarkation, done before they get on the boat.

Mr. ARENS. What is the allocation of functions within the Commission itself? You are Chairman of the Commission. What is the apportionment of functions among the Commissioners?

Mr. CARUSI. We all have concurrent responsibility. Nobody is the boss of anybody else. But we do for purposes of attending to detail divide it up pretty much this way:

That the Chairman looks after the administrative features and the setting up of operations, and running it from an administrative standpoint, subject, of course, also to checking with his associates on policy or major decisions.

Commissioner O'Connor[1] concerns himself primarily with the details of resettlement in the United States, working with the governors, commissions, agencies, and others.

And Mr. Rosenfield has to do with the processing of the assurances and the legal features, and the drawing of these regulations and things of that kind. But we all concur on final action in any of those regards.

Mr. ARENS. In view of the fact we are in executive session here, would you mind expressing to the Senator the areas in which there have been the greatest differences of opinion among the Commissioners on the administration of this act? There have been some pretty sharp differences of opinion, have there not, Mr. Carusi?

Mr. CARUSI. There have been sharp and fixed differences. I have felt, and felt before the law was passed, that it was a one-man operation, and that the appointment of the Commission was a mistake. It is a productive job. It is an operating job. We are not a deliberative body. There is not room on one button for three thumbs. But Congress decreed otherwise.

We have been appointed on the basis of our religions, which I think is another mistake.

Mr. ARENS. That was not provided in the law.

Mr. CARUSI. No. You are talking now about facts, and I think that our faiths manifest themselves in our deliberations, which is

[1] For the statement of Edward M. O'Connor, see p. 425.

wrong. It should not be that way, and I am not saying that I am not culpable. It is just natural; it happens.

I have felt that one person ought to handle the administration and the actual functioning of the thing, but that we should work together in concert on matters of major policy, and so on. And, of course, there have been some of those determinations of policy on which we have not agreed. But we have done this: Where we disagree we wind up agreeing. I mean by that that there is no such thing as a minority or dissenting report or view.

If one of my colleagues and I see it one way and the third one sees it another way and we decide it that way, then all three of us accept it that way, and that is the end of it. That is why I find it awkward here to suggest there is any cleavage, because the cleavage exists in our arguments, but does not exist in the ultimate conclusions.

Mr. ARENS. What would be some of the examples of the areas on the basis of religious affiliations that the Commissioners have had disagreements?

Mr. CARUSI. I think the outstanding one is that we have reached a decision where it is not possible for a person who sponsors an unknown alien into his house or farm to have specified any preferences as to religion.

One of us took the view that a man ought to know, especially if he is bringing in people to take care of his children or—take a man who may wish to bring in a farmer and he is a Catholic, and it turns out that there is no Catholic church within a radius of 100 miles of the farm. That would not be fair to the displaced person not to be able to practice his religion.

One of us thought that it would be good that religion play a part in this thing. It breeds for good resettlement. If a man goes into a community where he can attend his church and where his sponsor and he may be of the same religion and can live together better, that way it is a good thing.

On the other hand, looked at from a cold governmental standpoint, that the Government of the United States does not pick people with respect to religion, we all agree. On the other hand, the feeling on the part of all of us was in resettlement where you are transplanting a man and he is being told by you where to come, not that he chooses himself, he ought to have at least the facility of his own church. He ought to know in a certain community whether he can or cannot practice his faith and the person calling the man into his own household ought to be able to select him, but the prevailing view was that that should not happen. And I think it grows from a feeling that usually when selections have been made on the basis of religion, they have been made for the purpose of discrimination against. One of us could not argue the other two into the point when you use religion to help a man it is all to the good.

There is one of the points of difference. It is because I think of experiences minority groups have had and they are unfortunate experiences, when religion has been directed into the equation of this kind, it has usually been to the injury of the minority group.

There again I am saying as far as the general public is concerned, we have all agreed on that policy. If a man writes in and says, "Please send me a Catholic or a Protestant to work on my farm," we write back, "Sorry, we do not pick upon that basis. If you think it im-

portant to have a Catholic, Protestant, or Jew, why do you not see a voluntary agency and get them to pick somebody?" It is kind of running around Robin Hood's barn to say that an agency can pick for him, but we cannot.

Mr. ARENS. Under the President's directive of December 22, 1945, there was an explicit statement that visas should be apportioned fairly among persons of all faiths and creeds.

Mr. CARUSI. Yes.

Mr. ARENS. What was the result from the standpoint of apportionment of visas among persons of various creeds on the displaced persons who actually had visas and came to the United States?

Mr. CARUSI. The result was it was not workable because the Jewish displaced persons were the only native Germans. And Germany had about twice as large a quota as all the other countries put together and they were using that heavy German quota.

Mr. ARENS. So it was about 80 percent?

Mr. CARUSI. For a time it wound up at 67 percent.

Mr. ARENS. Of total visas issued? About 23,000 out of 35,000 immigrant visas?

Mr. CARUSI. Yes. Before we get off the subject, I wish to say this, because I have given an impression, perhaps, that I think there ought to be a one-man commission instead of three or maybe two men. I wish to make it perfectly clear we have started operations and we are getting along and I, for one, would like to see no change in the three-man Commission.

I have perhaps a selfish impression that if it were cut down to two or to one, even, I might be among the survivors, and if that did eventuate, I could not accept the position. I would feel I had been a party to having my colleagues dismissed, and I would not want to be a party to that. So there is nothing in what I say to suggest that I think there ought to be any change in the make-up of the Commission now. I think we have come to understand each other. The basic questions of policy are behind us. We are now operating. We have divided up some of our chores so that each of us has his own job to do, and I think we can get along from now on as well as any three men of independent judgment can.

Mr. ARENS. The figures you referred to earlier in the testimony respecting the faith of those persons who have been admitted or to whom visas have been issued pursuant to the act shows, as it was previously indicated, a disproportionate number of Catholics and Jews as compared to Protestants; do they not?

Mr. CARUSI. Yes, sir.

Mr. ARENS. Do you have any suggestions to make to the Senator respecting the reason why there is a disproportionate number of Jews and Catholices over Protestants?

Mr. CARUSI. Because there is a disproportionate number of assurances. When you make eligibility dependent upon assurances, you have put the eligibility standards in the hands of individuals in the United States. It is completely out of our hands or out of the hands of any Government agency.

Mr. ARENS. Have you not, however, received an ample number of assurances from Protestant organizations and from Protestants?

Mr. CARUSI. Oh, no. A very, very small number. Mr. Rosenfield probably has the exact figures.

I remember the last time I looked at them the total number of Catholic assurances were around 60 percent of all the assurances, the Jewish assurances were about 30 percent of the assurances, and roughly 10 percent were Protestant and others.

Mr. ARENS. Then, although this act has been criticized publicly as to discriminating against the Catholics and Jews, thus far at least a disproportionate number of persons who have been admitted into the United States or to whom visas have been issued pursuant to the act, have been persons of Catholic or Jewish faith; is that not true, Mr. Carusi?

Mr. CARUSI. That is true, and it will continue with respect to the Catholics but it will not with respect to the Jews, because we will be running out of eligibles very soon now.

The CHAIRMAN. Why is that?

Mr. CARUSI. There are so few eligible under the December 22 date line. They moved fast and promptly. But that means they will finish up that much faster.

Mr. ARENS. What you are saying, are you not, Mr. Carusi, and I do not want to put words in your mouth but to clarify this for the Senator's enlightenment, is that persons of Jewish faith who are in displaced-persons camps or displaced persons in Europe at the present time entered the zones designated in the act as infiltrees after the conclusion of the war and were not war-displaced persons. Is that not true?

Mr. CARUSI. They were primarily Jews from Poland who came in during 1946 as a result of Russian activity or Soviet activity.

Mr. ARENS. To what extent did the Zionist movement, the plan of moving the Jews from eastern Europe through Italy into Palestine, stimulate the movement of the Jews into the occupied areas?

Mr. CARUSI. It did not stimulate them much from Poland into Germany. It stimulated more of them from Hungary, Bulgaria, and Rumania into Italy and Austria, and most of them have gone into Palestine. They are not there.

Mr. ARENS. They are going at the rate of 5,000 a month, I understand.

Mr. CARUSI. And it is now expected all the Jews will be out of displaced-persons camps by August of next year.

The CHAIRMAN. We will now recess this hearing to the call of the Chair.

(Whereupon, at 3:35 p. m., the committee recessed subject to the call of the Chair.)

DISPLACED PERSONS

FRIDAY, APRIL 8, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10 a. m., pursuant to call, in room 424 of the Senate Office Building, Senator Forrest C. Donnell presiding.

Present: Senators McCarran and Donnell.

Also present: Richard Arens, staff director of the special subcommittee, and Thomas J. Davis, staff member.

Senator DONNELL. Gentlemen, the subcommittee will be in order. Mr. Arens, will you proceed with the examination of Mr. Carusi?

STATEMENT OF UGO CARUSI, CHAIRMAN, DISPLACED PERSONS COMMISSION, WASHINGTON, D. C.—Resumed

Mr. ARENS. Mr. Carusi, would you kindly give us the organizational pattern of the Displaced Persons Commission?

Mr. CARUSI. Yes, sir. Of course, we have a staff here in Washington, and we have one in Germany, Austria, Italy; the western zones or sectors, of course, of Germany and Austria.

The Washington office numbers now about 60 people, mostly clerical. As to the major divisions, each Commissioner sort of has primary responsibility over one of three phases of the operation. The Chairman handles administrative matters, Commissioner Rosenfield handles those that relate to the actual process of cases—that is, he is a sort of legal officer—and Mr. O'Connor takes care of the domestic resettlement plans and the liaisons with the State Department and voluntary agencies. That means only in the detailed operational sense, policywise we all act in concert and no one of us has the authority to make policy alone.

We have a general counsel who works along mostly with Mr. Rosenfield.

Mr. ARENS. Who is your general counsel?

Mr. CARUSI. His name is James McTigue. He was formerly with the Truman committee. We have an office that we call the Adjudicating Office, that also works through Mr. McTigue, which passes preliminarily upon the validity of the assurances that come to us before they are sent to Europe.

Of course, we have the normal administrative clerical help that it is necessary to have in any agency, except for the fact that we are able to keep down the numbers of clerical help, because of the assistance

we get from the State Department. We use their facilities to the extent we possibly can administratively.

Abroad, the staff now consists of about 130 American personnel; and 60 or 80 German personnel paid for by the German economy, that is to say, clerks and translators, and so on. Our set-up over there is this: We have a central office in Frankfort, at the head of which is Mr. Alex Squadrilli.[1] You may have met him over there, Senator.

I found him in General Harrold's [2] office, working on displaced-persons matters.

Senator DONNELL. I do not recall him by name.

Mr. CARUSI. He was in charge of displaced persons for General Harrold in the Displaced Persons Branch of EuCom.

To his office come the assurances we send, and they are given numbers and sent out, through areas, throughout the zones in which we operate, for actual processing. There, of course, he keeps numerical control, keeps track of where they are, and actually supervises administratively and otherwise the activities of people in the field.

Then he has under him 10 different offices, each in the charge of what he calls a senior officer. Each of those offices, as it relates to the processing of cases, is just about autonomous. Those offices are located in Wentorf in the British zone, Rastatt in the French zone, in Butzbach, Ludwigsburg, Munich, Schweinfurt, Augsburg, and Amberg, all in the American zone of Germany, and in Bagnoli, which is a suburb of Naples in Italy, and in Salzburg in Austria, in the American zone.

The way those individual offices are set up is this. They are located in an IRO resettlement center; in other words, a camp to which people come for processing. The people at that IRO center are, of course, the IRO representatives, our representatives, the consular officers, Public Health Service doctors, and at least a liaison member of CIC of the Army. In other words, everybody who, from the American standpoint, works on these cases is represented right there in that one unit in each of the resettlement centers, so that when it is time to process a displaced person after preliminary documentation and so forth, he comes to that center and lives there and is available to the working authorities, and if his case progresses well, he moves on from there to the port of embarkation. Otherwise, he goes back to his camp and stays. It saves movement.

Our first experience was that when we called displaced persons into the consulates and they had to get in there by their own efforts, some got there and some didn't; and those who didn't very frequently slept in railroad stations and the like, and it was a very improper arrangement. But now it is all done in the way that I have described. The cases are handled through the group stations in those resettlement areas.

Mr. ARENS. Are you through with the structure now, Mr. Carusi?

Mr. CARUSI. Yes.

Mr. ARENS. I would like to, just for the purpose of making this as clear as possible, post a hypothetical case for you and have you follow it through as a hypothetical case.

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[1] For the testimony of Alexander E. Squadrilli, see p. 828.

[2] Brig. Gen. Thomas L. Harrold, Director of Civil Affairs, Headquarters European Command.

Let us say that in Kansas City, Mo., there is a man that has available facilities for housing, either in his own house or in the house next door that he owns, and he also runs a carpenter shop and he needs a carpenter. He wants to bring a carpenter and the carpenter's family to Kansas City. Would you just take us, in a normal routine, through what would happen, all the way through until the carpenter and his family arrive in Kansas City, Mo.?

Mr. CARUSI. Very well. First of all, we make available to him a form, which he can get from us or from the immigration offices—we have them scattered around—or he can get them through voluntary agencies, if he chooses to do it that way. The form is filled out, and it specifies the nature of the housing, the nature of the employment; and he can indicate on it the size of the family that he thinks he can sponsor. The assurance, also, of course, provides his assurance that he will not become a public charge and that transportation will be paid for the family when it arrives at the port of debarkation from that port to Kansas City.

Senator DONNELL. How long does that assurance that the person or persons will not become public charges endure?

Mr. CARUSI. There is no legal term on it. Under the terms of this act, the assurances are that upon arrival he will have a house and a job and will not be a public charge.

Mr. ARENS. It is a moral obligation?

Mr. CARUSI. More or less of a moral obligation. And, of course, if the preliminary arrangements are made well, it will endure forever. Our experience has been that the public charge involved in a situation like this is a rarity.

Senator DONNELL. The thought I had in mind was this: Just what would this gentleman in Kansas City be entering into when he signs up in an obligation, moral or legal as the case might be, that these persons would not become public charges? Is it an obligation that is going to continue for the rest of the life of the Kansas City man? Or is it that the individuals will not become public charges within a particular specified period?

Mr. CARUSI. The moral obligation, of course, extends only as long as he thinks it is proper for him to watch over these folks. Legal obligation never attaches. It is a good deal like a case in which I were to recommend Mr. Arens to you for a position. If he makes good, he does; if he doesn't make good, he doesn't; and it is not my responsibility.

Senator DONNELL. But I understand that the form the man signs in Kansas City says that he in some way assures somebody that he will not permit these people that come over to become public charges. Is that right?

Mr. CARUSI. That is right.

Senator DONNELL. I am just wondering how long that obligation is going to endure. When the man signs it, he ought not to take it as a mere formality. Is it a perpetual obligation or is it limited?

Mr. CARUSI. It has in practice become this: That so long as the man is in position to be under his control or supervision—so long, that is, as the immigrant is still in his employ or still feels dependent upon him—we think that the man ought to carry him through and watch out for him.

If, on the other hand, the employment turns out to be unsatisfactory, as indeed it may—it happens with us—and the man moves off to another position or, indeed, another town, then the responsibilities as to him have ceased. Then the man is just another resident of the United States on his own responsibility.

Senator DONNELL. I notice that the act, as Mr. Arens kindly locates the language for me, specifies that under the definition of "eligible displaced persons," such an individual is one—

for whom assurances in accordance with the regulations of the Commission have been given that such person * * * and the members of such person's family * * * shall not become public charges * * *.

I think one of us here who would sign an assurance that these individuals shall not become public charges would like to know just what kind of an obligation he is entering into. I do not mean whether it is moral or legal, because, after all, a man should follow out his moral obligations just as he follows out his legal obligations.

Mr. CARUSI. That is right.

Senator DONNELL. But I think there is a certain indefiniteness there. I wonder if that same indefiniteness exists in the general immigration law.

Mr. CARUSI. The general immigration law merely says that the assurance is that he is not likely to become a public charge.

Senator DONNELL. That is, a present statement of fact?

Mr. CARUSI. That is right.

Senator DONNELL. This, however, is a statement in futurity, by which the assurance is that the person or persons "shall not become public charges." I just pose that as a question. Any one of us, I judge, would like to know, when we sign anything like that, just how long we are obligating ourselves as to the persons' not becoming a public charge.

Mr. CARUSI. We have written letters to people who have asked us, and we have a pet paragraph that we think explains it, that we include in all our letters; and, indeed, we very recently inspired the Immigration Service to write an article and put it into the Monthly Review, which will get wide distribution, and which we may quote from. I think that came out in the last day or two on this very point.

You see, another point is, Senator, that it does not specifically tell us what to do about the case of the public charge. It merely says that a man who has such an assurance is eligible. You see, it puts it in backward.

Senator DONNELL. But I would like to know two things.

One is; what does this provision mean? Does it mean that an assurance has been given that these individuals coming over here "shall not become public charges?" Is that an obligation by which the promiser means that he is giving the Nation or its people some kind of an assurance which is going to bind him to something?

Mr. ARENS. Do you have a copy of your form on that, Ugo? Do you have the form that they sign?

Mr. CARUSI. I do not have it here, but I can furnish it.

Senator DONNELL. I think it would be well to have it in the record at this point.

Mr. CARUSI. I think you ought to have a whole set of it.

Mr. ARENS. We have it back in our office.

(The documents referred to were marked "Carusi exhibits 1 and 2" and are as follows:)

(CARUSI EXHIBIT 1)

INDIVIDUAL ASSURANCES FOR RELATIVES

(This form should be typewritten or printed in ink, in triplicate. Take or mail this form to the Displaced Persons Commission, Washington 25, D. C.)

In the matter of the application of

_____ _____
(Principal applicant) [2]

_____ _____

for immigration to the United States under the provisions of the Displaced Persons Act of 1948.

State of_____
County of_____ *ss:*
City of_____

I, _____, residing at _____,
(Name of sponsor) (Street and number)

_____, being duly sworn, depose and say:
(City) (State)

1. That I am a _____ of the United States.
(State whether "citizen," "lawfully admitted alien resident," or other status)

2. That I desire to sponsor the admission to the United States under the Displaced Persons Act of 1948, of my_____
(Relationship, if any, of applicant most closely related) [3]

_____ _____
(Name of such relative. If no relatives, state name of principal applicant)

who resides at_____, and of the members of _____ family named in the space below.

Name [1]	*Address*	*Relationship to Person Named in Par. 2 Above*	*Age*

3. That, if admitted to the United States:

(a) The principal applicant will be employed as a_____ at
(Occupation)

_____, by _____
(Address of place of employment) (Name of employer)

_____, at not less than the prevailing rate of
(Address of employer)

wages for like activity in the community where said employment will be pursued, and that the said activity will not displace some other person from employment;

(*b*) The principal applicant and the members of _____ family, named on other side, who accompany _____ and who propose to live with _____ shall not become public charges;

(*c*) The principal applicant and the said members _____ family will have safe and sanitary housing at _____ consisting of
(Address of housing to be available)

_____
(Brief description of the housing accommodations) [4]

without displacing some other person from such housing; and—

(*d*) The principal applicant and said members of _____ family will be properly received by me or by someone in my behalf at the port of entry in the United States and the transportation and en route expenses from such port to the place of destination shall be provided.

4. That these representations and assurances are made by me in order that the above-named persons may be admitted to the United States under the Displaced Persons Act of 1948.

Sworn to and subscribed before me this _____ day of _____, 19____ [5]

_____
(Signature of deponent)

_____
(Signature of attesting officer)

INSTRUCTIONS

[1] Separate forms must be submitted for each person 21 years of age or older, unless such person is the spouse of an individual for whom the form is submitted.

[2 3] The term "principal applicant" as used in this form means "an applicant who is the head of the family accompanying him and who proposes to live with him." The principal applicant may be, but need not be, the person referred to in paragraph 2 of the form as the one most closely related to the deponent.

[4] Description of the housing accommodations should state whether they consist of a house, apartment, rooms, etc.; also the number of rooms and brief description thereof.

[5] Only the original and 1 copy of the form need be sworn to and subscribed.

CARUSI EXHIBIT 2

Budget Bureau No. 26–R002.
Approval expires March 31, 1949.
D. P. C.–15 (12–48)

UNITED STATES OF AMERICA
DISPLACED PERSONS COMMISSION
WASHINGTON 25, D. C.

ASSURANCES FOR UNNAMED DISPLACED PERSONS

SPONSOR TO FILL IN THIS BLOCK	DO NOT WRITE IN THIS BLOCK
Name of sponsor_____	Date_____ V. A. No_____
Number of principal applicants (persons for whom employment is assured)_____	By_____
Occupation_____	
States in which housing is assured_____	

INSTRUCTIONS

Prepare separate assurances (forms) if qualifications under section II differ.

Example: If you want to sponsor five farmers, all with substantially the same qualifications, you may include them all on one form. If you want three farmers and two carpenters, use one form for the three farmers and another form for the two carpenters.

This form is to be completed in four copies, typewritten or printed in ink.

The original and two other copies must be sworn and subscribed to before a notary or other official authorized to accept oaths.

The form is to be returned to: Displaced Persons Commission, Washington 25, D. C.

If the assurances are accepted, one copy will be returned to you. In the block at the top will be a code number showing its acceptance. If you have occasion to write to or communicate with the Displaced Persons Commission about the assurances, please refer to that number.

NOTE.—Transportation from displaced persons areas in Germany, Austria, or Italy to port of entry in the United States is provided by and at the expense of the International Refugee Organization. The sponsor must assure transportation from the port of entry in the United States.

Any willfully false statements made in connection with this form are subject to criminal and civil penalties.

ASSURANCES BY SPONSOR

1. I (We) sponsor the admission into the United States under the Displaced Persons Act of 1948 the number of principal applicants (i. e., displaced persons for whom employment is assured) with, to the extent possible, the indicated skills and personal qualifications, and their spouses and unmarried dependent children under 21 years of age as specified in section II of this form.

2. I (We) assure that the principal applicants will be employed as specified in section II; that they will be paid at not less than the prevailing rates for like activity in the community where said employment will be pursued; that such employment will not displace some other person from employment.

3. I (We) assure that the housing accommodations specified in section III will be provided to accommodate the principal applicants and their spouses and unmarried dependent children who are under 21; that such housing accommodations are safe and sanitary and will be available without displacing some other person.

4. I (We) assure that the displaced persons admitted to the United States under the Displaced Persons Act of 1948 in accordance with these assurances shall not become public charges.

5. I (We) assure that the displaced persons admitted in accordace with these assurances will be properly received by me (us) or someone on my (our) behalf at the port of entry in the United States and transportation and en route from such port to the place of destination shall be provided.

6. I (We) assure that to the best of our knowledge, the employment and housing opportunities, individually or jointly, { have / have not } been submitted in connection with other assurances filed with the Displaced Persons Commission.

If you have reason to believe these were submitted by another:

Name of other person (or business or organization) _____

If for specified displaced persons, give names _____

I. The sponsor

1. Name _____

If a business or organization, check one: Corporation _____ Single ownership _____ Partnership _____ Other _____ If other, specify _____

Address of home office: Number and street _____

City and State _____

2. If a business organization:

Kind of business (as farming, retailing, wholesaling, manufacturing etc.) _____

Principal products or services _____

Number of employees _____

3. If sponsor is a corporation:

Name of person signing this form _____

Title or position in corporation _____

His or her home address: Number and street _____

City State _____

4. If sponsor is an individual, single ownership business, or business partnership, indicate whether sponsor or one of the partners is a:

Citizen of the United States _____ Lawfully admitted alien resident _____

If a partnership:

Name of partner for whom this information is given _____

His or her home address: Number and street _____

City and State _____

II. The employment assured and qualifications required

1. Number of principal applicants sponsored (i. e., number of displaced persons for whom employment is assured) _____

2. Kind of work offered (occupation or name of job) _____

3. Degree of skill and type of skill needed (describe) _____

4. Range of ages of displaced persons for whom employment is assured:

Does not matter _____

Range: Over _____, under _____ years of age.

5. Sex of displaced persons for whom employment is assured:

Does not matter _____ Number of males _____ Number of female _____

6. Marital status of displaced persons to be:

Does not matter _____ Number married _____ Number unmarried _____

7. Size of displaced persons' families: Does not matter _____

Number of members, including principal applicant:

Under _____ members. Number of families _____

Under _____ members. Number of families _____

Under _____ members. Number of families _____

8. Nationality specifications: Does not matter _____

If nationality preferences are specified but cannot be met, will accept any nationality Yes _____ No _____

	Nationality	*Number of principal applicants*
First preference	_____	_____
Second preference	_____	_____
Third preference	_____	_____

9. Places in which employment is assured (if additional space is needed, use and make a part of this form a sheet of white paper):

Occupation or name of job	Place (number or R. F. D., city and State)	Number of principal applicants

III. Housing assured

Each place of residence (house, apartment, or other type of dwelling unit) is to be listed separately. If more lines are needed, use a sheet of white paper and attach to and make a part of this form. If there are a number of similar dwellings in the same place, as a mill or farm village, a separate sheet of white paper attached to and made a part of this form may be used to describe them.

Care of and/or apartment No.	Number and street or R. F. D., city, and State	Furnished or unfurnished	Number of persons suitable for	Other pertinent information

I (We) swear, depose, and say that the information provided on this form is true and correct to the best of my (our) knowledge; that those representations and assurances are made in order that persons having the skills and personal qualifications specified may be admitted to the United States under the Displaced Persons Act of 1948.

(Sign in ink) _____

Subscribed to and sworn to before me this _____ day of _____, 19__.

_____

(Signature of attesting officer)

Mr. ARENS. Could you tell the Senator in essence what the form provides for as to the public charge?

Mr. CARUSI. It is just those words. It says that the principal applicant, meaning the head of the family, usually, will be employed as a carpenter by John Smith, Kansas City, Mo., at the prevailing wage. It goes on to say:

"The following"—naming them—"members of his family, who will accompany and reside with him, will reside at the same premises"—or—"will reside at"—naming the premises—"which consist of"—describing the facility; and that they will not become public charges. That is about the way it reads.

Senator DONNELL. Might I interrupt right there? Does the form indicate that it is only the members of the family as to whom the assurance is given that they will not become public charges?

Mr. CARUSI. No, the principal applicant and the members of the family.

Senator DONNELL. In reading this language of our act, Public Law 774, I am not at the moment sure that the act contemplates any assurance with respect to the principal, that is to say, the carpenter himself. It reads:

for whom assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment.

Mr. ARENS. It then continues:

and that such person, and the members of such person's family who shall accompany such person and who propose to live with such person, shall not become public charges.

You see, it is a plural verb, as used there.

Mr. CARUSI. We follow that language very closely in our forms.

Senator DONNELL. Suppose a person writes to you, Mr. Carusi, and says: "I am observing the statute that I am required to make assurances that Mr. So-and-so from over in Europe, to me unknown at this moment, the individual who is to come over to be a carpenter here and his family, shall not become public charges, and I want to know just what I am agreeing to." This is the Kansas City man who is writing this. What would you say to that?

Mr. CARUSI. We would say:

"Dear Mr. So-and-so, the law requires that we have assurance that these persons shall not become public charges. These assurances should be submitted to us in good faith, and you should so assist and regulate the activities of these people as to insure against their becoming public charges.

"Although there is no enforceable legal obligation against you on this assurance, we want you to understand that our action or the action of the Federal authorities in bringing these persons here will depend upon the integrity of your assurance, and consequently, there is this moral responsibility that you should carry out your assurance, because of the fact that the Government of the United States has relied upon it and brought these people in."

Senator DONNELL. To which he responds:

"I observe that you have not told me for how long a period my assurance shall apply that these incomers shall not become public charges."

What would you say to that?

Mr. CARUSI. We would say there is no legal requirement as to period. And there again it is a matter of good faith in giving them a good start. We do say this, of course, that a person is not deportable on public charge grounds after he has been here 5 years; and then only is he deportable if the basis of his becoming a public charge existed at the time he arrived. If, on the other hand, an accident befalls him after he gets here, he is not deportable on that ground.

Senator DONNELL. Do you not think, Mr. Carusi, that a person making application for some of these displaced persons one or more, might be very reluctant, if he were keenly alive to his moral responsibility when he signs up for an assurance of this kind, keenly alive to the fact that he is entering into an indefinite obligation here under the statute which may persist for many years? And do you not think that the statute might well and appropriately be made more specific?

Mr. CARUSI. Of course, there is no more specificity about it in this law than those few words. It is not any more detailed than those few words saying that he shall not become a public charge.

I might say, under the normal immigration law, where the language is that he is "not likely to become a public charge," that is even less binding. There, the man just gives his prophecy in the matter.

Senator DONNELL. Just an expression of present opinion, but this statute goes further.

Mr. CARUSI. It goes further, but it does not fix any particular time. As a matter of fact, a provision in the Fellows bill, in the early draft of the Fellows bill, which made it an enforceable obligation, was after discussion deleted by the committee. The final determination of "public charge," of course, is made by the immigrant inspector, and there he looks not only at the assurance, satisfying himself that it gives proper basis for action, but he as well observes the man's physical condition.

Senator DONNELL. May I interrupt you? I would like to have Senator McCarran realize the point that is in mind. I am putting myself in the position of a Kansas City man who signs a paper saying that I give assurance that the European people coming over here, the man and his family, shall not become public charges. I would rather hesitate, myself, to take on an obligation like that unless I knew what I was assuming. I would like to know what I am agreeing to in this.

The CHAIRMAN. You would also like to know the other end of it, what the DP is going to be like, and what his attitude of mind is.

Senator DONNELL. I would like to make it clear on the record that I do not differentiate between the moral and the legal responsibility. I did for a moment indicate a differentiation, but I want it perfectly clear that when a man signs up to a document of this kind, whether it is legal or moral, he should live up to it.

Mr. CARUSI. Of course, the determination of whether a person shall become a public charge is made by the immigrant inspector and he has in one or two cases already under this act, because of physical deficiency which he thought might impair the man's earning power, required a bond. Of course, the bond is enforceable.

The CHAIRMAN. A bond from whom?

Mr. CARUSI. From the sponsor. And usually a voluntary agency comes to the rescue and puts up the bond for the individual.

Senator DONNELL. This has been required in connection with displaced persons?

Mr. CARUSI. Oh, yes.

The CHAIRMAN. How long does that bond run?

Mr. CARUSI. It runs sometimes indefinitely or until the Immigration Service has shown that this man is well on his way, and the grounds for which the bond is required no longer exists, that he is working and so on, or that he has become naturalized and in the meantime has become an American citizen or the 5 years have run and he is no longer deportable anyway.

Senator DONNELL. Here, if I may interrupt you again, I think the fellow who signs this bond out in Kansas City might be in this situation: Suppose he is required at some time to give a statement as to his liabilities. He has a prospective liability there and he might want to know just what his liability is and how long it is going to exist.

Mr. CARUSI. If he has put up a surety bond, he of course is liable to the insurance company.

Senator DONNELL. He is giving assurance to someone who is going to extend credit to him, a bank or someone, we will say. They tell him, "You give me a statement of your assets and liabilities." The man in Kansas City says, "I signed something along this line about a man with nine children who was coming over from Germany." The bank says, "Hold on. We want to know just how much that liability is."

Mr. CARUSI. Financially it is no liability at all, actually.

The CHAIRMAN. That is what I am driving at. Suppose a man does become a public charge. Is he not deportable?

Mr. CARUSI. He has to prove that it is because of something that occurred to him after he got here. If he cannot do that, he is deportable if it happens within 5 years. That is right.

These questions that you have been referring to are questions that burden these sponsors because many of them are asking for total strangers; and when you take on a sponsorship of a person you don't know and haven't any idea about, as the Senator suggests, places you in the position of not knowing how reliable they are or how well they will work out. They want to know; and I think that is one reason why it is good that there is not a legal obligation, because it is pretty tough to ask a man to assume a legal obligation on an unknown quantity.

Senator DONNELL. Yes, but I think it raises the same question on the moral obligation. You would not want to sign up for something that is a moral obligation and then just get out of it on the ground that it was a moral instead of a legal obligation.

Mr. CARUSI. But on the moral obligation it works out this way: We have instructed the sponsors to get in touch either with us or with the voluntary agency if things do not work out, and the agencies have agreed that they will take the person and set him aright. They will take the displaced person and find another resettlement place for him; or if he needs institutional care, they will take care of it by private funds, perhaps their own, so that he will not become a public charge, thereby saving the original sponsor and also taking care of the person as he should be taken care of.

Fortunately, the necessity for that has not yet become a problem, except for a few days, getting him another job, which might happen to any of us, but it has not become a problem yet. And, of course, the fact that the agencies are involved in it, particularly in overseeing the sponsorship and seeing that the people are going to good jobs and good houses has reduced to a minimum, almost to nothing, this possibility of public charge.

Senator DONNELL. But we have had a situation here where there has been plenty of work. Now, today, we have a great many unemployed already in our country. Suppose we get into a depression and our Kansas City friend, who signed up to this obligation, finds this group of people unable to secure employment. He cannot himself employ them any more. Still, he has signed up, giving assurance that they shall not become public charges. Just what is that obligation, and what would he have to report with respect to it?

In making out a financial statement on which credit was to be extended, I think I would want to know a good deal before I would sign up on a thing like that.

Mr. CARUSI. Some of them do ask those questions. Most of them do not.

Senator DONNELL. Is it in small type?

Mr. CARUSI. Oh, no. It is one of the principal points. In fact, that is one thing about this law that bothered me, because under the normal immigration law, where a man just applies and comes in on it, with no preinvestigation, no required sponsorship of any sort, he just

walks into a consulate with a passport and asks for a visa. In that case, there is no prearrangement of employment. In fact, it would be illegal if he had it prearranged. In that case, the statement is merely that he is not likely to become a public charge.

Senator DONNELL. That is quite different from this. That is just a present expression of opinion. There is no futurity about it at all, but in this other case, there is an obligation in the future.

Mr. CARUSI. That is why I was wondering why here, with all this preinvestigation and everything else, we find it necessary to make it stronger, even, as it relates to a public charge.

The suggestion has been made that the requirement that a sponsor assure the Government that the displaced person and his family will not become public charges may be so burdensome that it would deter persons from entering into that undertaking. That has not been our experience. A few people have inquired about it, and have showed by their inquiry that they intend to do all they can to discharge their moral obligations under the act. But they had no way of knowing how long the obligation rested upon them, nor to what monetary extent.

We have explained to them that this was a matter of good faith, with moral obligation existing three ways—with the sponsor, with the Government, and with the displaced person—and that he should do all those things which in his good judgment are necessary to have this person continue to be self-sustaining and self-reliant. It was also noted that there was, however, no enforceable legal obligation incurred here.

Senator DONNELL. Could I interrupt you on that?

Mr. CARUSI. Yes.

Senator DONNELL. Do you not think, Mr. Carusi, while I am not questioning the correctness of your statement, that that tends to create in the mind of the person who gets that letter the thought that one does not have to live up as much to a moral obligation as one does to a legal obligation and that there is no particular danger in signing up for a moral obligation, whereas there is in signing up for a legal obligation? Does it not tend, really, to create a lowered sense of morality on the part of the recipient of that letter?

Mr. CARUSI. It could have exactly that effect if the recipient were that kind of a person. However, very frequently in his letter he asks us whether this is a legally enforceable obligation and we must answer him truthfully.

Senator DONNELL. Oh, yes. I am not advocating that you do anything else.

Mr. CARUSI. Perhaps I suggested that we volunteered this matter of legal enforceability. We do not volunteer it, but very frequently this question encompasses that and we have to answer it. Very often, we have found that after that, a few people have failed to send in the assurance. It has ended it for them. But in most cases, the assurance comes, and in the tremendous majority of cases, those questions are not even asked. The questions are very few. There are very few people who inquire about it.

It started out by agencies asking, because many people ask the agencies, the different sectarian and nonsectarian agencies. Then, they in turn asked us. Now, it is pretty generally understood. The fact is that the assurances are constantly on the increase. We had our biggest number last week. Almost 6,000 came in last week.

Mr. ARENS. What percentage of those, Mr. Carusi, are cleared through or presented to the Commission by voluntary agencies?

Mr. CARUSI. Roughly about 80 percent, or a little more.

Mr. ARENS. I would like to get this clear: The first time the Commission sees the application is when the voluntary agency walks in and presents the application and the assurances. Is that true?

Mr. CARUSI. Yes, or the individual mails it in.

Mr. ARENS. What does the Commission do after the "X" voluntary agency presents some applications and assurances, to satisfy the Commission's mind that the assurances are bona fide assurance?

Senator DONNELL. Might I interrupt at that point, before Mr. Carusi answers?

It seems to me that there is a real point that our committee should consider as to whether it is desirable to have, in this, provision for people giving assurances, not, as in the case of the immigration law, that in their opinion it is not likely that the incomer will become a public charge, but assurances that they "shall not become public charges."

In the first place, it seems to be the view of Mr. Carusi, and he may be and doubtless is correct on it, that there is no legal obligation, no legal enforceable obligation, no one who has a right to institute a suit to enforce it, and in the second place, that it would tend to create a distinction in the minds of people between the legal and the moral obligation, tending to make them think that a moral obligation is not of as great import or of such binding nature on them as a legal obligation, which I think is a very unwholesome thought to instill into the public. So I would view it, first, from the standpoint that there is no legal obligation created, if Mr. Carusi is correct, as he doubtless is; second, that it tends to lower the estimate of the binding nature of a moral obligation; and, third, that it may be a real difficulty in the mind of a person who, if he is subsequently confronted by the necessity of making a financial statement on which to secure credit, does not know what to say there as to what his obligation is. It may create a very great embarrassment to him, and in the case of a conscientious person, it might make it very difficult for him to obtain the credit that he desires.

For all these reasons, Mr. Chairman, I just would like to put in a caveat right on this point that we ought to consider whether there should be an amendment along the line of the existing immigration laws, simply an expression, as I understand it, of present belief that the person will not become a public charge, rather than an assurance that he shall not become a public charge.

The CHAIRMAN. All right. Proceed, Mr. Carusi.

Mr. CARUSI. As to those that come in through the sponsorship of voluntary agencies, which, of course, are agencies that have been registered with the foreign aid registration committee of the State Department, with regard to their integrity and good faith and ability to produce the required results, we depend very heavily on their reputations for a determination that the assurances which they submit are in good faith.

Mr. ARENS. But you do not, of course, at the same time, receive an assurance from the agency itself that the person will have a job and housing, and will not become a public charge.

Mr. CARUSI. Some, yes, and some no. Sometimes the individual, an American citizen, may fill out the application along the lines of the Kansas City carpenter, but he will ask an agency to kind of handle it for him as his agent. Then, the agency will endorse on it that it is interested in the case. But the responsibility remains with the individual.

In other instances, particularly National Catholic Welfare [Conference], they underwrite it themselves. They give the assurance on top of the other man's assurance. It works both ways.

Mr. ARENS. Now, do they, in the applications they bring in, designate the house and the job?

Mr. CARUSI. Some do and some don't. Some tell us that there is on file in their office the precise house and the precise job, and what they tell us is that it is located at such and such a place and they give us the assurance that they have the precise destination, job, and housing all lined up. That saves a lot of work. It means that one piece of paper can handle 100 or 150 assurances, rather than 150 pieces of paper.

But when the case reaches Europe, then the precise housing and job must be shown to our people over there before they process the case.

Mr. ARENS. Mr. Carusi, in this hypothetical case, we have been discussing, let us assume that the man in Kansas City, who owns a carpenter shop, has an extra house and wants to bring a displaced person to Kansas City. Is he permitted, under the practice, to say, "I am a Pole and I am a Methodist. I would like to have a Polish Methodist family who are carpenters, come to me"?

Mr. CARUSI. He is permitted to say that he prefers a Polish carpenter, but he is not permitted to say a Polish Methodist or Catholic or Jew. If he does say so, the case is sent back to him with instructions that he make his request, if he feels that the religion is important, as indeed it can be and is in many cases, that he do it through a Protestant agency, in his case, and let the Protestant agency make the nomination over there of a carpenter on the basis of religion and we will process that case, of course.

Mr. ARENS. What percentage of your assurances come from persons who are giving assurances for relatives, if you have the exact figure?

Mr. CARUSI. I may have it here. I thought I had it, at least.

Mr. ARENS. Could you give us an estimate? Is it as much as 50 percent?

Mr. CARUSI. No, it is less than that. I would say now it is down around 20 percent. The rush for the relatives was at the very beginning. That is why we got such a rush into the big cities. But now it is leveling off tremendously.

Mr. ARENS. May I ask you this: Let us say this carpenter in Kansas City who owns a carpenter shop wants to bring over his cousin, who is a displaced person.

Mr. CARUSI. Yes?

Mr. ARENS. How does he proceed on that?

Mr. CARUSI. Well, if he wants to name him, we have a form, a relative form, in which he can "send for my cousin, Jan So-and-So, who will be employed by me as such-and-such in such-and-such," and describe the housing, and all the other requirements are in there. The only thing is that instead of naming the requirements that he wants,

he names the particular man and gives the name of his family. Shall I continue?

Mr. ARENS. Will you continue on the procedures?

Mr. CARUSI. We examine the assurance to see that it meets the basic requirements of the law. We do not have the facilities to go out into the field and investigate each one. We have now received assurances for over 130,000 people, but we are working out an arrangement by which, after we have validated the assurance and sent it abroad, so that there will not be any tie-up. We ask the appropriate State bodies to advise us, as they will, either on a particular application or in general, as to whether the conditions of the State are as suggested by these assurances, that they do need carpenters or don't need them, or do have the housing or don't have it. We want to keep in close liaison with them on that. We get much of that information, of course, from Federal agencies like the Department of Agriculture, and the Department of Labor, and so forth.

We then mark the assurance as validated, which really means it passes muster, meets the requirement of the law, and the facts therein contained indicate it is a good assurance. We send that to Europe and there it becomes a case. It is sent out to the area in which the displaced person resides, or in which we think we can find a displaced person of the required specifications.

The first thing that happens is, after it gets out into the field, that one of our men will obtain from the IRO, this man's file. It is a file which exists in part and which has to be made up in part, because very frequently these displaced persons, if they do have any documents bearing upon their eligibility or their identity, keep them in their inside pockets. You cannot get them away from them until they know that their case is in actual process. So, very frequently much of the documentation has to be built up after the case reaches over there, but of course the official registrations and so on are already in the file.

When that complete documentation is made available to our selector, he determines, purely prima facie, the eligibility of the displaced persons under our act. If he determines favorably, then he does two things. He sends a complete information sheet on this chap to us and we, in turn, to the FBI. He also turns the case over to CIC for investigation. The FBI makes a name check against his records here, and it is surprising how much they know about people that have never even seen these shores. Then, the CIC conducts its investigation as to character and integrity, and police records and security considerations.

The CHAIRMAN. What is the CIC?

Mr. CARUSI. The Counter Intelligence Corps of the United States Army. We get into a habit of using these initials. I am sorry.

Then, at the conclusion of the investigation—and there is always time for the FBI report, if it turns out to be positive, indicating that there is something wrong with the man or something adverse—it gets back in time so that it reaches the Counter Intelligence Corps before they have finished with their investigation, which usually takes 3 weeks or a month.

When all that investigation is completed, then the material is turned over to a member of the Commission, whom we call a case analyst, who

writes up the report, which is required under section 10 of the act, setting out all pertinent facts that bear upon eligibility or qualification. The person is called into the resettlement center at that point, and there he lives while the case is being processed to its conclusion, from that point on.

The CHAIRMAN. The resettlement center is where?

Mr. CARUSI. We have 10 of them, Senator.

The CHAIRMAN. In Europe?

Mr. CARUSI. In Europe, in the different zones. At the resettlement center are all the processing officers of the United States Government.

Then, when the case analyst's report is written, if it is favorable, it then goes on to the consul. The consul interviews the applicants—I think the interviews number at least two and possibly three—and views these investigative files and the analyst's report, and at the same time, the Public Health Service examines the people physically. If, as a result of the consular and Public Health examinations, the consul determines that a visa should issue, he issues it.

After issuance of the visa, the whole file is sent back to the Displaced Persons Commission representative, who then arranges with the International Refugee Organization to move these people to Bremen. The file, the complete file, goes to Bremen, so that the immigration inspector has an opportunity not only of examining the prospective immigrant, but also his whole file—which isn't the case in the formal immigration law. At Bremen, as I say, he is given this very complete examination by the immigrant inspector. If he is found preliminarily to be admissible to the United States, then he is assigned space on a vessel and is brought over here by the IRO. The assignment of space on the vessel is chronological, first-come-first-served, at Bremen.

Then, after they get on the vessel, they are handed their visas, and there, too, of course, most of the file remains, in Europe. But attached to the visa file is the health record, the X-ray photographs, which are taken in every case, and the case analyst's report, so that when the person arrives on this side, again the Public Health people can look at those documents and determine from that just how much of a further examination they ought to make of this chap, and they make it if needed.

The same is true as to the immigrant inspector. After examining the case analyst's report, and the visa, he can determine whether he can accept the predetermination of his colleague abroad or whether he should go into further inquiry, and there have been a few detentions. That has been very small so far, but there have been some, which shows they are not cursory about this thing.

If, of course, he passes those examinations here, then he is admitted. He is met at the dock either by the sponsor himself, or by a friend or representative, or by a voluntary agency or by Travelers Aid; so that if the sponsor should completely forget about this chap, let us say, or not arrive on time, he will be picked up. Either because of his religion, a sectarian agency may step in and help him, or the Travelers Aid will step in and help anybody who is not looked after.

The CHAIRMAN. Do you have many of these cases?

Mr. CARUSI. No. No, it is usually well arranged, because we notify these people before the vessel sails just who is a passenger and they provide for it. Travelers Aid makes a special point of it. They run

down through the list. If they don't find there is any agency involved, they immediately address a telegram to the agency's sponsor and say, "We will handle it for you, unless you are going to do it yourself."

He is ticketed on to his final destination, and there again, agency representatives usually, or, if it is a large enough group, the civic authorities, the agents of the city, have a group there to meet them and take them out where they are going. Then, of course, they have arrived at their final destination and life here begins.

The CHAIRMAN. All their transportation and all this moving about is paid for by whom?

Mr. CARUSI. Until they arrive at our coast, it is paid for by the International Refugee Organization. Here it is paid for either by a voluntary agency or the sponsor or the alien himself, and usually the alien pays for it later out of his wages.

The CHAIRMAN. Let me ask you this question, there. I think it is the proper place. How does this process that you have described here compare with the process resorted to by Canada, for instance?

Mr. CARUSI. Ours is much more lengthy and it differs in two material respects. Canada's investigation consists of getting the IRO files and anything which may exist in advance in the military offices relating to these particular persons. They do not conduct an investigation. They merely check existing files for security or criminal background. That shortens the process 2 or 3 months.

It is also a governmental project. Here it is an individual project. A citizen of the United States has to call for a man. Up there, although citizens want them, the Canadian Government sponsors them and brings them in, not necessarily destined to Mr. Arens or Mr. Davis, but destined to do a particular job. They bring them in, and they have a settlement reception center at Halifax or some other port and there they begin parceling them out, distributing them.

Mr. ARENS. They select them on the basis of vocation-occupation?

Mr. CARUSI. That is right. And some of our workers over there say that the difference between our process and theirs is that we investigate a man internally and they "feel his muscles." It isn't quite that simple, but they go primarily for the physical and mental ability of the man to do a particular pob and they bring them in and distribute them around. Their investigation is very—I won't say cursory, but they rely, let's say, on existing records and they do not conduct individual investigations in each case. The result is that they can move them out in a few days or a week or two, whereas in our case it takes 5 or 6 months.

Mr. ARENS. Our law requires a specific investigation on each one.

Mr. CARUSI. That is right.

Mr. ARENS. I would like to ask you a few preliminary questions, Mr. Carusi. Was this S. 311[1] prepared by the Displaced Persons Commission?

Mr. CARUSI. Yes.

Mr. ARENS. That is a Displaced Persons Commission bill?

Mr. CARUSI. Yes.

Mr. ARENS. Was the bill introduced in the House identical to the one introduced in the Senate?

Mr. CARUSI. That is right.

[1] A bill to amend the Displaced Persons Act.

Mr. ARENS. What Senator was consulted here in the Senate for the purpose of working out the provisions of S. 311?

Mr. CARUSI. None.

Mr. ARENS. Did the Displaced Persons Commission discuss with the chairman of the Judiciary Committee or his representative the provisions of S. 311 before it was introduced?

Mr. CARUSI. No, sir.

Mr. ARENS. I would like to ask you now some of the questions pertaining to some of these provisions of this bill. First of all, the bill deletes from the present law the assurances of job and housing; does it not?

Mr. CARUSI. It does.

Mr. ARENS. And what is the contention of the Commission as to the deletion of the assurances of jobs and housing as a prerequisite to eligibility?

Mr. CARUSI. We feel this way about it: That while, of course, there would still remain the necessity for farm resettlement opportunities in this country—and the Commission would do it by regulation if the law were amended in this fashion—and we would have to know that the persons would be taken care of and would be provided with home and job, we would prefer that it be not a specific assurance as to a specific job or housing. Because it means this: That much more than in the case of the public charge, there is some hesitation about providing specific jobs and housing, because the employer does not know whether the man is going to be qualified to do the job. He hates to tie up—as we would hate to have him tie up—a job and a house. He hates to keep them vacant. But because he has signed what Senator Donnell refers to as a moral obligation, he wants to have this job and this house ready for the man when he arrives, and if someone else comes around and asks for the job and the house, he hesitates to make it available, because he has already committed it to someone else.

Mr. ARENS. How many assurances do you have at the present time?

Mr. CARUSI. We have assurances for 130,000 people, which means roughly 78,000 to 79,000 assurances from families, family-group assurances.

Mr. ARENS. Your aggregate number of persons is how much?

Mr. CARUSI. The aggregate number? I have the exact figure here.

Mr. ARENS. Assurances for the aggregate number of how many people?

Mr. CARUSI. We have assurances for an aggregate number of 143,000 people.

The CHAIRMAN. Now?

Mr. CARUSI. Now.

Mr. ARENS. Is that in addition to those that have already been brought in?

Mr. CARUSI. No; that is cumulative. Those that have been brought in number about 15,000.

Mr. ARENS And the total number provided for in the law for whom assurances must be given?

Mr. CARUSI. 205,000.

Mr. ARENS. How long has the Commission been operating?

Mr. CARUSI. We have been in existence since August 13, but the regulations came into effect in early October.

The CHAIRMAN. I think I understood you to say that if it was not in the law you would set up the same provision by regulation.

Mr. CARUSI. Not exactly the same. We would insist, however, that before a person could be brought in, we should have assurances, perhaps along the lines of the Canadian arrangement, that numerically and by category these people would be taken care of and jobs and

Mr. ARENS. Under the present law, there is no requirement that an

rangement.

The CHAIRMAN. Who would take care of the processing?

Mr. CARUSI. Their resettlement? Well, we would do that through State commissions and the voluntary agencies, which are perfectly willing to undertake it, and it would not prevent, Senator, an individual from offering specific jobs and housing if he wanted to. That would not be eliminated. It would just not be a requirement.

Mr. ARENS. Under the present law, there is no requirement that an individual give the man an assurance of a job or housing; is there?

Mr. CARUSI. No. But when you describe the housing as safe and sanitary, and you describe the job as one which does not displace somebody, it comes pretty close to requiring us to put a finger on the particular job and housing.

Mr. ARENS. But specifically under the regulation, if the assurance comes through from a voluntary agency, you do not have to designate a particular house or particular job; do you?

Mr. CARUSI. Yes. Not in Washington, but certainly before we process the case abroad, because, for example, supposing a specific job is that of a blacksmith and they bring in a 60-year-old woman. We would have to know.

The CHAIRMAN. You would have to know whether it was a law or regulation. In each case you would have to know.

Mr. CARUSI. But the man would not be tied down to a particular job, and if in the process of being processed the job failed, we could shift him from one to another.

The CHAIRMAN. The difference, in your mind, is whether it is statutory or by regulation?

Mr. CARUSI. That is right, because regulations are adjustable. We could take care of a situation, if it arises and a man does not make good in a particular job. We can work it so that somebody can pick him up and take him somewhere else. But the end result is that we are not bringing people over here unless there is a place for them to work.

Mr. ARENS. Let me read you the language of the statute, and ask you if this is not sufficiently general so that you would have flexibility:

> for whom assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such person, and the members of such person's family who shall accompany such person and who propose to live with such person, shall not become public charges and will have safe and sanitary housing without displacing some other person from such housing.

That is the objective that you would seek to obtain by your regulation, is it not?

Mr. CARUSI. That is the objective, but as we see the statutory language—and I judge from your questioning of the other day that you are watching to make sure we are not too liberal in our interpre-

tation of it—we think that that means an assurance as of today that a particular house of certain qualifications is going to be available to that chap when he arrives, that a particular job is going to be available to him, and that he is headed for it, and for nothing else. That is a bit rigid and it does have the difficulty of making a man sign up, absolutely sign away a particular job to a person whom he does not know, and who may not be good for the job; whereas, if we knew that we could bring in, through agency sponsorship, for example, a dozen carpenters, and when the carpenters get here or just before they get here the specifications can be sent to different people who are asking for carpenters with the words, "We will send you So-and-So, and if he does not work out, send him back," and so on. That would certainly be preferable.

Then there is this other thing: Right now a person who needs a farmer next week can't say to us, "When the farmers arrive next week send us one." They can't tell us that, because all we could say is, "We will send you one 6 months from now." We would like to have it so, that with the agencies guaranteeing to us that they will get these farmers placed, they can bring them in on what you might call future orders, so that when a farmer needs one next week because his man left him last week, we will have him for him. If he says, "My dairy farmer quit yesterday," we would have to say, "All right; in 6 months we will have one for you. Fill out these forms."

Mr. ARENS. Doesn't this statute provide in effect that there shall be suitable houses and suitable jobs without displacing somebody from a house or a job?

Mr. CARUSI. That is right.

Mr. ARENS. And assurance shall be given of that, in accordance with the regulations of the Commission?

Mr. CARUSI. But the regulations can't go outside the statute.

Mr. ARENS. So far as the law is concerned or the Congress, persons could be brought in without assurance of employment and without assurance of a job.

Mr. CARUSI. They could. You would have to have faith in the administrators.

Mr. ARENS. I am not contending with you; I am just trying to elicit from you your views. I do not see how this language here could in any event be reworded so as to obtain that objective without having this or very similar language right in the statute.

Mr. CARUSI. The objective could be obtained, because under your normal immigration law, even though it is illegal to prearrange jobs, you know and I know that when a man sends for his cousin, he has a job waiting for him here and that is done. That is the human conduct in a case of this kind. People do not bring people from abroad to be burdens on themselves. If they sponsor somebody, they want to get rid of the responsibility as promptly as possible.

Mr. ARENS. But there is nothing in the law requiring individual sponsorship; is there?

Mr. CARUSI. Well, not individual sponsorship. An agency could do it, of course, but the agency would have to find a job and housing before it would comply with this law. We are not just taking their blanket promises. They have to show us and, I think, that is what that law wants.

The CHAIRMAN. Let me ask you there, this question: Under your theory, you can bring in a dozen carpenters, and have them allocated after they come in?

Mr. CARUSI. That is right.

The CHAIRMAN. Could you not bring in 500?

Mr. CARUSI. Yes; but that would be an abuse of the thing. And we would have the integrity of the sponsor as a guide, if a State commission tells us they can use 500 carpenters in that community, as to whether the request was unreasonable or likely of fulfillment.

The CHAIRMAN. If you brought them in, you would have to have the impounding place, so to speak. I use that term inadvisedly, perhaps, but you would have to have some place where you would detain them or hold them for distribution. That is the very thing that we sought to get away from.

Mr. CARUSI. No; we would not want that and it would not be necessary, Senator, because we would not bring them in in such numbers as to require it.

Here is what we would do: Take the State of Missouri, for example. The voluntary agencies and individuals would let us know that they, each of them or so many of them, need farmers. We will say they need 30 farmers. We would bring in 30 people but no particular one would be destined to any particular one of them. Then the distribution would be made, and the man that was a dairyman would go to the dairy place and so on.

In addition to that, if it is known that in Missouri 15 farmers were needed but nobody had asked for them particularly, an agency on its own responsibility could say, "Well, let's start processing the cases of 15 farmers, and by the time they get here, we will have places for each of them." Then, in that case, when a man calls up and says, "Send me a farmer," we could say, "Well, very good. We have this number coming up." That is a good deal of the Canadian plan, except that the Canadians bring them in in large numbers and do have a central distribution agency.

The CHAIRMAN. Under that same situation, Missouri asks for 50 farmers, Kansas asks for 50 farmers, Nebraska asks for 50 farmers. You have them all coming in. You are going to have an impounding of farmers there, somewhere, as sure as you live.

Mr. CARUSI. I doubt it very much.

The CHAIRMAN. That is just the kind of thing we have been trying to get away from.

Mr. CARUSI. If it produced an impounding, we would probably have to, by regulation, fall back on this thing, but we do not see that a likelihood now.

Mr. ARENS. Isn't the net effect of this language, Mr. Carusi, that the Commission says, "We shall not bring in anybody for whom there is not a house and a job that can be provided without displacing anybody else?" And you do not say a specific house and a job? Is that not the purpose of this language?

Mr. CARUSI. That may be the purpose of it. I think the language does require specificity of house and job, because when it says "safe and sanitary" that means a particular kind of a house.

Mr. ARENS. We do not want to put them up in barns.

Mr. CARUSI. No, and, of course, we rely for policing of that upon the local authorities and the religious groups watch that thing pretty

closely themselves. I am not disagreeing with the philosophy of the bill in that respect, but the important thing is that we are all agreed that they should have a good job and a good place to live, and that they should not take it away from us.

Mr. ARENS. Then why not put it in the statute.

Mr. CARUSI. As I say, if we have any hesitation about this assurance—and this number would suggest we don't have, but we do have some—it is that they are signing up, we think, too specifically to take a man on and hire him and be responsible for his public charge. They do not know him. They have to take our word or somebody else's word that he is a good carpenter or farmer. After they once sign these things, it has happened that they have kept houses empty 6 months. We would not want them to do that. We would like them to fill the house and then tell us, "That house is gone," and then they would have to go out and look for another one. When they have once signed, they actually keep a house vacant and a job vacant.

Mr. ARENS. Of course, it is not required that they keep the house and the job vacant.

Mr. CARUSI. No. They think it is necessary. It is what Senator Donnell spoke of as moral responsibility.

Mr. ARENS. If this provision were deleted from the law, as far as the law is concerned, the way would be open for the bringing in of people irrespective of houses and irrespective of jobs. Is that not so, so far as the law is concerned?

Mr. CARUSI. Yes. There is a law against murder, but people still murder. We have to assume there is going to be some good faith in this thing.

The CHAIRMAN. What more good faith can there be than the statute?

Mr. CARUSI. Well, the statute is all right basically. We find that it restricts. It is stringent. And it does have the effect and has had the effect of keeping jobs and houses vacant.

Now, that is what your law is doing. If that is what you want, all right. If you tell us, on the other hand, that you want us to interpret it liberally, so that that won't happen, that is something else, but the few sections that we did interpret liberally were subject to pretty sharp questioning by you the other day.

What I want to know is: Do you want it to work, or don't you?

The CHAIRMAN. Are you not looking at the mote and forgetting the beam, as a matter of fact?

Mr. CARUSI. That may be.

The CHAIRMAN. You dwell on this house that is left vacant for 6 months and this job that is held open for 6 months, when as a matter of fact, within 6 months you have 140,000 people, either here or en route, out of 205,000 admissible. In another 6 months, you will undoubtedly have your full legalized number.

Mr. CARUSI. Oh, yes.

The CHAIRMAN. That will be the situation, from the looks of things.

Mr. CARUSI. That is right. We have no trouble in getting enough assurances. The only thing is that I do not know how much the vacant job or the vacant house will multiply as these assurances multiply, because it could be said that there are that many jobs and houses being kept open for that many people.

The CHAIRMAN. Would it not be better that way than to have an impounding of people here, to be promiscuously sent out, without any specific job or specific house for them; especially when, as a matter of fact, they do not have to keep their houses vacant. Such a person can rent it or let it out, with the condition that "you will have to vacate when this party comes." Or he can fill the job, saying, "You can take this job conditional on your having to give it up when this man arrives, which will probably be in 6 months."

Mr. CARUSI. That has happened. In fact, a church saved a house for a preacher and the displaced person was going to be the preacher. They allowed a GI to move in under those conditions, because of a lot of publicity, and then when the preacher arrived, there was quite a to-do about displacing the GI to make room for the DP. Those things can create terrible situations.

Mr. ARENS. Let us look at the other side of the coin. Let us assume we did not have this provision in the law. So far as the law is concerned, if we were to have a serious unemployment condition develop in this country, these people could be brought in having no prior assurance that they would have employment without displacing someone else from employment or that they would have a house without displacing someone else from that house. Is that not true, so far as the law is concerned?

Mr. CARUSI. So far as the law is concerned, but that is true of our normal immigration law. A man does not have to have a job. He can come in and take it from me, and take my house, so far as the immigration law is concerned. And if these people choose, as some of them have to apply under normal immigration, he could come in without any of these requirements.

Mr. ARENS. But this bill is an extraordinary bill bringing in 205,000 people in addition to the ordinary flow.

Mr. CARUSI. I thought it was a bill to facilitate the process. It is a bill imposing heavier restrictions in some regards.

The CHAIRMAN. It has not proved restrictive to date. The expectation has been exceeded, has it not?

Mr. CARUSI. Demand has exceeded expectation, but it has caused a lot of work. The law has to be amended in two regards, as I explained the other day. We will have to process many of these cases.

Mr. ARENS. When you say "the law has to be amended," you mean the law will have to be amended in order to bring in all the people it is desired to bring in and not in the proportion or ratio that the Congress provided.

Mr. CARUSI. That is right. In other words, if the Congress intended to authorize 205,000 to be brought in, we would have to amend it, because we would not reach the 205,000. Of course, we could always bring them in in that ratio. Because if only one man applied, we could bring in four people or three people, and we would meet the requirement of the law, but we would be bringing in three instead of 205,000.

The CHAIRMAN. Mr. Carusi, you told me just a few minutes ago that with the 140,000 you now have processed, undoubtedly you will meet the full number within the year.

Mr. CARUSI. Yes.

The CHAIRMAN. You say now that you will not meet it. At least, I so understand you.

Mr. CARUSI. Well, I am always assuming that these figures will work out proportionately or that the law will be changed so that that proportion is not required. What I say is this: That so far as assurances are concerned, we shall receive many more than 205,000, many more. They are coming at that terrific rate.

The CHAIRMAN. Within the time?

Mr. CARUSI. Within the time. That is what I meant to say. Now, whether the percentages will permit us to bring in that many people is something else.

Mr. ARENS. Now may I ask you, as to the farmers' priority: The present law provides a 30-percent priority to farmers and their families and the facts are, as you testified the other day, that the DP's come in in family groups of about 2½ persons, which would mean, would it not, that under the present law, approximately 60 percent of the displaced persons, or better than 60 percent, are in the farmer category, notwithstanding the fact that the law gives only a 30-percent priority.

Now, would you explain why it is necessary, and why the Commission has deleted from the law the 30-percent priority to persons of agricultural occupation?

Mr. CARUSI. We have not deleted it from the law. We just haven't maintained that percentage, but we will have to do it if the law is not changed.

Mr. ARENS. I do not mean the Commission by regulation has deleted it from the law. I mean, why is it that the Commission in this bill has deleted the 30-percent priority to farmers and their families in the present law?

Mr. CARUSI. Because we think this: That if the assurances show that the people want 20 percent of them to be farmers or 60 percent of them to be farmers, that should be the factor, the firm factor, rather than our trying to figure out for them what their preference is.

The CHAIRMAN. The Congress says what the preference is. The Congress said 30 percent, did it not?

Mr. CARUSI. Yes, I know, but I think it is more realistic, if I may say so, Senator—and I don't mean to criticize the Congress about it—I think it is more realistic that if there is a tremendous desire for farmers in the United States, and it represents 80 percent, we should have 80 percent.

If, on the other hand, there was a strong pull indicating that they wanted something else, like tailors, or mechanics, or people from any other industry, and that the farm requirements are 20 percent, then I should think that would govern.

The CHAIRMAN. Mr. Carusi, your experience over a number of years past has certainly brought you to know the tremendous demand for farm help. You know that we are bringing in hundreds of thousands here from the islands and from Mexico for seasonal work.

Mr. CARUSI. That is true. That is quite true, but under this thing we are not so sure that we should bring them in for seasonal work, because we are not so sure that that will maintain them the year around. Of course, the Mexican goes back and lives on little or nothing when he is through, as does the Puerto Rican, and so on. There is no question but what our agriculture needs outside farm help by the thousands, as you say. There is not the slightest question.

Mr. ARENS. May I ask you, there, two questions?

First of all, on the basis of being fair to the displaced persons who want to come in from abroad, is it not justifiable to have at least a minimum—and the 30 percent, on the basis of the aggregate number, is a minimum—of farmers? From the standpoint of being fair to the displaced persons?

Mr. CARUSI. Well, if you are going to be fair, you ought to have a minimum of tailors and a minimum of something else, because a lot of those displaced persons are eager to come here as farmers and we have brought them in, and they are very successful and the farm owners are very happy about it; because that was not their vocation before they came. The farm laborers who are coming here, for example, to do work as just ordinary dirt farmers were not farmers abroad. They probably tended their own gardens or their own little farms and knew about it, and they can do the job and are doing it but we can't charge them to the 30 percent.

Mr. ARENS. How do you account, Mr. Carusi, for the fact that most of your assurances come from the large urban areas, where there is already a concentration of alien population?

Mr. CARUSI. That is because a large portion in these urban areas have relatives in those areas.

Mr. ARENS. What is your concentration as between the urban and rural areas?

Mr. CARUSI. Our reports are, of course, that the rural areas have many more available housing arrangements than do the cities, but we have not yet had any complaint from any particular city that this project is causing them any difficulty, and we have asked the State commissions to keep us very closely posted on that. And, of course, the city which has received the largest number is New York. There it is mostly relatives. But now the assurances and the more recent arrivals are cutting that figure down every time a boat arrives. They are going into the rural areas in much larger number now, or into the smaller towns and cities, and thus far, we have had little or no difficulty about it.

I have noticed, in respect to New York, a tremendous number of these people are coming in as domestic help. They may not be domestics basically, but that is what they are doing and they have gone into large houses. I know of many, many cases. They are moving into large houses and large apartments, into the servants' quarters or into the rooms set aside for them. So they are not burdening the housing situation to the extent that figures might indicate. We watch that very carefully, very closely.

Mr. ARENS. Now may I ask you about the section which is in the proposed bill, which reads as follows:

> The Displaced Persons Commission shall insure that the selection of eligible displaced persons shall be made without discrimination in favor of or against the race, religion, or national origin of such eligible displaced persons.

Mr. CARUSI. We have suggested that for this reason: As you recall, there was an attempt in the Senate and in the House, which was successful in the House committee, to have the groups and elements handled on a proportional mathematical basis as to groups and elements. The difficulty with that was that we shall again have to be watching our cases and seeing to it that no one gets ahead of others

and actually holding back cases if they seem to be preponderant. And while we thought that that was better than the 40 percent annexed-area provision, we thought that that, too, would have its administrative difficulties, but nevertheless, it was supported, though it failed of final passage.

We wondered whether or not that same suggestion might not arise in the minds of some of the legislators, as to whether there should not be something like that, because quite frankly, there were those that had fears that a certain group would come in too large number, a disproportionate number. They feared that if that happened it would wreak some kind of injury upon the program or upon our society or our economy. I do not agree with that, but that is a group which exists and has been open in its expression.

So we thought that we would put language in there which would give comfort or assurance to either the legislators or to the general public that we would not be parties to favoritism here or discrimination there and that we should be guided by that policy. And it gives the Congress the authority, if that language is in there, to watch us and to call us on the carpet if such a thing happens, but it does not have to be done with numerical precision. It just has to be done honestly and fairly.

Mr. ARENS. Under the language that you have proposed here, if a particular group among the displaced persons has an especially strong international organization, plenty of money, plenty of facilities to bring people in, and that group is bringing people in disproportionately to its numbers in the displaced persons camps, you could not, could you, hold that group back in order to bring the displaced persons in on a fair proportionate number to their aggregate number in the displaced persons camps?

Mr. CARUSI. No. This is to prevent us from showing favoritism and holding somebody else back.

Mr. ARENS. It prevents you also, does it not, from holding any group back at all?

Mr. CARUSI. That is right. Any group. Or giving them a special advantage, expediting their case or something of that character.

Mr. ARENS. In other words, under this language which you have here, if a particular group in Europe gets the jump on all other groups or elements and has a stronger international organization, that group can use up a disproportionate number of the quota numbers available of the visas available.

Mr. CARUSI. If they get assurances here.

Mr. ARENS. To the detriment of the other groups? Is that not right?

Mr. CARUSI. Yes; but that is inherent in your present law, because now eligibility is based on an assurance. The man that gets the most assurance has the most eligibility. That is your present law.

The CHAIRMAN. But do you not have the curb in there of the percentage?

Mr. CARUSI. Percentage annexed areas and farms; yes. And, of course, the question is whether or not that claim of a curb is a fair one. I always assumed that this committee believed that that was not a curb against that, but that the reason was that you wanted to help the Baltic people, because they can't get back home.

Mr. ARENS. The curb in the present law, if you call it a curb, is less than the proportionate number of groups embraced in the priority, is it not, in every instance?

Mr. CARUSI. Yes. If the assurances came in that, it could be done.

Mr. ARENS. The net result is that there is, on the basis of the priorities, a fair allocation of quota numbers on the basis of the elements or groups in the displaced-persons category?

Mr. CARUSI. No. After you get by the 40 percent, you could make the whole 60-percent remainder Catholic Poles or Polish Jews.

Mr. ARENS. You say "after you get by the 40 percent," but at least there is a basis there for 40 percent.

Mr. CARUSI. There is a favoritism of 40 percent for a particular group. Because the rest then are just cast to the winds. You can do as you please. You have picked one group, and you say, "They must come. As to the others, do as you please." And if it is intended as a curb, it is a revelation to me.

The CHAIRMAN. It was I who used the word "curb."

Mr. CARUSI. I understood that instead of it being a curb against any particular group or groups, it was really intended—that was the explanation Senator Revercomb[1] made on the floor—for those people who were least likely to be able to go back home, because of Russian annexation.

Mr. ARENS And if that 40-percent minimum were not in the law at the present time—you have deleted that, too—there is no assurance, so far as the Congress is concerned, that a single person from that category of persons who cannot possibly return would be brought to the United States. Is that not true?

Mr. CARUSI. So far as the language of the law is concerned, there is no assurance that any particular person or group of persons will come in or there is no assurance but what all of a certain category will come in.

The point is that the people of the United States are asking for them in varying terms and the net result is that I should not be a bit surprised but what, if we left it all alone and just let these people apply, we would wind up with pretty much of a fair leveling off of the thing.

Mr. ARENS. If we would do that, what is the objection to having a minimum in each of the various categories, as we have set out in the present law?

Mr. CARUSI. Then you would have to watch them. You would have to watch them as you process your case and that would slow the thing down, because you would have to count and watch.

The CHAIRMAN. The slow-down, though, is mythical, because you have not had a slow-down.

Mr. CARUSI. That is because we are not observing this at the moment. We are not keeping track.

Mr. ARENS. But did you not say just a moment ago that if you had no priorities in the law at all, they would probably be coming in in a fair proportion?

Mr. CARUSI. I think so, the way the assurances are coming. But not in that 40 percent proportion.

Mr. ARENS. Let us take the agricultural proportion, of a minimum of 30 percent, if we did not have that agricultural priority of 30 per-

[1] Senator Chapman Revercomb, of West Virginia.

cent, is it your judgment that at the termination of the program we would probably have at least 30 percent anyway?

Mr. CARUSI. Thirty percent farmers but not 30 percent former farmers. That is what is wrong.

Mr. ARENS. Thirty percent agriculturalists?

Mr. CARUSI. If this read that 30 percent must be coming here to work on farms, you would be nearer the truth. But if you say they must have been farmers in the past and must be farmers in the future, that is where the difficulty comes in.

Mr. ARENS. Of course, you understand why that provision is in there.

Mr. CARUSI. You do not want people to lie about being farmers, but they are not lying about it. They are coming here and doing well and the areas to which they have come are asking for more, but they were not necessarily farmers when they left the other side.

The CHAIRMAN. You did not want garment workers to come over here as farmers?

Mr. CARUSI. Of course not, but you would not expect NCWC,[1] when it selects a man over there, to select a man to come to one of its parishes as a farmer who was not going to be able to do the work. The trouble is that you don't trust anybody, or at least, there are some people you don't trust, and the law is written in distrust, if I may be permitted to say so.

Mr. ARENS. Well, now, under the President's directive of December 22, 1945, the persons were to have visas issued to them on a fair basis, were they not, as to the elements or groups among the displaced persons?

Mr. CARUSI. That is right.

Mr. ARENS. And the theory of that was, was it not, that no one group would take advantage of other groups from the standpoint of getting visas?

Mr. CARUSI. That is right.

Mr. ARENS. Under the language of the amendment which you propose here, if a particular element or group did take advantage and did come in in disproportionate numbers, the Displaced Persons Commission could not stop it, nor could anyone else. Is that not right?

Mr. CARUSI. It depends on what you mean by taking advantage. If they took proper advantage, were diligent, they deserve to have more people come in.

The Chairman. I do not think you have answered the question. Or maybe you did not understand it.

Mr. ARENS. The heart of the question is: under the provision of this proposed amendment to the Displaced Persons Act, the Displaced Persons Commission could not put a brake on any element or group who might be coming in in disproportionate numbers, numbers disproportionate to their aggregate numbers in displaced persons camps.

Mr. CARUSI. If they are doing it illegally, we cannot. That is right.

Mr. ARENS. And there are only so many quota numbers available. We only have 205,000.

Mr. CARUSI. That is right, 205,000. But in that connection, you mentioned the Presidential directive. The inference that I gathered,

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[1] National Catholic Welfare Conference.

maybe improperly, was this: That we had that language in the Presidential directive, but it did not produce numerically that result—67 percent, or roughly that, were from one group.

But remember this. There we were dealing under current quotas. The largest quota, of 25,000 was German. The remaining quotas, for all the countries involved, were only 14,000, a little more than half of the German quota, and the German quota was available exclusively for persons of that one faith. Consequently, the quota laws were what gave the opportunity for at least twice as many Jews—that is what they were—to come in, as against the other people of the other countries, some of whom of those countries were Jews.

That was a quota situation and many people had the impression—I don't charge you with that at all—that there was some special favoritism to the Jewish displaced person, because two-thirds of those that came in were Jewish. But that is the answer, they came in on the German quota, and the other poor unfortunates had negligible quotas from which to pick and they were available to Jew and Christian alike.

The CHAIRMAN. What has been the percentage coming in under the law? It has been 40, 40, and 20, has it not, according to the estimate of the other day?

Mr. CARUSI. No; I have later figures on it.

As of March 31, the Catholic arrivals are 44 percent, the Jewish arrivals are 39 percent, and the Protestant and Orthodox, mixed, at 17 percent.

Mr. ARENS. What percentage of the 17 percent are in your Orthodox groups?

Mr. CARUSI. As of March 15 it was the figure you had, Senator.

Mr. ARENS. What percentage of your 17 percent who have come in, who are Protestants and Greek Orthodox, mixed, are of each of the two classes?

Mr. CARUSI. They run almost equally.

Mr. ARENS. It would be about 8½ percent Protestants?

Mr. CARUSI. And Orthodox. We have not had very many assurances from the Protestants——

Mr. ARENS. Mr. Carusi, I would like to direct your attention to other provisions of the bill——

Mr. CARUSI. And that is really what is going to govern it, the nature of the assurances.

The CHAIRMAN. The charge was made on the floor and by the author of this bill, by the way, Senator McGrath,[1] that as the present law was set up, it was a bill discriminating against the Jews and the Catholics. It has not worked out that way, has it?

Mr. CARUSI. Oh, yes. It has with respect to the Jews. Because very soon, now, we will run out of Jewish cases. They move promptly and fast, and they have high percentages here.

The CHAIRMAN. Up to date, you have just run about equal, 40 percent each of Jewish and Catholic?

Mr. CARUSI. Yes; but now they are beginning to go down, as to the Jews. The assurances are running out on the Jews because so many of them are not eligible.

[1] Senator J. Howard McGrath, of Rhode Island (now Attorney General).

Mr. ARENS. Mr. Carusi, when you said this bill discriminates against the Jews——

Mr. CARUSI. I mean it has that result. I am not imputing that intention.

Mr. ARENS. Yes. Would you tell me how that bill discriminates against a single Jew who was displaced within the period of time designated as the time limit for displaced persons within the bill?

Mr. CARUSI. Oh, no. It doesn't that way. But it discriminates against the one who came in the next year, with the same cause for coming in.

Mr. ARENS. This bill was designed primarily as a relief measure for the war displaced persons, was it not?

Mr. CARUSI. I don't know. You designed it.

Mr. ARENS. Well, the cut-off date would indicate that, would it not?

Mr. CARUSI. In one way.

Mr. ARENS. When was the war in Europe over?

Mr. CARUSI. May 1945.

Mr. ARENS. The cut-off date was December 22, 1945, some 7 months later, was it not?

Mr. CARUSI. That is right.

Mr. ARENS. So the group which was embraced in this bill is primarily if not exclusively the war displaced persons?

Mr. CARUSI. That is correct.

Mr. ARENS. Would you tell the Senator in what area, in what degree, and to what extent there is discrimination against the Jewish people who were in Germany or Austria or Italy after September 1, 1939, and before December 22, 1945, which is 7 months after the termination of the war?

Mr. CARUSI. There is no discrimination as against those who were in there in that period, but then we get into a discussion of the basics of this, as to whether the people who fled communism, from the pogroms of Poland, particularly, in 1946, are not persons to be dealt with; remembering that IRO, the United Nations, accepted these people as displaced persons just like the others and they are in the same groups and have the same treatment, and they are just as worried about getting back to their homelands as the first ones.

As a matter of moral ethics, aren't they as entitled, if anyone is entitled to it, to consideration as the earlier ones? And it just happens that the bulk of those people who came in in 1946 were Jewish. That is what leads to the suggestion that it is discriminatory.

Mr. ARENS. At what rate is the IRO taking on new people? It is running around 20,000 a month, is it not?

Mr. CARUSI. Twenty thousand that are asking for it, and I understand about eight thousand that are being accepted.

Mr. ARENS. Currently, of the infiltrees?

Mr. CARUSI. Oh, no, no. Most of that 20,000 are people who have been there all the time but are getting along without IRO registrations, just trying to make a go of it on their own, and now they realize how important it is that they be IRO eligibles. So some were there all the time, but just weren't on the books. Some are infiltrees.

Mr. ARENS. The basic difference between your approach to the problem and the approach which is envisaged in the bill, so far as the date

is concerned, is that the bill attempts to alleviate the condition of the hundreds of thousands of persons who were displaced directly by the war? And your philosophy—and I am not trying to be critical of it at all—would embrace a group in addition to those that were displaced by the war? Is that true?

Mr. CARUSI. That is true—a group that we are paying American money to support.

Mr. ARENS. Are you aware, Mr. Carusi, of the persons who are in the category of persons who are now displaced, or have been displaced, since the cut-off date in the bill?

Mr. CARUSI. Yes.

Mr. ARENS. And what is the aggregate number of those persons throughout the world?

Mr. CARUSI. Of course, it could go up into the 20,000,000, if you include Pakistan and the Arabs, and so on. It is a tremendous figure. But they are not our present responsibility. These people are right in Germany, which, as you know, is a crucial spot in world events, and not only is it a crucial spot, but they are in an area in which we are the occupying authority, and they are a problem to us. I should think, just as a matter of good business, the United States would want to see that thing cleaned up.

Mr. ARENS. Mr. Carusi, are you aware of the action of the International Refugee Organization Commission in the course of the last several months—that they will and are now taking into the camps and registering the infiltrees who are coming in presently?

Mr. CARUSI. Oh, yes; they are taking some of those.

Mr. ARENS. Do you have any estimate to make as to the potential scope of the number of persons who, either since December 22, 1945, up until the present time, or from the present time on into the future, will be embraced in this displaced-persons' category, namely, the refugees from the east, since the war?

Mr. CARUSI. I think that, speaking generally, in that category, it depends entirely on the basis of how much IRO can afford to pay and how long it is going to stay in business, in order to be categorized as such. In a real moral sense, of course, those unfortunates are as displaced as anybody and the fact that they come in today does not make their plight any the better.

Mr. ARENS. I am just trying to develop here for the Senators' enlightenment the potential scope of the problem, if the Congress would change the law so as to begin to embrace the persons who are displaced not as a direct result of the war, but as a result primarily of circumstances which have existed and are existing since the war.

Mr. CARUSI. Of course, if there is no limit to this thing, it could go into an appreciable figure, if conditions in Europe continue at their present rate.

The CHAIRMAN. What do you mean by "an appreciable figure?" Could you give me something a little more definite on that?

Mr. CARUSI. No, I can't, Senator. Your guess is as good as mine as to how many people will try to break loose from those iron curtain countries.

The CHAIRMAN. It would run into the millions, would it not?

Mr. CARUSI. It could, if they could get out of there.

Mr. ARENS. Are you aware of the situation in Greece, where it is alleged that there are approximately 700,000 displaced persons there

due to a war situation which has existed since the termination of the major war in Europe?

Mr. CARUSI. That is correct.

Mr. ARENS. And you are aware of the situation, of course, in China.

Mr. CARUSI. The thing resolves itself into this: If there is a lot of misery in town, let's do nothing about it, because there are too many anyway. I think it is a matter of legislative policy as to just how much of this you want to do. If you think that just taking care of those who were there in '45 is enough and that the other 135,000 or whatever it is that came in during 1946 should not have anything done as to them, I suppose Congress can decide to do that. I think that this group that was there and receiving IRO care—I am not talking about the most recent infiltrees—has become so massed together that in effect there is little difference between them. Also, if we reflect on the fact that these people can come here and contribute their skills and that people are asking for them, it seems to me that if you have a larger group from which to select, you can do a better bit of selecting. I don't think that because a man arrived on December 22, and another one on December 24, that that necessarily denotes the difference in usefulness of the two men.

Mr. ARENS. You have to have a cut-off date sometime, do you not?

Mr. CARUSI. Yes.

Mr. ARENS. If you have it today, there would be somebody who would want to come in tomorrow.

Mr. CARUSI. There has to be a cut-off date, but I should think we would get a cut-off date which would enable us to take a fair cross section of all the people that we have come to call displaced persons or DP's and who have been our charges, our wards, in these recent years, because even though IRO handles them, we know that we contribute most of the money. I think we should relieve the Army of that burden and the Treasury of the United States of that burden and humanity of that burden.

Mr. ARENS. Why would you not, then, Mr. Carusi, just take all persons as of the time of the enactment of the law and embrace everybody in that category?

Mr. CARUSI. I would, but I don't think you would. I would do exactly that. If I were a Member of Congress, I would vote that way, because I think that there is a describable, ascertainable group of people who are displaced by the war or its aftermaths and who have become an international responsibility—which we have recognized by joining the Organization and paying most of its bills—and that, therefore, we ought to, instead of continuing that sort of business, wind it up and dispose of that by resettlement here and elsewhere. Otherwise, if we did not feel that way about it, we should not even have entered IRO and maintained these people, because maintaining them in those camps may seem to be a Christian thing to do, but I have some doubts about that.

Mr. ARENS. Would you take them as fast as they come in, from the East?

Mr. CARUSI. Not unless they create a new problem, and then, the countries of the world ought to sit down and reappraise that. I think that the present DP problem, as we know it—that is, as it relates to the people who came in in the 2 or 3 years immediately following

the war and came in in large bunches, for the reasons that we are all familiar with is one problem. I do not think it is two problems; that December 22 divides anything. That happens to be a date on which the President sat down and wrote something and we take that as a great dividing line between peoples. It is unrealistic. If he had written that on December 26, I suppose that would have been the date. I don't see that it has any relationship to the problem.

Mr. ARENS. Mr. Carusi, what appraisal would you make from the standpoint of fairness to the displaced persons themselves, as between those persons who were actually displaced by the war and persons who have subsequently come in and are now coming in and will in the future come in from countries to the East?

Mr. CARUSI. I would say this: That basically they are alike. They may differ in that one was slave labor or he may have suffered physical torment, and other who have recently escaped may not have undergone that, but they have fled from that. And I think that basically and morally they are in the same position. Physically or personally, one may have suffered much more than another.

The CHAIRMAN. Then you would open our gates to all of them.

Mr. CARUSI. Not unless it becomes to the interest of the United States and to all nations to do it. I would not say the mere fact that they run away means they ought to come here.

The CHAIRMAN. My understanding was that you said that if you were a Member of Congress you would vote for that.

Mr. CARUSI. I would vote for a bill up to the date of the act, up to now; yes. I would not think in the future.

The CHAIRMAN. Would you not, during all of that, take into consideration the conditions in our own country, as to employment and as to housing?

Mr. CARUSI. Certainly.

Mr. ARENS. Today, we have a cry from all over this country for more housing, because the people who live here and who belong here cannot find houses.

Mr. CARUSI. That is workable, too, because in the first place, the kind of housing these people take is not going to disturb most of the Americans.

The CHAIRMAN. You know, to me that is a myth, because you cannot go on with that forever.

Mr. CARUSI. But I hope the United States is going to build some houses.

The CHAIRMAN. The period of saturation will come at some point when they say they will be taken care of by relatives.

Mr. CARUSI. No; I am speaking of other things. Take this case in Mississippi. The DP's took one look at the shacks that were available as "safe and sanitary housing," and they themselves tore it down and put up housing that is the pride of the community. Mississippi has asked for a thousand more of them on the basis of that.

Mr. ARENS. May I direct your attention to section 2 of the amendment? I will try to give the essence of it, rather than read it. It provides, in effect, for 15,000 additional visas to people who have come in since April 21, 1947, and who could prospectively come in ad infinitum, within the limitation of 15,000. Would you comment on that, please?

The CHAIRMAN. I am going to have to interrupt, here. I have another appointment at 12 o'clock. I must keep it. I am sorry to have to interrupt, but I will just have to do it.

Mr. ARENS. Would you want to resume today?

The CHAIRMAN. I would like to resume and I would like to get through with this as promptly as possible.

Let us recess until 2 o'clock.

(Whereupon, at 11:55 a. m., the subcommittee recessed to reconvene at 2 p. m., of the same day.)

AFTERNOON SESSION

(Thereupon, at 2 p. m., the subcommittee reconvened, pursuant to the taking of the noon recess, in room 48–G, the Capitol.)

The CHAIRMAN. We will proceed with Mr. Carusi.

Mr. ARENS. Mr. Carusi, at the conclusion of the session earlier today, there was an outstanding question respecting section 2 of the displaced persons commission bill, S. 311, which provides, in effect, that persons up to a number of 15,000 now may be brought into the United States who have entered these areas since April 21, 1947, and who may enter in the future. Would you kindly address yourself to that provision?

Mr. CARUSI. Yes. You will recall that in the present law, there is a provision which, as of dates then existing, allowed that to happen for not to exceed 2,000 natives or citizens of Czechoslovakia. In thinking of that, we had called to our attention the fact that the same circumstance which caused the Czechs to flee when they did are causing more of them to flee and other people as well, to flee from neighboring countries for the same reasons.

The State Department suggested this primarily, because among the people who are fleeing or are still trying to flee, are former employees of their legations and embassies who are not Americans and other friends of America and the American authorities who from time to time have been useful to us, and may now be in particular jeopardy; and it is also important from the standpoint of our own internal security that they be removed from an area in which they might be made to disclose some of the things that they have learned from their association with us.

In addition to that, there are others who don't have that official connection but who are fleeing from those areas and are at least as entitled to it as were the original 2,000 Czechoslovakians. You will recall that was a special amendment that Congressman Stefan fathered in the House. The number is fixed at 15,000, and it requires that in every such case, the Secretary of State shall make inquiry and certification as to the desirability of that particular person's coming in from the standpoint of internal security, among others.

Mr. ARENS. I would like to ask you specific questions on that provision. First of all, this provision has no cut-off date, so it would be operative prospectively as well as against those people who are in or have fled into the occupied areas.

Mr. CARUSI. That is correct, because there are some who are still in there trying to get out.

Mr. ARENS. Mr. Carusi, would not the existence of that provision, if it were law, serve as an inducement to people to leave the countries

of the East and to come into the West for the purpose of gaining admission into the United States?

Mr. CARUSI. It might, but the experience has been that they need no such inducement. They just don't want to stay there. I don't think it is a special inducement.

Mr. ARENS. This class does not necessarily coincide with the displaced persons as defined by the IRO?

Mr. CARUSI. Not nesessarily; no.

Mr. ARENS. The Congress, by an enactment of this section, would be going beyond the scope of the IRO definition of a displaced person?

Mr. CARUSI. No. They are not IRO displaced persons, because some of them have not yet been displaced or some so recently that they have not yet been registered, although IRO is registering some as they apply and show qualification. What I do say is that some may and some may not qualify under IRO.

Mr. ARENS. In other words, is it a true appraisal of this section from that standpoint to say that it embraces classes of persons who are not even as of today displaced?

Mr. CARUSI. That is true. The limit of course is 15,000.

Mr. ARENS. That is the only limitation, however?

Mr. CARUSI. Yes.

Mr. ARENS. On your visa issuance to these persons, are any present or future quotas mortgaged in any way by this provision?

Mr. CARUSI. They would be chargeable to their quotas, yes; if the law in quota respects remains as it is, that is right.

Mr. ARENS. No; I mean under the amendment which is proposed.

Mr. CARUSI. Under the amendment there would be no charge against quota for anybody.

Mr. ARENS. Under the present law there is a mortgaging of the quotas of the countries up to 50 percent from which the displaced persons come, and that is also——

Mr. CARUSI. In which they were born.

Mr. ARENS. Yes; and that has also been eliminated by the bill, S. 311.

Mr. CARUSI. That is correct.

Mr. ARENS. Would you address yourself to that provision of your bill which eliminates the mortgaging of future quotas?

Mr. CARUSI. Yes. That very simply is this, the same argument that was raised last year. That is that what we are doing is to charge these people to quotas for the next 2 centuries in some cases to solve today's problem. In other words, this problem exists now, and if this bill is properly administered, it will wipe it out in 2 years.

Our view of it, at least, is that it ought to be a present problem. Receive these people and charge them off to the present circumstances and let the normal immigration laws and quotas carry on into the future years as though nothing had happened.

Mr. ARENS. Then under the provision of the bill, as you have wiped out the mortgaging of future quotas, you are in effect, are you not, adding to the aggregate number of persons who would in the course of time be admitted into the United States?

Mr. CARUSI. Yes.

Mr. ARENS. And the present law mortgages the quotas up to 50 percent, which means in effect, does it not, that the countries in which the displaced persons were born are, in effect, bearing part of the

burden of the displaced-persons program from the standpoint of keeping their own people?

Mr. CARUSI. I don't know whether the country is bearing the burden, but people who might wish to migrate here would be unable to do so. That doesn't take into account the need we might have for them then and we are decreeing today—of course, I realize a future Congress could change it—we are decreeing today that 150 years from now quotas will be half as large in all these countries, which is a long way off.

Mr. ARENS. Directing your attention specifically to the provisions of the Displaced Persons Act, the present law, an eligible displaced person is defined, is it not, from the standpoint of dates in two general categories; namely, those who first of all were in these zones after September 1, 1939, and before December 22, 1945. That is one group, is it not?

Mr. CARUSI. That is one group.

Mr. ARENS. There is another group also which is in the present law defined as an eligible displaced person, is there not, people who resided in Germany and Austria and were run out of Germany and Austria by the Nazis, and then have subsequently returned and have not been resettled? That is the second category; is it not?

Mr. CARUSI. Yes. It is a category that has given us some doubt. We may have construed that too strictly, too.

Mr. ARENS. May I proceed for just a moment and then you may comment on it. Under the present law, those persons who were run out of Germany in this second category and subsequently returned must have returned by January 1, 1948; is that not true?

Mr. CARUSI. Yes, sir.

Mr. ARENS. In the bill which you have prepared, the date January 1, 1948, is eliminated, is it not?

Mr. CARUSI. Yes, sir.

Mr. ARENS. The net effect of that, is it not, is that persons who were run out of Germany by the Nais could return at any time after the running out, in the next 10 years, could return and still be eligible as displaced persons, at least any time before the law expires.

Mr. CARUSI. You keep asking me questions about what could happen. We could all be criminals and do improper things, I suppose, no matter what the law says. It isn't happening. That is the point.

Mr. ARENS. I want to make it clear I am not impugning your motives.

The CHAIRMAN. It could happen under the law.

Mr. CARUSI. Under the language, yes, except that——

Mr. ARENS. That is what the question is, Mr. Carusi.

Mr. CARUSI. Except this—I grant you that.

Mr. ARENS. I am not impugning your motives. I am trying to develop this for the perusal of the Senator.

Mr. CARUSI. There would be a lot of laws in Congress we would have to rewrite if we were going to figure on what could happen.

Mr. ARENS. Under the present law these people have to be back in there by January 1, 1948, is it not true, before they are eligible?

Mr. CARUSI. Oh, yes.

Mr. ARENS. Under the bill which you have prepared you have stricken that date, which so far as the law is concerned means they could come in at any time as long as the law is in operation and still be eligible. Is that not true?

Mr. CARUSI. Yes; provided IRO accepts them as eligible.

Mr. ARENS. But IRO is accepting people.

Mr. CARUSI. Yes; some.

Mr. ARENS. Yes; they are accepting them at the rate of about 8,000 a month, are they not, in their camps?

Mr. CARUSI. Yes, about that, but they are not these returning people. There is one point I wanted to make about that, and I would like clarification. Whether it was intentional or not we never knew. We assumed it was unintentional, which may not be a fair assumption. We start up here saying, "An eligible displaced person is a displaced person," who does thus and so. Then you say "or a person" rather than "a displaced person." We have translated that to mean a displaced person, but usually we give to language the obvious intention. It says here "or a person."

Mr. ARENS. Under section 4 of the present law, provision is made for the adjustment of status of persons who in the United States are technically displaced persons. The recommendations incorporated in the bill of the Commission remove the surveillance of that by the Congress, the affirmative approval by the Congress notwithstanding the fact that the Congress at the present time has surveillance and affirmative approval of 19 (c) suspension deportation cases. Will you kindly adddress yourself to that provision of your bill?

Mr. CARUSI. Yes. Of course, basically it is our view that the handling of individual cases is an executive function, an administrative function, that can very easily be handled in the ordinary rules of administrative conduct of cases in the executive branch, but beyond that the people in the United States who would seek relief under this act are more easily investigated and more can be found out about them, their conduct and so on, than those in Europe. We couldn't understand why it was necessary for you to have surveillance over the ones who are here and that we know more about than the ones in Europe that we don't know about. If Congress were really concerned about these people and has suspicions and had to check the executive agency on them, I should think it would want to check those coming from abroad rather than those coming from here, unless of course there is, again, no trust in the administrative officers.

Mr. ARENS. You keep saying "no trust in the administrative officers." You have no objection, of course, to the law providing certain things which you say the officers would do anyway.

Mr. CARUSI. I have no objection to that. You see the reason I say that—I must be fair particularly to Senator McCarran—I had some conversations with formers members of this committee who made it perfectly plain they didn't trust us and said so. They were former members of this committee who made it perfectly obvious they thought this was all dangerous and we couldn't be trusted to administer this law honestly. I can't help but feel that that attributed some of this because at least one of those men was a very heavy author of this bill. That is why I keep saying that. I mean absolutely no reflection on you; not the slightest, Senator.

Mr. ARENS. Mr. Carusi, you have indicated, as I understand it, that the Commission would, in some instances at least, do what is provided in the law, even though it were not in the law; is that right?

Mr. CARUSI. Yes.

Mr. ARENS. Then what objection do you have to having it in the law?

Mr. CARUSI. Well, there are certain provisions to which I don't object and there are some others that I think are superfluous, but it is not harmful if they are in.

I will get back now to basics. I think the more actual factual determinations that have to be made of given controversies after the Congress has set out the policies and the standards, the more of those that can remain in the executive branch, the better. I don't think Congress, although it may choose to do so, should clutter itself up with the business of handling administrative cases, because if you do it in this case, you could do it in tax cases, you could do it in all kinds of cases. I don't see why it has to be this particular one. There may be a reason that I am not aware of.

The CHAIRMAN. Are you going to tell Congress what they shall put in the law and what they shall not?

Mr. CARUSI. No; I am telling you what my opinion is as to where a certain function belongs. I may be entirely wrong. I am just giving you my impression, Senator. I think when it comes to determining actual cases, facts, and controversies, the administrative branch of the Government, particularly in this field where there is an immigration service which is much expert, if I may say so, than the staff of this committee on matters of this kind, which has had much more experience and can do a better job, and fully as carefully of the interests of the United States as any of us—I think as long as you have that machinery, then it is good business to use it.

Mr. ARENS. The other day, Mr. Carusi, you discussed with us, with the Senators in this session, an instance in which section 4 at the present time, under the regulations which have been promulgated, is going outside the law.

Mr. CARUSI. I didn't say it was going outside the law. I said that it was inconsistent with that provision of the law which meant that when a man appeared before a consul to come into the United States, he had to say, "I am coming in for a temporary purpose," while in the back of his head or as evidenced by his application under this, his intention was to remain, and the consul, under those circumstances, could very easily and properly and should reject that application. But I had better say this about that: You asked me whether we suggested that regulation. We did not. The House committee did.

Mr. ARENS. In any event, that regulation, is it not, in your judgment, is opening the door for a violation of the law, under section 4 cases, whereby a section 4 man can leave the country and then return and still be eligible under section 4?

Mr. CARUSI. That is possible. I wouldn't call it a violation of the law. It is possible for that to occur.

Mr. ARENS. It is possible for that to occur under that regulation?

Mr. CARUSI. Yes, sir.

Mr. ARENS. Would the Congress not then be justified, knowing that the present section 4 is under the regulations being subverted, to demand the right to see those cases before the status is adjusted?

Mr. CARUSI. There are ways of Congress handling them, handling these people who don't obey the law, if that is the case, without

administering the law itself, if it fails to confirm the officers or impeaches them or changes the law. It doesn't have to take over the business of a department. Suppose the Department of Commerce, as big as it is, has a secretary that does things the way he shouldn't; does that mean Congress is going to run the Department of Commerce?

Mr. ARENS. The net effect of your section 4, is it not, is to grant to those persons the same right, or privilege, I should say, which is currently being granted to certain people by private bill; is that not true?

Mr. CARUSI. That is the net effect or to remove the necessity for his going back to Germany and coming in. He can do that, you know.

Mr. ARENS. Yes. Most of these persons are, under section 4, technically illegally in the United States, are they not? Most of them?

Mr. CARUSI. No. Many of them are here in legal status. They have come in as visitors and have gotten extensions. That is perfectly legal.

Mr. ARENS. I mean most of them are technically illegally here. Under the visitor's regulations the maximum is 6 months; is it not?

Mr. CARUSI. No. That isn't the maximum.

Mr. ARENS. Plus extensions.

Mr. CARUSI. Yes; plus extensions.

Mr. ARENS. Let's put it this way: Are some of the people of this group who would be eligible under section 4 technically in the United States in illegal status?

Mr. CARUSI. Yes; for having overstayed. They must have come in legally in the first place.

Mr. ARENS. Technically.

Mr. CARUSI. Oh, yes.

Mr. ARENS. If it were not for section 4, the only way that they could legally have their status adjusted would be by a private bill; is that not true?

Mr. CARUSI. No; they could go back to Germany and come in again.

Mr. ARENS. That is, if they could get a quota number.

Mr. CARUSI. If they are displaced persons, if they meet these other qualifications, they can go to Germany and we go through all this process and bring them back.

Mr. ARENS. If they do not go to Germany, the only way they can have their status adjusted, if it were not for section 4, would be a private bill; would it not?

Mr. CARUSI. Yes. I am assuming they don't comply with 19 (c), or they could go to another country and await their turn on quota.

Mr. ARENS. But they are granted the same type of privilege that a person is granted who has a private bill introduced and passed by the Congress.

Mr. CARUSI. That is what it amounts to.

Mr. ARENS. Then the net effect of section 4 is for Congress merely to give a look-see or an examination, not as intensive an examination, not as intensive an examination even as they do on private bills; is that not true?

Mr. CARUSI. Yes. I think private bills are a mistake. I think if our laws are such as to require private bills, the laws need changing or, on the other hand, there shouldn't be private bills if our laws are right. But we are getting off on a tangent here.

Mr. ARENS. The point I was trying to develop is that the bill which the Commission has proposed wipes out the congressional affirmative approval; is that not true?

Mr. CARUSI. That is right.

Mr. ARENS. And the congressional affirmative approval is not only under the present law applicable to section 4 cases, but under 19 (c), is applicable to other suspension cases.

Mr. CARUSI. I recall that.

Mr. ARENS. Mr. Carusi, under the present law, a priority is given to displaced persons who are in camps and in centers; is that not true?

Mr. CARUSI. That is right.

Mr. ARENS. Are you familiar with the legislative history of that provision and the debates in the Senate on the reason for that provision?

Mr. CARUSI. Instead of saying "Yes," I will tell you what it is and you can check me. My recollection is that the reason was to clean out the camps and remove the burden the camps entailed. It was also on the theory that the persons in camp were themselves worse off than those who were out earning a livelihood.

Mr. ARENS. The bill which is proposed by the Displaced Persons Commission wipes out that priority of persons in camps.

Mr. CARUSI. That is right.

Mr. ARENS. I don't want to preclude you from any comment you want to make.

Mr. CARUSI. The only comment is that we obviously had a reason for it. That is that there again, worthiness or capability of filling jobs in the United States is not to be determined by whether a man is in or out of camp. As a matter of fact, the people out of camp have shown a resourcefulness that the people in camp may not have shown or they may possess it. Moreover, large numbers of the people went from the camps at the inducement of our own authorities in saying that it would not prejudice them in resettlement.

Mr. ARENS. But in your rules and regulations you have taken care of that type of person, have you not?

Mr. CARUSI. Oh, no; not completely. We have taken care of him only if he specifically was told to do it, but if he did it under some general manifesto, he is not covered.

Mr. ARENS. Mr. Carusi, how many persons who are displaced persons within the definition of the IRO are presently in Germany, Austria, or Italy working in the economy? I don't mean those who are receiving care and service from IRO. I mean those who have become integrated in the economy.

Mr. CARUSI. Yes. By that, of course, you mean and family members.

Mr. ARENS. Yes.

Mr. CARUSI. We don't divide them into actual workers. I can give you the figures here exactly, as long as I have the figures here: 260,000.

Mr. ARENS. Two hundred and sixty thousand who are working and integrated in the economy.

Mr. CARUSI. Yes. They are not in camps.

Mr. ARENS. The net effect of wiping out this priority here, which the present law contains, for persons in the camp is to embrace another 200,000 persons, is it not?

Mr. CARUSI. That is one way of putting it. Another way is to remove their elimination.

Mr. ARENS. Notwithstanding the fact that they may have become integrated in the economy of the country.

Mr. CARUSI. When you say integrated, they are integrated in a very temporary sense. They never intend to make that their permanent homes, and if they thought that was the case, they would manifest it. It isn't integrated. They have been asked to see if they could get along and they are getting along, but not on a permanent basis. They can do it, because our Army is there and they have legal protection from IRO. Take those away and then where are they? They are not integrated by any means.

Mr. ARENS. Do you know how many persons in Austria have gained Austrian citizenship after their period of working in the Austrian economy?

Mr. CARUSI. No; I do not, although I know it is happening in Austria, and if they do, they stay, and that is all right. Most of these have not done it, especially in Germany.

(Discussion off the record.)

Mr. CARUSI. It is simply that we look at this thing as an attempt really to clean that situation out and to clean it out completely. We shall come closer to doing it with the 400,000 ceiling than with the 200,000. It is just as simple as that. It is just arithmetic. But remembering also that the 400,000 is a ceiling, and unless this country can absorb them and absorb them comfortably, we stop.

Mr. ARENS. When did you change your attitude with regard to the 400,000 as a ceiling, when you have not taken the position that your 200,000 is a ceiling?

Mr. CARUSI. It is a ceiling.

Mr. ARENS. I was under the impression from what you said this morning that the Congress has manifested a desire to bring in 200,000.

Mr. CARUSI. They did that, because in the debates many of them said, "Let's try the 200,00 and then when they are in we can see whether we need more."

Mr. ARENS. But the law proides the number is not to exceed a certain number.

Mr. CARUSI. There is no question of that, and if I gave the contrary impression, it wouldn't be right. It is a ceiling.

Mr. ARENS. I would suggest it would be appropriate if Mr. Carusi directed his attention to section 13, which authorizes the appropriation of money.

Mr. CARUSI. That is simply this. That is an outgrowth of two things. First, of course, one of the things the law requires is that we try to maintain geographical distribution. The biggest bar to it is the expense entailed in taking persons beyond the Mississippi River. We know of several agencies which have thousands of assurances which they haven't even submitted to us, because they are not sure they will fit the bill. That is particularly true of the Protestant agencies. They just haven't the money or, at least, are not able to raise it. Quite apart from the religious aspect of it, some State groups, granges, and county chairmen of agricultural groups, and so on, have found it quite difficult to raise the $200 a head or whatever it is, $150, to move people to the west coast and proportionately less in the nearer

States of the Union. They have asked that provision be made for them to borrow money. Of course, some of them would like out-and-out grants. We didn't think that was quite right. We did suggest that there be available a place at which they could borrow money from the public to take care of this expense, and it will be very burdensome as these people come in in larger numbers. Then they repay it as they can and possibly get it recontributed from the displaced person himself. We thought it would help on the geographical distribution and would also put to rest the cries that this bill by virtue of circumstances, not intentionally, discriminates against the people who have to pay so much money to get them out there, and it tends to encourage people, agencies, now to solicit business, so to speak, to get assurances from the eastern part of the country instead of the western. It is only natural. We would like to overcome that by making it possible for them to spread them out west. As I say, the governors' commissions and certainly the agricultural agents of the far West, where they need this labor you were sepaking about, Senator, have been stopped a good deal by that. I know one group that wants 3,000 and this is what is stopping them, in southern California.

Senator McCarran. Three thousand more what?

Mr. Carusi. Workers in the citrus yards. That is the Lutheran group.

Mr. Arens. Would you kindly, Mr. Carusi, tell how this section 13 would work if it were the law?

Mr. Carusi. Yes. With this section of the law money would be made available for loan, especially to voluntary agencies who are working in and have been recognized as proper workers in this field, with which they would defray the expense of inland transportation and reception, that money, of course, subsequently to be repaid to the Government. The purpose of it would be to make it more possible to engage in resettlement in the central, midwestern, and far-western counties of the United States which is not now taking place, because of the enormous expense involved, and the agencies in self-protection are concentrating more heavily on obtaining jobs and housing in the eastern part of the United States, in order to save that added expense. If this money is made available, then the matter of expense is not one of immediate concern, and subsequently, either by repayment from the individual sponsor whom they represent or from the alien himself, or indeed by fund raising of their own in their regular drives, they will be able then to repay the money. The purpose is now to make this money quickly available so this movement can bring about this wider distribution that I have just mentioned.

Mr. Arens. What kind of assurance would the Catholic Welfare Conference give the United States Government that the Government was going to get back the money advanced to the organization?

Mr. Carusi. It would have to be worked out on a real governmental loan basis. They would have to show their financial integrity and responsibility and willingness to pay it back, although, of course, many of them can't put up physical tangible property. There again it would be a matter of moral obligation in some respect.

(Discussion off the record.)

Mr. Arens. Mr. Carusi, I don't know whether or not we gave you an opportunity to discuss your date. The date in your bill goes from

December 22, 1945, the present cut-off 7 months after the war, to April 21, 1947——

Mr. CARUSI. Which is General Clay——

Mr. ARENS. About a year and a half afterward.

Mr. CARUSI. The reason was this. First, from the standpoint of simple administration. It is extremely difficult to know who was there on December 22, 1945, because even as to those who were there, there was not a complete registration until subsequently and, therefore, it is difficult of proof. It puts us to the necessity either of taking him at his word for it or turning him down. If he insists on his case and brings in something to substantiate it, and we can't disprove it, he has made his case, but it does require, and that is the sad part about it, so we do it, conducting as thorough investigation as we can to confirm his whereabouts as of that date, especially when you don't find something, you search a long time. Consequently, in those cases where proof doesn't exist or can't be found, we investigate and investigate, and lose a lot of time and then come out with about as much as we had when we started. That is an administrative problem. Whereas the April 21, 1947, date is a date back of which there is complete registration of all the people who were there during that period. The registrations were completed by that date, at least to such an extent as to make it a good date on that score.

The other thing is simply, as I said earlier, we think that the people who came in in 1946 were impelled by the same motives and are really a part of the same problem. They are subject to our same care and expense as the ones who came in in 1945 or, unfortunately, were slave laborers brought in earlier. Those really are the two major reasons for our suggestion.

Mr. ARENS. Are there any other provisions of the bill or any comments you would like to make to the Senator on the bill in general? I am trying to give you an opportunity to say anything you want to. I have been asking you specific questions.

Mr. CARUSI. Thank you very much. Most of the things you have covered, by question and so on. I just want to say that——

Mr. ARENS. There is one other thing I didn't ask you about, Mr. Carusi, and that is this section 12 that you changed.

Mr. CARUSI. That is simply a bookkeeping change, if I recall. There has been very much misapprehension on the part of the public, and I observe in the Congressional Record, right up here as to who administers that section. I read in the Record Senator Eastland wondered why the Displaced Persons Commission hadn't complied with the law and brought these people in. So even in Congress there is a belief that it is our responsibility, which it isn't, and all we suggest is we are not concerned about the merits, which is a different problem. In any event put it in the normal immigration law, which is really what it is. It is an amendment of the normal immigration law. We merely suggest it be transposed so that nobody will get the impression that it is part of the DP Act in the sense that we should administer it. We wish to get our lines clear. That is our only suggestion.

Mr. ARENS. Are you aware of the fact that they started processing Volksdeutsche?

Mr. CARUSI. January 17, I think is the date.

Mr. ARENS. Do you know they have a backlog of orders on that of 400,000 registrants who want to come in?

Mr. CARUSI. Yes. They had plans made for 4,000,000, but they didn't materialize. They thought that everybody would want to come. The same is true of section 4. Everybody thought there were hundreds of thousands of people in this country who would jump at that and they have gotten only 4,600 applications.

(Discussion off the record.)

Mr. CARUSI. You have asked me for general observations about the law, and they are simply this. First of all, if I have at times seemed overzealous about any particular thing I said or any section with which I disagreed, I hope you will attribute that not to criticism of the committee or its workers or indeed of the Congress, but rather to an expression of what to me is a sincere conviction——

The CHAIRMAN. I would like to know——

Mr. CARUSI. That is all right, go ahead.

The CHAIRMAN. What I would like to know is who inspired this bill.

Mr. CARUSI. Originally?

The CHAIRMAN. Yes.

Mr. CARUSI. You mean this one as it is written now?

The CHAIRMAN. As it is written now.

Mr. CARUSI. We did it ourselves. We talked to nobody about it. It was done in governmental channels.

The CHAIRMAN. None of the high-pressure lobbies have been around?

Mr. CARUSI. They not only have not been around, but we have told them not to come. That isn't our way of doing business. They are still buzzing around, I know. We have nothing to do with them, absolutely.

The CHAIRMAN. They do more than buzzing around. The report shows an expenditure of around $700,000.

Mr. CARUSI. There is no question about that.

The CHAIRMAN. It must be something more than buzzing.

Mr. ARENS. $723,690.

Mr. CARUSI. I ask you honestly, Senator, to take my word for this, that we have absolutely no connection with them. They haven't influenced us in the slightest and we have deliberately kept aloof from any such group in the consideration of this bill.

The CHAIRMAN. How did it come that the contents of this bill were given out to the public even before Congress convened?

Mr. CARUSI. I don't know. We didn't. We did not.

The CHAIRMAN. Mr. McGrath gave out that he was going to introduce the bill and I would like to know how that came about.

Mr. CARUSI. He must have done it.

The CHAIRMAN. How did he know he was going to get it?

Mr. CARUSI. We sent it to him.

The CHAIRMAN. You sent him the bill?

Mr. CARUSI. Yes. We sent Senator McGrath a copy of the bill, and it wasn't until some time later that I handed a copy of it to Congressman Celler.

The CHAIRMAN. How did you come to give it to the chairman of the House and not to the chairman of the Senate? Is there any particular reason for that?

Mr. CARUSI. No. The only reason was this, quite frankly: Senator McGrath wanted to introduce the bill. He told us he would like

to introduce the bill, and if we had one, to submit it to him. That was the only way it happened. I know that the normal course is, of course, for whoever submits the bill to submit it to the chairman of the Senate committee and to the Speaker of the House. In the House, the Speaker told us to give it to Mr. Celler, because there was just a little difference in the procedure. Up here, the normal procedure is to mail it to the chairman, but we were not told to submit it formally. We were told to do it that way.

The CHAIRMAN. Who was telling you to do anything about it?

Mr. CARUSI. The White House.

The CHAIRMAN. The White House?

Mr. CARUSI. Not the President, but some of the officers.

The CHAIRMAN. Who in the White House?

Mr. CARUSI. Charlie Murphy.

The CHAIRMAN. Oh.

Mr. CARUSI. He told us to give it to Senator McGrath.

The CHAIRMAN. Told you to give it to Senator McGrath.

Mr. CARUSI. Yes.

The CHAIRMAN. Did he tell you to put it out to the public?

Mr. CARUSI. No; and we didn't put it out. We haven't yet, for that matter. We have issued only one press statement in our existence and that was on the appointment of the general counsel.

Mr. ARENS. Of course, in the Displaced Persons Commission report you set forth the essence of the changes which are incorporated in this bill.

Mr. CARUSI. That is right. It became public then, but the Congress wasn't in session.

Mr. ARENS. When did this bill go in?

Mr. CARUSI. I don't remember. Our report came out February 1.

Mr. ARENS. The bill went in January 10. Your report embodies the essence of the bill?

Mr. CARUSI. Yes.

Mr. ARENS. Except that your report doesn't make reference to the elimination of that January 1 date on the persons who fled from Germany, and then, subsequently, came out.

Mr. CARUSI. No; it probably doesn't.

Mr. ARENS. Was that a substantive change?

Mr. CARUSI. No. Although it came out February 1, it had to be written a month or two in advance.

Mr. ARENS. Do you mind Mr. Davis asking a question?

Mr. DAVIS. It is my understanding that the President issued a directive, I believe in February, which in effect gave directions to the Army in regard to transportation of displaced persons.

Mr. CARUSI. Yes. I learned about that over the telephone from somebody after it was all done. My understanding of it was that there was beginning to expire the congressional authority of the Maritime Commission to operate vessels, and there had been under discussion between Maritime and the Bureau of the Budget and, I think, IRO the question of what would happen when that authority expired. Before it did, the President issued an Executive order—I am just guessing now, I think on the recommendation of the Maritime Commission—turning over the vessels which they had been operating to Army operation, and then there was added to it—I don't know at whose suggestion, but it was all done—added to it the specific reference to the fact that the

vessels which were being used for displaced persons should be operated by the Army. That is all I know about it. As a matter of fact, it is not our concern as to who operates the vessels. We process the cases and it is up to others to get them transported.

Mr. ARENS. The transportation cost is paid by IRO.

Mr. CARUSI. That is right.

The CHAIRMAN. I just want to get this straight now: How many displaced persons have actually landed in this country and how many are en route?

Mr. ARENS. You mean under the new bill?

The CHAIRMAN. No; under the displaced persons law.

Mr. CARUSI. Yes, sir. I know the rough figure. It was fourteen and one-half thousand, but we might as well get it right.

The CHAIRMAN. Those that have actually landed here?

Mr. CARUSI. Actually landed, it is 14,500; and en route, 450 who departed today. In addition to that, persons who are at Bremen awaiting their turns on vessels, there are an additional 6,200.

Here they are: Total arrived, 14,629; there are 450 on the high seas, and there are 6,177 processed and waiting as of April 1.

The CHAIRMAN. Do we have any more difficulty in finding space for them on vessels than other countries do?

Mr. CARUSI. No.

The CHAIRMAN. I am just wondering why there should be a 6,000 backlog there waiting transportation.

Mr. CARUSI. That is current. In order to be sure that we have the people ready when the vessels come in we have to have a working backlog. This is constantly changing. Six thousand, you see, represents roughly eight vessels. That is half a month's output. It is just good business to have that many, because then we have a number and we can select them, and would not send to New Orleans a man going to New England, and to Boston a man going to Louisiana. We have to have that inventory on hand from which to select.

The CHAIRMAN. That 6,000 is being augmented all the time, is it not?

Mr. CARUSI. Yes; but it remains about 6,000. The vessels just keep that ball rolling.

The CHAIRMAN. About how rapidly do they bring them over? About how many a month, for instance? Four hundred and fifty are now on the high seas?

Mr. CARUSI. Yes. For example, in the month of March, about 6,600 came; in the month of February, it was 3,600; in January, nearer 1,600; December, 1,600; November, 800; and October, 800. You see, it has been growing lately. Our shipping space for April is 8,500. Our shipping space for May is 9,500. We are adding to it each month as we go along. We expect by July—in fact, we are arranging for it now—16,000 and that is to be maintained to the end of the program, which means, unless something happens to us, and if we can process the cases as they come along, as we hope they will, that we will have this thing finished up by June 30 or by April 30.

The CHAIRMAN. Of next year?

Mr. CARUSI. Yes.

The CHAIRMAN. That is, you will have your 200,000?

Mr. CARUSI. That is right.

The CHAIRMAN. Or 202,000.

Mr. CARUSI. That is right.

The CHAIRMAN. That would be how many months from the time you got into operation?

Mr. CARUSI. It would be 19 months.

The CHAIRMAN. Nineteen months?

Mr. CARUSI. Yes.

The CHAIRMAN. The 202,000 it was contemplated would come in during 2 years.

Mr. CARUSI. Twenty-four months.

The CHAIRMAN. So you exceed the contemplation.

Mr. CARUSI. That is right.

The CHAIRMAN. All right. That is all I have to ask.

Mr. ARENS. I have no other questions, Senator. Is there anything that you want to say, Mr. Carusi, that we have not asked you about?

Mr. CARUSI. I just want to make this observation: That our whole spirit in this thing is to try to administer this law just as fairly as we know how and as strictly as we can according to the congressional intent, and that our recommendations for legislation are made in that same spirit. We may be wrong about it, but our judgment is that we can do a better job, more effective and faster, and still safeguard all the interests of the United States, if the bill is amended as we suggest.

The CHAIRMAN. I have just this question: Of those who have actually landed here, what complaints have you had in the way of criminal records?

Mr. CARUSI. None.

The CHAIRMAN. What have you had to show up in the way of criminal records of any of them?

Mr. CARUSI. Nothing. As a matter of fact, if it showed up they wouldn't have come here, because we make our immigration inspection abroad.

The CHAIRMAN. I mean since they have been here.

Mr. CARUSI. Nothing since they have been here.

The CHAIRMAN. Nothing?

Mr. CARUSI. Nothing at all. The only complaint is an odd one. The complaint is that they are usually superior to the desires of the men who brought them. They may bring in a college professor as a domestic or something of that sort. They seem to be of higher caliber than the sponsors expected them to be. That is the only difficulty which we have had so far. We have had to replace some on that account, which is not bad for the over-all American standpoint.

(Whereupon, at 3 p. m., the subcommittee adjourned, subject to the call of the Chair.)

DISPLACED PERSONS

TUESDAY, JULY 26, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10:40 a. m., pursuant to call, in room 424 of the Senate Office Building, Senator Pat McCarran (chairman) presiding.

Present: Senators McCarran, McGrath, Langer, and Donnell.

Also present: Richard Arens, staff director of the special subcommittee.

The CHAIRMAN. The subcommittee will come to order.

I had hoped we would perhaps have more members present, but we will go ahead now, and we hope they may come in as we go along. As a prelude to the hearing this morning, I should like to make a few observations respecting the displaced persons situation and the work of the subcommittee which has been considering this problem.

The present law provides for the admission of 190,000 displaced persons, over the course of 2 years, and provides for the adjustment of status of a maximum of 15,000 displaced persons who have been admitted into the United States on a temporary basis.

There are four features of the present law which have been attacked as unjust and discriminatory by a pressure group which has to date registered with the Congress lobbying expenditures in excess of $875,000. These four features which are under attack are as follows:

1. It is alleged that the present law is administratively unworkable, because it requires job and housing assurance without displacing other people from jobs and houses. The Chairman of the Displaced Persons Commission has testified, however, that, although the present program did not get under way until October 1948, the aggregate number provided for under the present law will arrive in the United States within a period of 19 months instead of within a period of 24 months, as provided by the law. The current flow of displaced persons into the United States pursuant to law is running at a rate of approximately 11,000 per month and it is estimated that the flow will be at the rate of approximately 16,000 displaced persons per month by the end of the summer months.

There have been validated to date assurances, pursuant to law, for an aggregate number of approximately 190,000 displaced persons. With reference to assurances, the Chairman of the Displaced Persons Commission testifies as follows:

> We have no trouble in getting enough assurances; so far as assurances are concerned, we shall receive many more than 205,000, many more. They are coming in at that terrific rate.

2. It is alleged that the priorities provided for in the present law are unjust and discriminatory. There are two principal priorities in the present law. The first is a 30-percent priority to agriculturists and their families. The facts are that over 60 percent of the displaced persons fall within the agriculturalist group. The second is a 40-percent priority to those displaced persons who come from areas which have been annexed to Communist Russia and who cannot safely return to their homelands. This priority includes displaced persons coming from the Baltic States, and from that area of Poland east of the Curzon line. This is occupied by Soviet Russia. More than 40 percent of the displaced persons are in this category.

3. It is alleged that the present cut-off date for eligibility, December 22, 1945, is impracticable and unjust. This cut-off date is some 7 months after the war and is the same date which was used in a Presidential directive which gave priority to displaced persons under our quota law. It is a date which may fairly be said to embrace the war-displaced persons, of whom there now remain one-half million, as distinguished from the infiltrees who are presently applying for International Refugee Organization status at the rate of 26,000 per month. The potential of the latter class, namely, infiltrees, is in the tens of millions.

4. It is alleged that the present law discriminates against Catholics and Jews. This is a despicable charge. It is wholly at variance with the facts. Of the 46,175 displaced persons who were admitted into the United States pursuant to the present law, as of July 15, 1949, 22,552 were of the Catholic faith, 13,000 were of the Jewish faith, 9,204 were of the Protestant faith, and 14,019 were of the other faiths or of unknown faiths.

There are pending in the Senate 15 bills to amend the Displaced Persons law. These bills present numerous complicated and controversial issues. The subcommittee and its staff have been accumulating and appraising factual material on each of these issues. In addition, the subcommittee and its staff have been accumulating and appraising the factual material on the situation in the United States insofar as it bears on the reception and assimilation of displaced persons. We have, for example, accumulated the factual material on the employment and housing situation in the United States. We have accumulated the factual material on the areas of settlement of aliens and those displaced persons who have been admitted into the United States. We have been accumulating factual material on the ever-increasing number who are being admitted into the United States under our immigration law.

We know that, as never before, millions of persons from all over the world are storming our portals for admission, and that the entries into this country, both legally and illegally, of aliens from all over the world, are increasing at a tremendous rate. We are also studying the effect each of the various proposed changes would have upon the potential scope of our participation in the displaced-persons program, and the effect such participation would have upon the best interests of this country. There are, for example, proposals pending which would embrace classes potentially in the millions who are not embraced at the present time, either under the Constitution of the International Refugee Organization or by the present displaced persons law.

In our consideration of the over-all problem, we are aware of the fact, which is not generally known, namely, that the United States of America has thus far received or provided for the reception of more refugees and displaced persons than all of the other countries of the world combined. During the war years, for example, under our regular quota laws, we received approximately 279,000 refugees for permanent residence and 228,000 refugees on a temporary basis. Moreover, pursuant to a Presidential directive dated December 1945, approximately 44,000 displaced persons were admitted into the United States for permanent residence. In addition, for the fiscal years of 1945 to 1948, inclusive, a total of approximately 90,000 immigrants were admitted into the United States, under our regular quota laws, from those countries of eastern Europe from which the displaced persons originated.

The hearing today is for the purpose of developing the facts of one of the issues under consideration, namely, the situation of the 10 to 15 million persons who, pursuant to the Potsdam Agreement of August 1945, were forcibly expelled from the countries of eastern Europe and driven into Germany and Austria. These persons are, under the Constitution of the International Refugee Organization, expressly excluded from care and maintenance and are, therefore, not embraced within the term "displaced persons" or "refugees" as defined in the Constitution of the International Refugee Organization.

Other groups are in a similar situation. For example, there are 750,000 Greeks who have been displaced from their homes during the Greek civil war, who are presently ineligible under the Constitution of the International Refugee Organization; and there are approximately 700,000 Arabs who have been displaced from their homes in the Palestine War who are presently ineligible under the Constitution of the International Refugee Organization. It is estimated that there are approximately 10,000,000 Pakistanis, likewise, who have been displaced from their homes by recent military operations who, although technically eligible under the Constitution of the International Refugee Organization, are not presently receiving any substantial assistance or resettlement opportunities.

Hearings will be held on all of these major issues, in order that the approach to this problem may be made on the basis of the facts.

Speaking only for myself, as chairman of the subcommittee, may I say that, in considering this problem, I shall continue to be guided exclusively by the facts and shall insist that our approach to the problem be consistent with the best interests of the United States of America.

Now, the first witness may come forward.

Mr. ARENS. The first witness scheduled is Mr. Otto Durholz; he called this morning and said he had been ill during the course of the night and I do not know whether he has sufficiently recovered to testify.

Mr. DURHOLZ. I will do the best I can.

Mr. ARENS. If you will have a seat and proceed with your testimony.

The CHAIRMAN. Will you stand and raise your right hand? Do you solemnly swear the testmiony you are about to give before the subcommittee of the Committee on the Judiciary of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DURHOLZ. I do.

The CHAIRMAN. You may be seated.

Will you kindly state your name, your place of residence, and your business or occupation, if any?

TESTIMONY OF OTTO DURHOLZ, SECRETARY, COMMITTEE FOR CHRISTIAN ACTION IN CENTRAL EUROPE, PATERSON, N. J.

Mr. DURHOLZ. My name is Otto Durholz. I am a baker. I am secretary of the Committee for Christian Action in Central Europe. That is an organization which started in Paterson, N. J., when the 1945 Christmas holiday had passed without our having been able to send relief to or get word from our relatives in central Europe. We welcomed the opportunity of joining in the pleas of the Christian Century and American Friends Service Committee for leave to send food to our war-stricken kin who were in recently enemy territory. Action by Congress gradually initiated such possibilities.

When it thus became possible to carry on relief activities, we did so by forming a chapter of the New Jersey Committee for Relief of German Needy, an affiliate of the American Friends Service Committee, who placed their organization at the disposal of similar groups in order to ship through CRALOG.[1]

The CHAIRMAN. What would you say was the membership of your organization?

Mr. DURHOLZ. We have probably a thousand members, with an indefinite number in organizations like the Pastorius Society, the Buffalo and the Boston Federations of German Societies, where we do not get a set contribution from each member and we have no way of checking. It is not a local organization; it is spread over quite a few of the States.

The CHAIRMAN. What is it divided into? What are the cells or chapters?

Mr. DURHOLZ. We have merely the individual connection with the Paterson headquarters.

The CHAIRMAN. I know, but where a group is organized, say, for instance, in a different State from New Jersey——

Mr. DURHOLZ. We have no organizations of our own, sir, but we do cooperate with the groups such as I have mentioned.

The CHAIRMAN. I see.

Mr. DURHOLZ. Even in Paterson, we have groups there whose membership we do not know, but they help us and cooperate with us—singing societies, for instance.

The CHAIRMAN. Is that group composed of citizens of the United States?

Mr. DURHOLZ. Yes, sir.

The CHAIRMAN. Exclusively?

Mr. DURHOLZ. Exclusively. We don't like to get tied up with anybody embarrassing.

The CHAIRMAN. All right.

Mr. DURHOLZ. When it thus became possible to carry on relief activities, we did so by forming a chapter of the New Jersey Commit-

[1] Council of Relief Agencies Licensed for Operation in Germany.

tee for Relief of German Needy, as I said. We sometimes questioned the propriety of our asking sacrifices for relief which would, only materially speaking, go down a rat hole, because of uncorrected economic burdens in the German area under occupation. One of the greater burdens is now a matter very much in the news. It is that of 12,000,000 survivors of the "Potsdam displaced persons," or expellees, from whom the name "displaced persons" has been withdrawn and the status of "DP" has been withheld. A report to the World Council of Churches said 70 to 90 percent are unemployed.

In every respect displaced, denial of their DP status, like their expulsion from homelands into present Germany, was explained only by their racial ancestry. German ethnic orgin is the measure of exclusion in the language of the International Refugee Organization. Because it was masked in the words "Annex I of the Constitution of the IRO," this racial clause has heretofore hindered the rightful recognition of expellees as DP's by Congress.

They are an American responsibility.

Mr. O. K. Armstrong has described them in the Reader's Digest as follows:

> More than 12,000,000 "expellees" are victims of the greatest mass uprooting of populations in history. They were driven from their homes in accordance with the Potsdam Agreement. This unbelievably tragic document reads: "The three governments (the United States, Britain, and Soviet Russia) * * * recognize that the transfer to Germany of German populations * * * will have to be undertaken."

Senator DONNELL. You are still quoting from Mr. Armstrong?

Mr. DURHOLZ. Yes; I am quoting.

Senator DONNELL. All right.

Mr. DURHOLZ (reading):

> State Department officials explain that the Soviet Government promised that only 1,500,000 people would be affected; nearly nine times that many have been transferred. By the agreement, President Truman, speaking for the American people, gave approval to a made stroke of racial vengeance. By this act, our Nation accepted the race theory against which the bitter war was fought.
>
> In Poland, Czechoslovakia, Hungary, Silesia, Pomerania, East Prussia, Yugoslavia, and other areas these "Volksdeutsche" were expelled from homes and farmlands that had been theirs for sometimes as long as 500 years. I talked to scores of them, from every area affected. Their stories are alike: The sudden appearance of armed men, the command to pack a few clothes and food, the forcible ejections with death to many who resisted; the loading into trucks and trains, the arrival in the American zone and forced implanting into homes of the local population.
>
> These unfortunates are billeted mostly in small towns and rural areas.

Senator MCGRATH. When did this start?

Mr. DURHOLZ. In February of 1948, the publication——

Senator MCGRATH. When did the movement of these particular people start?

Mr. DURHOLZ. The movement began in the spring of 1948, perhaps in April.

Senator MCGRATH. So that this date that we have in this bill, of December 1945, is one of the things that militates against them being considered as displaced persons?

Mr. DURHOLZ. Yes. I will come to that point. Unfortunately, it is a matter more of something else than date.

Senator MCGRATH. I understand that, but the date is one thing.

Mr. DURHOLZ. The date is a difficult one to determine, unless you go back to a time within the war itself. As the Russians advanced, the populations, regardless of who they were, fled.

Senator MCGRATH. From what countries did these people come?

Mr. DURHOLZ. They came from Poland, what is now Poland, and at that time was Germany, and according to Dorothy Thompson, the area which had fed 15,000,000 people was populated by 8,000,000, of whom at least 7,000,000 were driven out or who fled and could no longer return, which was the same thing. And for several years that land or a good part of it has not produced anything but weeds and contributed to the feeding problem of Europe.

In the east and in the Balkans, the countries were Czechoslovakia, Hungary, Rumania, Yugoslavia. There were some expulsions from Russia, from the Ukraine. We heard at one time of Mennonites and Mennonites were expelled from Russia. They were given no harbor, because they were thought to be German. They had lived for several centuries in Germany; there was some rectification of that later on and they have been resettled.

Mr. ARENS. May I ask a question right there to clarify the record? Are the people concerning whom you now speak included as displaced persons or as refugees under the definition of those two terms in the Constitution of the International Refugee Organization?

Mr. DURHOLZ. Even the Mennonites were refused any help by both the IRO and its predecessor, UNRRA, because of German ethnic origin, which term included more than race alone.

Mr. ARENS. In order to have a more specific answer to the question, would you again answer as to whether or not these people, these 10 to 15 million people concerning whom you are speaking, are included or are not included, as the case may be, under the Constitution of the International Refugee Organization?

Mr. DURHOLZ. They are, unfortunately, not included under the Constitution of the International Refugee Organization, and inasmuch as Congress depended on that, we are in trouble and we are here today. Have I answered the question about the countries?

Senator MCGRATH. Yes, sir.

Mr. DURHOLZ. They were also expelled, in contrivance with Hitler, to some extent, from the Baltic countries. These people were expelled twice. The expulsions were not brutal. There was a procedure. Hitler and Stalin agreed that these Baltic populations would be transferred to Poland; and they were later expelled from Poland, along with a greater number of people who had lived there for centuries. And when I say "Poland," I mean present occupied areas which were German.

Senator MCGRATH. These people are now back in the American zone and are they in camps or where are they?

Mr. DURHOLZ. They are not in camps, unless they are camps which the military and Länder [1] governments have provided. They are trying to get into the DP camps which have been partly emptied and they cannot do so, from letters and newspaper articles that we have. They are in billets which have been set aside by the Länder [1] and municipalities.

[1] "Länder" are territorial divisions in Germany.

Senator McGRATH. In the meantime, they live on the German economy?

Mr. DURHOLZ. They live on the same German economy that our relief efforts sought to help, and as there were 12,000,000 of them—and at the outset, Mr. Joyce,[1] the head of CRALOG, gave me the most optimistic figure of $60,000,000, including clothing shipments figured at $1 a pound—we did not contribute very much to the German economy in proportion to what they themselves, in their poverty, had to provide for these 12,000,000 people who were cast on top of them. They are the ones who have had a DP admission program.

One out of every five in Germany today, is really a DP who is there involuntarily and whom they have involuntarily accepted for the time being, and they are the people who are 70-to-90 percent unemployed.

Senator McGRATH. Are any of these ethnics sent into the British zone?

Mr. DURHOLZ. They are in the British zone and in the American zone, and they are still to some extent in the Russian zone.

Senator McGRATH. Is the figure you talk about the total figure of all of them?

Mr. DURHOLZ. The total figure includes what is left in the Russian zone and what has been recently sent into the French zone.

Senator McGRATH. And the British zone?

Mr. DURHOLZ. Yes.

Senator McGRATH. How many do we have in the Amerizan zone?

Mr. DURHOLZ. We have perhaps 4,000,000 in the American zone.

The CHAIRMAN. Of those, is it not true that many of them that are able-bodied have been forcibly taken into Russia, leaving behind them the least able to take care of themselves, that are now a burden on the military authorities occupying the American zone or governing the American zone?

Mr. DURHOLZ. Yes, sir; that is one of the unfortunate parts of the situation: The seizures, not only of able-bodied males but even of mothers, for forced labor and the expulsion of remnants of the family.

The CHAIRMAN. Out of what funds is the Army, if you know this, taking care of those who are remaining in the American zone?

Mr. DURHOLZ. I cannot give you the figures.

The CHAIRMAN. It is out of the funds of what is known as GARIOA.[2]

Mr. DURHOLZ. Yes; there are several ways in which the Army has rendered very valuable help in taking care of the expellees, when the problem became too acute for the Länder. The military government is the only reason that perhaps a million of these people are alive today.

The CHAIRMAN. Is this true, that they are termed over there "infiltrees" rather than "expellees" or "displaced persons"?

Mr. DURHOLZ. No; they are not termed "infiltrees." The "infiltree" is the person who has voluntarily left his country of origin and who has gotten into a DP camp after December 22, 1945, for various reasons.

The CHAIRMAN. Why do you fix that date—December 22, 1945?

Mr. DURHOLZ. Because officially the President said the camps would be closed to all except hardship cases as of the December 22, 1945, date. The wartime DP's had 6 months or so after the shooting stopped to

[1] Arthur S. Joyce.
[2] Appropriation for Government and Relief in Occupied Areas.

get themselves registered and located in DP camps, and if they hadn't gotten there in the middle of the winter, it wasn't very likely that they were in Germany at all and needed the double food rations and the other care which General Eisenhower was giving them back in 1945.

The CHAIRMAN. I want you to again refer to the term that I used, "infiltrees," and the date that you fixed. The infiltrees, as I understand from your testimony, are regarded as those who came into these camps after a certain date?

Mr. DURHOLZ. That is true, but none of these expellees that I am reading about, from Mr. Armstrong, were allowed in these camps. The camps that were DP camps were run either by the IRO or by one of the Jewish organizations that was given the management of the camps in cooperation with the IRO; and with the consent of General Eisenhower, in the fall and winter of 1945.

Those who got into those camps by saying that they had lost their papers, "You cannot check on me," or by other expedients, are the only ones that I have ever heard called infiltrees. There is a German expression for the expellee who will not stay put in the Russian sector, and obviously they are terror-stricken after what they have gone through; and if they have sons, they are not getting them in with them in the Russian zone and they are trying to get out. Those people are said to have come over "black"; that means that they came over the border in the dead of night, or something like black market here. They have another expression about the "green" border; that probably refers to coming through the forested areas wherever they are left. But they do not use any word corresponding to "infiltree" that I know of. The only time I ever hear of "infiltree" is from people who have been with IRO and tell me about these cases that have come to them with some stories that they don't have their papers any more, and say, "You will have to take us in."

I have not been to Europe myself, and I am reading from O. K. Armstrong on that.

Senator DONNELL. What issue of Reader's Digest is that?

Mr. DURHOLZ. That is true.

Mr. ARENS. Mr. Durholz, could I ask you a question about the date? The shooting war in Europe was over in May of 1945; was it not?

Mr. DURHOLZ. That is true.

Mr. ARENS. This cut-off date in the present law is December 22, 1945, which corresponds with this Presidential directive.

Mr. DURHOLZ. That is right.

Mr. ARENS. Now, what numbers of these persons of German ethnic origin, this expellee class, were received into the occupied areas prior to December 22, 1945? What percentage was that?

Mr. DURHOLZ. My estimate is about 50 percent, but that 50 percent includes mostly German nationals, because that expulsion had come from what is now Poland, the Oder-Neisse area.

Mr. ARENS. And the aggregate number of expellees is what?

Mr. DURHOLZ. Eleven million something, almost 12,000,000 according to several of the reports I have had lately, including Betty Barton's recent booklet;[1] and on this date question, it is not a very well

[1] German Refugees in Today's Germany.

documented book, but it is by a girl that had been over there, it is otherwise very interesting and I think very honestly written, with an attempt not to be harsh on anybody.

Mr. ARENS. Then within the date limitations of the present law, there are approximately 5 to 6 million of your expellees; is that right?

Mr. DURHOLZ. That are within the same date limits that have been set for those who are recognized by IRO as DP's; that is right.

Mr. ARENS. And then beyond the date limitation of the present law, there are probably an additional 5 to 6 million; is that right?

Mr. DURHOLZ. There are over that; slightly over that. There are probably 7,000,000 after December 22, 1945.

Senator MCGRATH. How many? Is that 7,000,000?

Mr. DURHOLZ. Probably 7,000,000 afterwards. That is 5 or 6 million before, but it is very difficult to get figures. The authorities contradict themselves continually and people are here one day and there another; there is no set place. One community takes them awhile and then gets rid of them in the hopes of finding work for them somewhere else.

That would be the best estimate that I could give, and perhaps 5 to 6 million in the pre-December 22 period, and 6 to 7 million in the post-December 22, 1945, period.

Mr. ARENS. Just to clear the record on this point, under the present law the people of German ethnic origin are not embraced as displaced persons?

Mr. DURHOLZ. They are not embraced as displaced persons.

Mr. ARENS. And they are not embraced under the constitution of the International Refugee Organization?

Mr. DURHOLZ. That is the reason. The interpretation of the State Department in September, about September 17, 1948, ended all of our hopes to get any kind of DP consideration for these people at all. Thousands of applications for relatives to come in on a job-home offer were voided by that ruling of the State Department. Of course, I do not question that ruling.

Mr. ARENS. Now, are any of these persons embraced in any of the 15 bills which are currently pending in the Senate?

Mr. DURHOLZ. There is not one bill. The one I had hoped for was one that Mr. Goldstein [1] had told me about as having been introduced by Senator Saltonstall. But I had a very nice letter, and a very frank letter, from the Senator, that his bill had failed to cover this situation that we had been concerned about. There is an intention, or there was in the House, to help these people, and this good intention, after all of the effort that has been put in, changing the legislation, has been of no effect.

Mr. ARENS. What provision is there in the present law respecting these persons, even though they may not be included as DP's, in the definition of a DP?

Mr. DURHOLZ. There is none, as far as any aid to refugees is concerned. There is a normal German immigration, which, thanks to Senator Langer, has been officially reopened in full.

Mr. ARENS. The present law provides that 50 percent of the German quota—and I believe also the Austrian quota—for 2 years shall be

[1] David Goldstein, Boston attorney.

allocated exclusively to the persons concerning whom we have been speaking.

Mr. DURHOLZ. I would say that we hoped at the time——

Mr. ARENS. Just a moment. Does the law provide that?

Mr. DURHOLZ. The law provides that; yes, sir; but it has not been done, and if it were done, it would have this effect: It would take from most of the expellees who are from the Polish occupied area principally, it would take their visas and give their visas to other expellees who belong on their own quotas, as of Czechoslovakia, Hungary, Rumania, Yugoslavia, and other countries which expelled them. So, at the expense of another expellee or a German national, these people could have come in, regardless of the DP Act of 1948 having made it almost impossible for them to have come in in any other way. It was an emergency move, a last-hour move, for which we are very grateful that we had the assistance of Senator Langer.

It would have, in cases of severe emergency, if the State Department had not sabotaged the bill—or, pardon me, if it had not given the appearance of doing that—it would have helped relatives come to their families who had been expelled from Hungary, Rumania, Yugoslavia, where the concentration camp is the current method of treating those that didn't get out quick enough, to this day. They couldn't go back for their papers. They might have come in if this section 12 had been honestly enforced.

Mr. ARENS. Of the 15 bills which are currently pending in the Senate, dealing with this displaced persons problem, are there any of those bills which undertake to give relief in the form of payment of transportation for the people concerning whom we have been speaking?

Mr. DURHOLZ. That opens a question that I might refer to by giving anyone interested a form which Mr. Gerhard[1] has gotten up, who is in the room. If we want to bring in our relatives, we have to pay everything down to $1 tax for a fingerprint and $1.50 for a blood test. We have to pay for the transporttion. We get letters that there is only one boat in August and not many more after that, and their visas will be no good by the time they can get a boat, after they had been very fortunate in getting the visa. We will have to pay airplane transportation to get them here at all.

Mr. ARENS. Are there any bills pending in the Senate which would undertake to provide for payment of transportation of the people of German ethnic origin who would be admitted on this 50-percent priority of the German quota?

Mr. DURHOLZ. There is not a bill which does anything for an expellee, with the exception of Senator McCarran's bill, which I was very glad to find included the expellees under the $5,000,000 loan plan of the RFC.

Mr. ARENS. Is there any bill, of the 15 bills pending in the Senate, which would currently embrace any of the persons of German ethnic origin in the definition of a displaced person?

Mr. DURHOLZ. There is not one that I know of, and I have tried to get every possible one.

Mr. ARENS. That is all.

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[1] For the testimony of Charles F. Gerhard, see p. 109.

Mr. DURHOLZ. May I continue my statement?

The CHAIRMAN. You may proceed.

Mr. DURHOLZ. I am still quoting from O. K. Armstrong:

> These unfortunates are billeted mostly in small towns and rural areas. Often as many as a dozen men, women, and children are crowded into one room. The fears, tensions, and social problems thus created are immeasurable.
>
> There can be no final settlement of Germany's vast problems until the displaced persons have been assisted to new homes and work in Germany, or resettled in other lands. Here is a task that demands the immediate attention of Congress.

In 1945 and early 1946, Life, Time, and Newsweek—if I could have my brief case——

The CHAIRMAN. Where did you leave it?

Mr. DURHOLZ. My assistant has it. I have material which may be of interest.

Mr. ARENS. We will see if we can find it.

Mr. DURHOLZ. In 1945 and early 1946, Life, Time, and Newsweek, still calling them displaced persons, gave some details of their deadly cattle-car and foot journeys which may account for 3,000,000 of the 5,000,000 missing. In the second winter of expulsions, Anne O'Hare McCormick wrote in the New York Times of Allied "moral responsibility for the most inhuman decision ever made by governments dedicated to the defense of human rights."

IRO's racist dodging of responsibility does not absolve us morally.

The explanation for the racial exclusion clause of IRO having escaped early notice is the manner in which it is tucked away in the IRO Constitution. In annex I of the constitution, which gives definitions, part II lists persons who will not be the concern of the organization. Sections 1 to 3 of this properly exclude war criminals, quislings, persecutors, and ordinary criminals, and few readers would go on to section 4, but by doing so one finds that, lumped with the criminal elements, are also the—

> persons of German ethnic origin, whether German nationals or members of German minorities in other countries, who have been or may be transferred (or fled into) Germany from other countries.

This excludes from IRO care the expellees, who outnumber present DP's 20 to 1.

While American citizens like ourselves were too busy to protest what was going on as we collected relief for starving Germans who themselves gave up many times what they received, more of the same racially biased legislation, which had made our millions of dollars of shipments a mockery, was being offered to Congress. Congress would certainly never have written or knowingly accepted such a cruel outlawing of the displaced persons of "German ethnic origin" in common with criminal groups, but it did accept the DP law of 1948 in which that vicious and un-American bit of race hatred was sugar-coated in the words of section 2:

> Displaced person means any displaced person or refugee as defined in annex I of the constitution of the IRO and who is the concern of the IRO.

That is the quotation from the law itself.

Until Congress removes this major discrimination from section 2, which it can do by a simple amendment, every one of the proposals so far presented in both Houses will fail of their purpose—if their purpose is fairness and the relief of really displaced persons. Unless

the fundamental discrimination is removed, any amendment to increase the numbers or extend dates of eligibility will only serve to make that discrimination greater.

Senator LANGER. The discrimination you are referring to is the discrimination contained in the definition?

Mr. DURHOLZ. The only discrimination that the facts of entry prove has existed, sir.

Senator LANGER. You are not talking about racial discrimination or religious discrimination or anything of that kind; it is the distinction between expellees on the one hand and displaced persons on the other, as provided by the IRO Constitution?

Mr. DURHOLZ. Thank you, sir; that is right.

Senator LANGER. I just think that there is some misunderstanding about that.

Senator MCGRATH. It seems to me he is talking about something more than that.

Mr. DURHOLZ. It is ethnic rather than racial, which is even further.

Senator MCGRATH. It is based on race.

Mr. DURHOLZ. We have had people rejected by IRO who are Lithuanian, who spent 3 weeks traveling to Hamburg, but the husband spoke German; and we are getting them in here through Mr. L'Heureux's or Mr. Alexander's [1] intercession, because technically he did come under a French quota and not the German. But having lived in Memel and married there, he was trying to get his Lithuanian children and wife in here. They were so exhausted that he himself went to Hamburg, I think it was Hamburg, to the IRO center, and as soon as he admitted, since he could speak German, his papers were stamped "Rejected," and he was thrown out, as he describes it. They wouldn't even listen to anybody else in the family, because the case was closed.

"Ethnic" goes even further than "racial." You cannot prove, if you go so far back, what your race was; but if you go to a certain church or if you speak the language or even have lived in a community long enough, if it has been a minority community, the IRO has rejected those people as being of German ethnic origin. It would be very unfortunate in this country if any such move was made in regard to the Jewish people, who are not, as they say, a distinct race. There would be no question about their being an ethnic group.

That "ethnic origin" is broader than a racial definition and has been used to keep these expellees away from the $3,000,000,000 that the American taxpayer paid for UNRRA [2] and IRO relief.

Any amendment to increase the numbers, or extend dates of eligibility, will only serve to make that discrimination greater, unless the fundamental discrimination is removed. Any amendment to insure that "selection shall be made without discrimination in favor of or against a race, religion, or national origin, of such eligible displaced persons"—and I am quoting from the Smith-Ives-Saltonstall amendment of about June 2, No. 99, I believe—would only gild a great injustice with hypocrisy.

The Langer amendment, section 12 of Public Law 774, afforded that part of the expellees who are of German or Austrian nationality,

[1] Hervé L'Heureux, Chief, and Robert C. Alexander, Assistant Chief, Visa Division, Department of State.

[2] United Nations Relief and Rehabilitation Administration.

some opportunity to immigrate under part of their normal immigration quotas, of their 27,000 combined immigration quotas, that is what I am speaking of. It directed the State Department to restore that.

The CHAIRMAN. When you say their 27,000 total quota, to what country are you referring?

Mr. DURHOLZ. Germany and Austria, which had been lumped together by Executive order at the time of the take-over of Austria.

It took from these expellees, and others who are German and Austrian nationals, 50 percent of their normal quotas, so that there are about 13,500-some taken away from the normal German-Austrian quota, that the expellees from new Poland and the Baltic areas cannot use. Thus, it merely gives expellees of German ethnic origin, but of other nationalities, some of the quota numbers which rightfully belong to German and Austrian expellees and others.

By the State Department interpretation of September 1948, it gives no one place or other advantage as a DP to anyone of this far greater group of displaced expellees. That this section has been pointed to as evidence that expellees are given fair consideration, and has been referred to as a "preference," "privilege," "grant," or "program of admission," is a sign of the deception or ignorance surrounding this legislation.

We would suggest as the means of avoiding the entire exclusion of millions of Catholics and Protestants who were displaced by forcible expulsion after December 22, 1945, as well as before, the following kind of amendment to section 2 of Public Law 774—we are not legislators or lawyers, I may say:

Provided, That "displaced persons" shall also mean any person who complies with annex I of the constitution of the IRO, without regard to the regime by which he was expelled or obliged to flee, and who, solely because of his ethnic origin, has been excluded from the concern of the IRO by section 4, part II of annex I of the constitution of the International Refugee Organization.

The attached letter addressed to the New York Times will show that this amendment provides the means of making the whole DP program simple, just, and workable. If it is not desired that I read this letter, which is, technically, on the bill, I will summarize it.

The CHAIRMAN. You might read it, because you may be questioned on some phases of it.

Mr. DURHOLZ. The letter is dated July 2, 1949, and reads as follows:

PATERSON, N. J., *July 2, 1949.*

To the Editor of the New York Times:

If Senator Pat McCarran is really forestalling an acceptance of displaced-persons proposals such as those of Senator J. Howard McGrath and Representative Celler, more power to him. Some honest and effective DP law may yet be enacted.

His own proposal, S. 1705, goes beyond other bills in allowing the entry of a total of 502,000 persons. In doing so, it offers a promising solution to the so-called unworkability of the present act. Those who so loudly now proclaim the "unworkability" fail to tell us it is due to the exclusion, by International Refugee Organization rules, of most of the people who really are displaced.

Commissioner Ugo Carusi admitted that the 205,000 allowed by the law which expires after another year will be admitted in full under present schedules, but that its terms are being disregarded to do so. To evade this difficulty by now adopting bills S. 311 or H. R. 4567, would create a more tangled web of injustice and hypocrisy than before.

The present DP law has been called discriminatory for very wrong reasons. These accusations have been thoroughly discredited, and tactfully dropped, since

their absolute contrary was proved by percentages of actual arrivals which were disclosed by Senator McCarran and others. But total discrimination is discrimination, too, and the DP legislation of 1948 was steeped in it. A racial bias which was covered up by words which few endorsing churchmen and statesmen made known, deprived nine-tenths of the people then displaced in Germany of any DP consideration at all. In this larger group, however, are most of the farmers, most of the refugees from annexed territory, and by far the greater number of relatives of United States citizens. Supposedly, the displaced-persons legislation was to have included just such cases; and this supposition is deceiving most Americans to this day.

If endorsers' consciences were disturbed by the deceptions, they were quieted with the sophistry that the numbers were too vast, and Congress too prejudiced, to risk "complicating" or "jeopardizing" any DP program at all for the sake of mere justice. Besides, the dispossessed were only Catholics and Protestants of German racial origin; and who would stand up and say that our late allies, who drove them from their homes, could have done anything that was wrong?

Now the successful advocates of this exclusion are in hot water. Not enough refugees from annexed areas and not enough farmers can be found within IRO's racially acceptable DP's to comply with the terms of the law. So the terms are disregarded and denounced as restrictive; and there is a drive to hurry through, undebated, the McGrath or Celler bills.

These seemingly promise to, but do not, admit displaced persons "without discrimination against race, religion, or national origin." If they did, then farmers and annexed-area DP's and American sponsors would be amply available for compliance with the DP provisions. The many previously disappointed American relatives would enthusiastically support such a program. That the promise of nondiscrimination is not true may account for not one witness for the excluded group being called to the House committee hearings, and for the restrictions of debate on the floor. And because it is not true that the bills would admit all alike, they ask repeal of the embarrassing 30-percent agricultural and 40-percent annexed-area requirements.

What is needed, even with the McCarran bill, is an amendment to correct the discrimination against all displaced persons of Germanic strain, whom we now call expellees. The amendment could embody a limitation of expellee admission to a nominal fraction such as 100,000. This would restore hope and good will to many American families who are desperately awaiting expelled relatives, and it would remove the dangerous ethnic precedent from our laws before it hurts others.

Mr. McCarran has already included expellees among the DP beneficiaries of his RFC resettlement loan plan. If, in that same spirit, 100,000 expellees are included as DP's within the framework of his bill, the problem of the percentages would almost solve itself. At the same time a more generous number than in any other proposal would remain available for other classes of displaced persons, including those who were displaced after December 22, 1945.

A willingness to discuss the problem with more sincerity and less malice will best help the persons who are displaced. It would be regrettable if they should suffer from a misguided use of the great financial and sympathetic support which was intended to aid them, but is sometimes applied to a short-sighted elbowing aside of a less favored group, or to the vilification of Senators like Mr. McCarran who can think of other methods than the scrapping of our immigration policies.

(Signed personally) OTTO DURHOLZ.

As I said, I have some of those periodicals which explain why our people were so slow to come around and talk up for themselves. They were doing all they could to send relief to their families at the time Congress was debating this legislation. They are not used to interfering with the wheels of legislation. They didn't know, frankly, what was being done. They did have, as many of them have today, the firm belief that displaced persons laws would let in their relatives.

One of the largest relief groups of the national relief groups, the American Aid Societies for Relief of the Needy and Displaced Persons of Central and Southeastern Europe, had on two occasions sent petitions throughout the United States to its membership, in the one case soliciting signatures on behalf of the Stratton bill, with the explana-

tion that "these poor displaced persons from the Danube, the German Hungarians or Danubians, ought to be allowed to come in here as the Stratton bill will allow them to do." Pathetically, this organization had been misled.

Later, the same organization sent out circulars embodying a petition or a questionnaire which again misled its membership, that their members were in the IRO displaced persons camps and that the Fellows bill was going to get them in.

The only thing that did anything for them was section 12 and that, as most of you know, has been sabotaged until March 25 when orders were given out to consulates to proceed with issuing visas, and any number of obstacles have been put in the way of that ever since, so that only a few hundred, to my knowledge, have entered the country and that includes both the German nationals and the ethnic German origin group.

Now, this is some of the picture material that our folks went by in gaining the impression that DP legislation would include them. This is from Life, October 15, 1945. This article happened to be headed, "Displaced Germans," but if you read the fine print you will find that "displaced persons" is continually used. The picture on the flatcar is of Germans from the Polish area. No, it is the top of a boxcar. The people on this flatcar with the United States tank on it are displaced persons. It is captioned, "Displaced persons include nearly 300,000 Germans." Unfortunately, that good news was dated July 30, 1945, and we know now that there were 11,000,000—some more. Besides, there were 3,000,000 to 5,000,000 who have died or been sent to slave labor behind the iron curtain.

The article is headed "DP's" in 2-inch initials, giving our people, who are possibly none too bright about these things, the impression to this day that "DP" includes their folks.

The CHAIRMAN. Let me see that.

Mr. DURHOLZ. Here it is.

I have in material that we have sent out before and may not be available, other statements from Time and Newsweek, with pictures plainly labeling these persons as displaced persons.

I merely want to add that, because I have been told from time to time that, "Your folks were too slow; you didn't know what you were doing." We admit that we were, but there was a good reason for being deceived that way, and the same thing that has deceived us has undoubtedly deceived many of the people who have endorsed displaced persons legislation, including many of our own religious groups.

The amendment we have spoken of would remove all of the need for making that explanation, because the United States would then get the kind of a displaced persons law that I think it wants.

Mr. ARENS. Mr. Durholz, is it clear that on the basis of your study, there is no provision in any of the bills currently pending in the Senate, these 15 bills, including the bill which passed the House, which would embrace these persons of German ethnic origin as displaced persons?

Mr. DURHOLZ. There is not one hope yet and that is why we had the temerity to suggest an amendment of our own, after consultation with groups throughout a pretty big area of the country.

The Celler bill, I might add, if that is not out of order here, extends certain very false hopes. We are told by some of the propaganda that

has been sent around, that German ethnic origin orphans are given a place. The truth is that 2 or 3 dozen German ethnic origin orphans who were fortunately adopted by military government personnel before May 1, 1949, get, not a visa, but a priority over other expellees or other Germans and nothing else. And yet, that has been used to arouse the hopes of some of the pitiful cases that I probably should have invited down here as more eloquent speakers than I am myself.

I am thinking now of one woman who has been trying to get her aged mother and her nieces over, and she has bought a house with her savings, as the only way she could get a flat available. She has gone down to the airport and found out that the news was false and she is still waiting to get her nieces in, and the latest news is that it will be a number of years before they can come. She has planted forget-me-nots and things like that in the back yard and she has got the furniture, some of it brought over from Germany, and yet she is waiting; she can't get these orphans in. Then she will read the New York Times and listen to the radio and get some of these high-pressure circulars sent around telling her that now there is a bill which will give German ethnic origin orphans a chance to come in. That is cruel. The same thing I read several times. The very sincere, I think, effort on the part of Mr. McGrath and others to provide for equality, that will not apply, as I said before, because "eligible displaced persons" depends on "displaced persons," and until you include the expellee as "displaced persons," there is no sense of doing any of the other things that are intended to make the law fair.

There is another item in the Celler bill that Congressman Curtis legalized by an amendment from the floor—the use of the job-home opportunity—which has been sent, thousands of times over, futilely to relatives who were German ethnic origin expellees.

Mr. ARENS. Mr. Durholz, to distinguish "expellees" from "infiltrees", are "infiltrees"—namely, those persons who came in after the conclusion of the war, who are not of German ethnic origin—are they embraced in the constitution of the International Refugee Organization?

Mr. DURHOLZ. No, but there are sections of the bill which define "eligible displaced persons". If they are the care of the IRO, they would be, that is true.

Mr. ARENS. Is it clear, then——

The CHAIRMAN. I do not think he has answered your question.

Mr. ARENDS. May I make a statement and see if you agree.

Mr. DURHOLZ. The infiltree is the one who came in under his own steam.

Mr. ARENS. He is embraced in the constitution if he is not of German ethnic origin, is that clear under the constitution of the International Refugee Organization?

Mr. DURHOLZ. His being accepted by the International Refugee Organization would limit them to those who are not of German ethnic origin, and it is only to those who are eligible for the IRO who get the name "infiltree". I have never heard an Army officer use the name "infiltree". One of our members who had been over in that corner of Bavaria near Czechoslovakia, Maj. Emil Fichter, calls them all "expellees", and I might say, before he came back to the Paterson police force, he had written us about the need for shoes. Half of the popula-

tion, the school population, was out of school the 1st of November, several years ago, because of lack of shoes. So we sent shoes over to the Bavarian kids.

When he came over on leave, I asked him, "Weren't there any of these children that were expellees?" And his answer was, "Hell, they were all expellees. The Bavarian kids had enough, didn't you know that? But every one of these school children, 50 percent of the population, that had no shoes, every one was an expellee."

Senator McGRATH. What do you mean, "they had enough"?

Mr. DURHOLZ. The Bavarian children had saved their elders' shoes and they weren't bombed in that part; he was at Viechtach and rural places like that.

Senator DONNELL. Could I ask Mr. Durholz just a few questions? You have made a very clear statement here of your position and I should like to inquire something of you as to whether there is any other side to this question.

Now, it is brought to my attention, particularly by this cartoon which you presented here a little while ago, which is above a quotation from Representative Curtis, and the cartoon is a replica of the Statue of Liberty with a statement "Give me your tired, your poor, your huddled masses, yearning to breathe free; and send these, the homeless, tempest-tossed, to me." And underneath that there is being nailed up these words, "Except persons of German ethnic origin," and there are two participants in this process of putting on that plank; one is International Refugee Organization, which is holding up the plank, while on the other side is "Unfair DP Law Lobbyist" is nailing up the plank. I draw the inference that the cartoonist is bringing out that there are two elements, at least two, and certainly these two here, that are opposing the inclusion of persons of German ethnic origin within the category of "displaced persons." One is the International Refugee Organization, and the other is the unfair DP-law lobbyist.

And now, I wanted to ask Mr. Durholz two questions, and I am going to combine them, if he will be kind enough to give an answer to them.

First. Is the International Refugee Organization opposing the inclusion within the category of "displaced persons" of these persons of German ethnic origin or has there been simply an inadvertent omission of them from the classification of DP's, and in the second place, Who is intended to be represented by this unfair DP law lobbyist and what argument, if any, is that lobbyist putting up as against the inclusion of the persons of German ethnic origin in the category of "displaced persons"?

Do I make those two questions clear? First, is the International Refugee Organization opposing the relief that you propose or is there simply an inadvertent omission in the definition within its constitution of your group from the term "DP's"? And in the second place, what organization is intended here to be represented by this so-called unfair DP law lobbyist and what arguments are they using to exclude your group from the category of DP's?

The CHAIRMAN. Perhaps I have in mind what would be the best evidence on this. I have the constitution of the International Refugee Organization. It says—

Persons who will not be the concern of the Organization:

4. Persons of German ethnic origin, whether German nationals or members of German minorities in other countries who (*a*) have been or may be transferred to Germany from other countries; (*b*) have been during the Second World War evacuated from Germany to other countries; and (*c*) have fled from or into Germany or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied Armies.

Senator DONNELL. I get that, Mr. Chairman, that that is the provision of the constitution, and it would appear to have been put in intentionally, very clearly. But I am wondering what is the argument in favor of excluding this class that Mr. Durholz is so strongly pleading for. What is the argument made by those who framed the International Refugee Organization constitution for excluding them? That is question No. 1, that I had. And in the second place, what is the argument of and what is the identity of this so-called unfair DP-law lobbyist, against including the element that Mr. Durholz pleads for within the term "DP"?

The CHAIRMAN. If he can answer your question as to the reasons for these things, I would be glad to have it.

Mr. DURHOLZ. I would say that the opposition is in the form of misrepresentation.

Senator DONNELL. Might I interrupt, if you would permit me, so that I can get my thought clearly before us. Can you tell us why it was that the International Refugee Organization constitution excluded these people that you are pleading for, from the category of DP's? What was the reason for that exclusion?

Mr. DURHOLZ. We can't find the author of that part, and we would like to know very much. According to Clarence Pickett,[1] who is friendly with William H. Tuck,[2] Mr. Tuck has no such feelings himself, so it couldn't have been Mr. Tuck. I have not had occasion to trace it. I would like to know, very much, what the motive was there. It wouldn't matter very much, because the effect of it is to lump these people with criminals, which certainly is not a very just way of doing it. Had they made a separate category of it and called attention to their exclusion or explained their basis for the exclusion, I don't think that the Congress would have accepted this as natural exclusion. Nobody would object to the exclusion from benefits of funds such as this, regardless of who contributes it, of quislings, traitors, war criminals, and so on. But to plant in there as section 4 this major discrimination, which excludes 20 times as many as are included, that, I think, is an unforgivable and probably an intentional move.

Senator DONNELL. Do you think the reason was——

Senator LANGER. I would like to answer your question. I asked that same question of Senator McKellar, the chairman of the Appropriations Committee, and I made a motion to have them included; and he said that the Army was taking care of the Germans and the Austrians, and also the Japanese.

The CHAIRMAN. Who said this?

Senator LANGER. Senator McKellar, the chairman of the Appropriations Committee. And some months later, Senator Vandenberg, when the matter of the International Refugee resolution came up again, and I at that time asked him on the Senate floor whether the

[1] American Friends Service Committee.
[2] International Refugee Organization.

German children were included, and he said that they were; and there is no question that as far as Senator Vandenberg was concerned, that he actually beleved that these people were included.

The CHAIRMAN. And Senator McKellar, too?

Senator LANGER. The next day, he wrote me a letter stating that he had been misinformed and he was very sorry, and he had found out that they were not included, but again, that the Army was taking care of them under the appropriations that we have made for the Army, that these people were included, and the Japanese. I just want to clear that up to give you the attitude of Mr. McKellar and also Senator Vandenberg.

Senator DONNELL. I thank the Senator for his help along that line, and I was wondering whether or not the fundamental thought behind that provision in the IRO constitution was that these people who were coming back into Germany, these expellees, being Germans, were a part of a nation which had been an enemy nation against us and we should not extend relief to them, but we should extend it to those who had come into Germany or brought in there by force or fear or whatever the occasion may be. I wondered if that might be the fundamental reason behind the provision in the constitution of the IRO.

The CHAIRMAN. Senator, I think if you go a little deeper into it, you will find that your thought is not exactly along the line of correctness; in other words, that is not the reason for it. If you go deeper into it you will find the reason.

Mr. DURHOLZ. I would say there that that has been the attitude and an honest attitude of some of the opponents of the inclusion, but they do not know that these people that they have heard were "sent there as spearheads of Hitler" were there at the dawn of written history, in many cases.

Senator DONNELL. Why do you think that the IRO constitution excluded these people for whom you plead, these Germans?

Mr. DURHOLZ. Because an international group such as the UNRRA or the IRO leaves out of consideration the fact that about 32,000,000 Americans are of German ethnic origin, and it may seem perfectly natural to them for all American citizens to contribute to a fund from which persons of German ethnic origin are excluded. But it is highly unfair to the American taxpayer who has been participating in these two relief movements, which should have been great things, to the extent of $3,000,000,000, altogether, of American money, to find that his own needy relatives have been forbidden to get even a crumb or a penny, as Administrator Lehman [1] testified at the time when we were asking the amendment of the Trading With the Enemy Act.

Perhaps these people are acting in good faith, but as far as America is concerned, which is not a one-race country, it is very unjust to that part of the American citizenship which is related to those who are excluded.

The CHAIRMAN. Are there any further questions?

Senator DONNELL. I am wondering if he could answer the second part of my question: Namely, who is intended to be represented in this cartoon, if he knows, by this figure labeled "Unfair DP Law Lobbyist?"

[1] Herbert Lehman, UNRRA Administrator.

Mr. DURHOLZ. I do not know who they are, but they are members of the Citizens Committee [2] who take one point of view. I hoped they would have gone out, but they haven't done it so far.

Senator DONNELL. You do not know what the arguments are that are being used by these DP-law lobbyists, opposed to the inclusion of the people you plead for?

Mr. DURHOLZ. At the present time, the lobby has come out, and I am very glad to say this, in principle for us. I think if we get together, we will have their support on the removal of ethnic origin bias in the DP law, because some of their own supporters are going to be the worst sufferers.

The CHAIRMAN. You had better be quite certain about that, the next to the last statement there, as to whether they are for you or not.

Mr. DURHOLZ. Well, I am an optimist.

Senator DONNELL. Mr. Chairman, I see it is getting close to 12 o'clock here and I will just ask this one question very briefly. Mr. Durholz, here we have a certain number of these expellees, and how many did you say that there are?

Mr. DURHOLZ. About 12,000,000 within Germany and Austria.

Senator DONNELL. Now, of course, if we include those people within the provisions of our DP law, we are going to have the group of people over on the other side of this line that you are drawing here, namely, the people that are now considered as DP's, plus the 12,000,000 and that would dilute the chances, of course, of this group that we are now considering as DP's to get in here, unless we vastly enlarge the number of the aggregate number of persons who can come in, would it not?

Mr. DURHOLZ. Certainly, but is that a justification for taking out the major part?

Senator DONNELL. I am not deciding that, but we have here 1,000,000, or so, of people in the group that we are extending this DP bill to and allowing them to come into this country; and if we add 12,000,000 more people to it, there are going to be 13,000,000 people there and the chances of these 1,000,000 people over here, each one of them, to get in, is going to be reduced so it will only be one-thirteenth of what it is now, if my figures are correct.

Mr. DURHOLZ. I think that you have answered your own question. I wasn't bright enough to see that before. I think that that is the reason for some of the opposition to the fair inclusion of this group of really displaced persons. The fear is that if we do not have a big enough DP program to compensate for the added people who are coming in—and by the way, the 12,000,000 are not going to come over here, they don't want to, and their relatives don't want them all over here.

Senator DONNELL. Of course, the people included in the 1,000,000 group—I am just taking that figure at random—but in that group, would have a very direct interest in excluding your 12,000,000 people, because if there are just 1,000,000 in group No. 1, the ones that we are now admitting, the chance of each one of the people in that group is going to be reduced to, theoretically, one-thirteenth, we will say, of what it now is.

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[2] Citizens Committee on Displaced Persons.

Mr. DURHOLZ. That is undoubtedly true, but I think it is very short-sighted. The DP program depends upon the consent of the American people. There are, according to American Friends Service Committee estimates, 500,000 of these expellees who have one or more American citizens who are relatives that they can correspond with. Now, what degree of relationship that is, I do not know, but if there are 500,000 among that group who have American relatives, there are well over 1,000,000 Americans who are going to be rooters for an increased DP program once they know that their own relatives are not being included. And there will be a good deal more of those people who are now infuriated, who will also accept a much greater number in the future.

So I would say, then, that this opposition which is based on the dilution, is a short-sighted one in the long run.

Senator MCGRATH. May I ask a question on that? Rightly or wrongly, if the Congress was misled, I think the Congress was influenced by the fact that many of these people that may come into this category were Hitler agents and you admit that some of them were, and there was no way by which you could distinguish them because they are back in Germany now without papers or anything of the kind.

The CHAIRMAN. You say he admits that they were?

Senator MCGRATH. Well, in his statement he said that there were some quislings and some agents, and there probably were not a major number of them.

Assuming that this committee wanted to amend the DP law by providing for persons of ethnic origin, would you object if provision were made that that applied only to Germans of ethnic origin that had been residents of a subjected country for a determined period of years? I rather think that probably the Hitler agents were mostly those that were sent out of Germany for a period prior to the war, while he was perfecting his plans. He probably did not have too many agents that had permanent residence in these other countries.

Now, do you want to address yourself to that problem, because that is before us and that is one of the arguments that we will have to meet, as to how are we going to tell the good from the bad; and I am willing to admit that the number of bad are probably insignificant, but nonetheless the danger is there. And that really did influence the Congress, in my opinion, in its consideration of these problems, because I recall Senator Langer's debate on the floor, and there was a good deal of doubt in the minds of many Senators as to what type of person we would get and whether we would not be opening the door to those Hitler agents that would be responsible for the war.

Mr. DURHOLZ. The best statement on that would be the one that is in the record of the House hearings, the statement submitted by Christopher Emmet, who has made a study of this. Long ago we ourselves asked for a screening provision, which I understand has been put in every bill.

The number among the 12,000,000 is going to be so minute that anybody that comes along—"I have no papers"—is not going to get a hearing with the CIC or the Combined Travel Board or anybody who passes on him.

Senator MCGRATH. You think these people all can be identified?

Mr. DURHOLZ. They ought to be, because there are so many others waiting to come in here that there would be no reason for favoring anybody who had a shady record. We are not asking that, because we would be holding up our own case and we are in a hurry to have it put over.

The CHAIRMAN. Of that group of which you are speaking, how many would want to come in here?

Mr. DURHOLZ. There are 400,000 requests, according to Mr. O'Connor, of the DP Commission, of the one group; and that was, I think, the German ethnic origin. And there are another 300,000 of the German national expellees.

The CHAIRMAN. You think about 700,000 altogether?

Mr. DURHOLZ. It is a very much smaller number than the DP Commission thought would register on September 17 and the days following that, although it is not their own responsibility. I might say that there are nationalistic moves in Germany, especially among the Czechoslovakians, getting them not to encourage their relatives to do anything about their immigration to the United States or anywhere else. And the Soviet radio in Berlin at one time encouraged that propaganda. They said they should not register for coming to the United States. I gave a copy of that to Mr. O'Connor, one of the things that was sent from Germany.

The CHAIRMAN. I am sorry, but the roll is being called and we have to go on the floor. There is an appropriation bill that I personally must be present on. Just when we can get together again, I do not know.

Mr. ARENS. There are five more witnesses who have expressed a desire to testify on that issue.

The CHAIRMAN. Are they from the city, or from points removed?

Senator LANGER. Two are from Milwaukee and one from New York.

The CHAIRMAN. I would hold a night session were it not for the fact that they were going to call the calendar at 7:30 and I just cannot be here this afternoon on account of this bill pending on the floor.

MR. CHARLES F. GERHARD.[1] Mr. Chairman, may I say that we have here the secretary of the United Action Committee for Expellees, who has spent 3 years in Germany and Austria, and she has a very brief statement and I wondered if the committee would hear for 2 or 3 minutes this witness.

The CHAIRMAN. We have to leave here and respond to the roll call. I would be glad to stay all afternoon, but I just cannot do it, and I apologize to her, because it is impossible. We must leave. I do want to hear her, however, and I hope that this will not discourage her from presenting her views.

There are going to be further hearings on the subject until we hear all the witnesses. I can come in tomorrow morning at 10 o'clock and go on with the hearing.

The committee is adjourned until 10 o'clock tomorrow morning, and we hope that all who are here now to testify will be here then, and we will try to go on with the hearing just as quickly as we can.

(Thereupon, at 12:10 p. m., the hearing was adjourned until 10 a. m., Wednesday, July 27, 1949.)

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[1] Chairman of the United Action Committee for Expellees.

DISPLACED PERSONS

WEDNESDAY, JULY 27, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10 a. m., pursuant to recess, in room 424, Senate Office Building, Senator Pat McCarran (chairman), presiding.

Present: Senators McCarran, McGrath, and Donnell.

Also present: Richard Arens, staff director of the special subcommittee.

The CHAIRMAN. The committee will come to order.

You may call your first witness, Mr. Arens.

Mr. ARENS. Mr. James Finucane, of the National Council for Prevention of War.

STATEMENT OF JAMES FINUCANE, ASSOCIATE SECRETARY, NATIONAL COUNCIL FOR PREVENTION OF WAR

Mr. FINUCANE. Mr. Chairman, I have a prepared statement. May I read it?

The CHAIRMAN. Will you please state your name, your place of residence, and your business or occupation, if any?

Mr. FINUCANE. My name is James Finucane. I am associate secretary of the National Council for Prevention of War. The national council office is at 1013 Eighteenth Street NW.

The CHAIRMAN. Washington, D. C.?

Mr. FINUCANE. Washington 6, D. C.

The CHAIRMAN. What is the membership of that organization in numbers, if you know?

Mr. FINUCANE. The membership of the national council is very small. It is two or three hundred or something like that; it is composed of delegates at large. It is supported by a larger number of people who make voluntary contributions; several thousand people scattered around the country, but they are not members in the sense that they have a voice in policy determinations. The policies are determined by the two or three hundred on the board of delegates or board of directors.

The CHAIRMAN. What is the amount of your contributions annually, if you know?

Mr. FINUCANE. The council operates on an annual budget of $45,000 for this year.

The CHAIRMAN. But you do not get that from three or four hundred people.

Mr. FINUCANE. No; it comes from several thousand people.

The CHAIRMAN. What is the largest item of contribution that you can recall? Without specifying the name or from whence it comes, give us the largest item.

Mr. FINUCANE. I heard that several years ago we got $75,000 in one contribution, but I believe the largest contributions currently run around a thousand dollars from each individual.

The CHAIRMAN. How many offices have you?

Mr. FINUCANE. There are about 12, I guess.

The CHAIRMAN. How many salaried officers?

Mr. FINUCANE. There is an executive secretary, Mr. Libby, and myself as associate secretary. Then there is a field secretary, in Boston.

The CHAIRMAN. Are those the only salaried officers?

Mr. FINUCANE. Then there is a staff: The office manager and the other personnel, about seven to nine.

The CHAIRMAN. And that head office is located where?

Mr. FINUCANE. Here in Washington.

The CHAIRMAN. All right. You may proceed.

Mr. FINUCANE. Mr. Chairman and members of the committee, I appear before you today as a representative of the National Council for Prevention of War. We are very much interested in the successful operation of the population transfers now taking place between the Old World and the New. We recognize the importance of finding new homes, with hope for the future, for all the uprooted who have been stranded in the aftermath of the Second World War, although all of them don't necessarily have to come to the United States, of course.

Numerically, the largest group of uprooted persons are the German refugees. According to the latest figures of the bizonal military government, that is, as of April of this year, there are 8,000,000 of them in the three western zones, and 4,000,000 in the Russian zone.

Some of these German refugees are the so-called Volksdeutsche; that is to say, people of German ancestry who used to live outside of Germany in various parts of Europe. Many of them had lived in Czechoslovakia for 8 generations or more. They were about as German as the Pennsylvania Dutch farmers of Lancaster County, Pa., as German as the German-American 15 percent of the United States Army which fought in the last war, as German as General Eisenhower, whose folks away back, were German.

The CHAIRMAN. Let us see, now. Do the folks to which you refer speak German?

Mr. FINUCANE. Not necessarily, Senator.

The CHAIRMAN. Do they speak the language of the country in which they live?

Mr. FINUCANE. Yes.

The CHAIRMAN. Do they also speak German?

Mr. FINUCANE. Sometimes.

The CHAIRMAN. Have they carried on the German language in their migrations?

Mr. FINUCANE. In many cases, yes, although not always. The fact that they may have a German name would be sufficient to lump them together in this category. These people, because they had a German

background, no matter how far distant, were driven from their homes and placed on cattle cars or forced to walk hundreds of miles into Germany. Another group of Germans, sometimes called Reichsdeutsche, lived within those parts of Germany now occupied by Poland, and in that part of Germany, east Prussia, the occupation of which is shared by Russia and Poland.

The history of how these people were driven out at the close of the war is well known. The world knows about the "legalization" of the expulsion by the Potsdam agreement, but no one except the expellees themselves can begin to realize the countless personal tragedies involved in the movement.

I happened to be in eastern Germany and Czechoslovakia toward the end of the war. I saw these people walking along dusty roads, carrying all of their earthly possessions on their backs. A few of them had wagons with a few pitiful pots and pans and other household belongings, with much of the wagon space taken up with hay. Going through a territory of strangers, during a time of social chaos, they could not even count on turning their horses into a field to pasture. Every man's hand was turned against the other in that postwar confusion. These people were "Okies" without cars and without a California, fleeing the dust bowl of depraved postwar vengeance. Instead of heading for green valleys and orange groves, they were heading into the blasted rubble of defeated Germany. They were heading into areas where 40 percent of the 1939 dwelling units in industrial areas lay destroyed by bombs.

We estimate in this country that there is a 4-year backlog of houses to be built before supply catches up with demand. In Germany the same problem is discussed in terms of generations.

We have a triple responsibility toward these people. We have put them where they are today, through Potsdam.

The CHAIRMAN. How did we put them where they are today? Give me an explanation of what you mean by that.

Mr. FINUCANE. At the Potsdam Conference, President Truman, together with Attlee and Stalin, agreed, as part of the postwar adjustment, that the Germans, or Volksdeutsche, living outside of Germany, would be sent to Germany. They may have used the term "sent back," although that is misleading, because hundreds of thousands of them had never been in Germany. The agreement was that they should be sent to Germany by humane methods. I presume that when our Government agreed to that, they thought that the humane methods would be carried out; but they weren't. All the testimony is that these people were just forced on the roads, driven out of their houses, their cattle stolen. They were allowed to take what was on their backs and they were sent into Germany. That is how that came about.

The CHAIRMAN. I think I have the Potsdam agreement in my hand, here, and that to which you refer seems to be article 12:

> The three governments, having considered the question in all its aspects, recognize that the transfer to Germany of German populations or elements thereof remaining in Poland, Czechoslovakia, and Hungary, will have to be undertaken. They agree that any transfers that take place should be effected in an orderly and humane manner. Since the influx of a large number of Germans into Germany would increase the burden already resting on the occupying authorities, they consider that the Control Council in Germany should in the first instance examine the problem with special regard to the question of the equitable distribution of these Germans among the several zones of occupation.

They are accordingly instructing their respective representatives on the Control Council to report to their governments as soon as possible the extent to which such persons have already entered into Germany from Poland, Czechoslovakia, and Hungary, and to submit an estimate of the time and rate at which further transfer could be carried out, having regard to the present situation in Germany. The Czechoslovakian Government, the Polish Provisional Government, and the Control Council in Hungary are at the same time being informed of the above, and are being requested meanwhile to suspend further expulsions pending an examination of the governments concerned of the report from their representatives on the Control Council.

Mr. FINUCANE. That is right. That was their intention: To conduct it in a humane and orderly manner and to send the refugees to places where there would be housing for them. But as it worked out, it was impossible to control the influx. Approximately 4,000,000 went to the British zone, 4,000,000 went to the United States zone, and only 100,000 went to the French zone, which felt that it didn't have to accept any. Unfortunately the British zone had been the worst bombed and the 4,000,000 people who went there couldn't find housing anywhere comparable to what was available in the American zone, so that a number of them went south to where the housing was, but then, when they went to where the housing was, there were no jobs for them, because the industry was in the north. So they were unemployed, and to a large extent, unemployable, many of them.

The CHAIRMAN. Did the Russion zone take any of them?

Mr. FINUCANE. The Russian zone is estimated to have at the present time 4,000,000.

The CHAIRMAN. Where? In the Russian zone?

Mr. FINUCANE. In the Russian zone, that is right. The fifth zone, so-called, of Germany, which is now occupied by Poland, which Poland apparently intends to put a permanent claim in for, was evacuated of Germans and they were driven into the remaining parts of Germany. And the testimony is that their farms are not cultivated, and that things are in a bad state of disrepair there, and some of them wish that they were back, so that the land could be put into use.

The CHAIRMAN. I take it, then, from what you say and from the way you describe the conditions surrounding these people, that they are all looking for homes or places to rest. Is that right?

Mr. FINUCANE. That is right.

The CHAIRMAN. And how many are there of them, altogether?

Mr. FINUCANE. Twelve million.

The CHAIRMAN. Twelve million?

Mr. FINUCANE. All of the four zones. Eight million in the two zones that we are mainly concerned with.

The CHAIRMAN. Now, of the quota allotments coming to this country under the regular law, do you know whether or not any numbers from this group are coming through the quotas from Germany? That we are bringing in under the quota from Germany now?

Mr. FINUCANE. I understand the German-Austrian quota was lumped and runs around 27,000.

The CHAIRMAN. A year?

Mr. FINUCANE. A year. That is right. And about half of that number, about 13,000 was to be reserved for expellees, but of the 13,000 technically available, less than a hundred have come in. I am not prepared to vouch for that, but that is my understanding.

The CHAIRMAN. I am advised that they have a registered demand on that quota now of something in excess of 700,000.

Mr. FINUCANE. Of course, our position is that some facilities should be arranged and provided under which many of those could come into this country.

The CHAIRMAN. How many?

Mr. FINUCANE. We think that there should be two or three hundred thousand. It is difficult to be precise about what number should come in.

The CHAIRMAN. Out of 12,000,000.

Mr. FINUCANE. It is the impression of people who have studied the subject that all 12,000,000 don't want to come. Many of them would rather starve where people speak the same language as they do, rather than be prosperous in a strange country.

The CHAIRMAN. If we opened our gates to the 12,000,000, how many do you think would come?

Mr. FINUCANE. I think that less than half a million would come.

The CHAIRMAN. What is your authority for that?

Mr. FINUCANE. Common sense.

The CHAIRMAN. When we have 700,000 making a request already?

Mr. FINUCANE. There are practical limitations.

The CHAIRMAN. That kind of defeats your conclusion that there would be only 100,000, does it not; when 700,000 are now applying to come?

Mr. FINUCANE. That is right, sir, but many of those would not be acceptable under our immigration laws.

The CHAIRMAN. Many expellees and displaced persons are not acceptable under our immigration laws. There is special consideration given to displaced persons.

Mr. FINUCANE. That is correct, but I understand that most of the precautions in the immigration laws still are retained and applied to the displaced persons. Is that not true?

The CHAIRMAN. Well, it may be true. I have not found it yet.

Mr. FINUCANE. Perhaps the administration lags, I mean the administration of the law.

The CHAIRMAN. I am not criticizing anybody. I do not know. All right. Proceed.

Mr. FINUCANE. As occupants of Germany, we are liable for their welfare under the Geneva Convention. As contributors to the future peace of the world, we owe it to them and to ourselves to see that we do everything that we can, consistent with our own long-range interests, to meet their needs.

We have already helped the expellees and all the Germans through currency reform, ECA, and GARIOA. We have encouraged the local German governments to assimilate as many of the refugees as possible. But with Germany still barred from free access to world raw materials and trade, hundreds of thousands must emigrate. If they don't emigrate, there is danger of a warlike movement to take back the areas temporarily or permanently lost to Poland and Russia and to return to the eastern lands from which they were expelled.

At the present time, this largest and very needy group are discriminated against under the displaced persons law. This is a gratuitous insult to all Germans and persons of German descent. The discrimination should be removed from the present DP bill.

The CHAIRMAN. How are they discriminated against under the existing law?

Mr. FINUCANE. The existing law says in effect that a DP is a person who is so defined, i. e., one who is under the care of the IRO, and the constitution of the IRO says that ethnic Germans are not part of their care. So they are discriminated against indirectly but very effectively, just as much as if it were a case of having stamped across the face of the law "No Germans allowed."

The CHAIRMAN. You want that discrimination removed?

Mr. FINUCANE. Yes, sir.

The CHAIRMAN. So that this group may have access to the opportunity to come here under the provision for displaced persons.

Mr. FINUCANE. Yes, sir. We believe they should have equal rights, no more and no less than anybody else.

The question has been put, "Well, who are you going to help, your friends or your enemies?"

We should help those who are in need, because the persecution of one group took place before 1945 and the persecution of another group took place in and after 1945, it does not necessarily follow the first group are invariably our friends and the latter group our enemies. We should not exalt any one particular group of persecutees, above another.

We should not ourselves persecute 12,000,000 persons, because they or their great grandfathers spoke German. Records show that only an infinitesimally small percentage of the refugees in question were objectionable on the moral grounds we profess to hold. The vast and overwhelming majority of them were true, each to his own country.

As for the few misguided ones whom we may mistakenly absolve, let us apply to them what Lincoln said. I quote in paraphrase:

> Am I not annihilating my enemies by making friends of them?

Pope Pius XII has pointed out the world's responsibility for the 12,000,0000 refugees in a letter to German Catholic leaders, reported in the New York Times, April 16, 1948. His Holiness said, "We are afraid history's judgment on this unparalleled measure (the expulsion) will be a harsh one." He pointed out that Germany could recover "only with strong help from the outside." Opportunities for emigration would be one of the most effective ways of extending this help.

The National Planning Association, which used to include the late J. Melville Broughton on its board of trustees, recommended in its international committee report, October 1948, that—

> A long-range solution for the large population of Germany must be immigration * * * German refugees and expellees are matters of international concern.

The American Friends Service Committee published a study Twelve Million German Refugees in May this year. I quote:

> Emigration from German is widely discussed—by the refugees, by indigenous Germans, and by many groups who wish to help. At best it can be the solution for only a few hundred thousand able-bodied persons.

They figured that only the minority of able-bodied persons out of this 12,000,000 would be able to come to the United States, would want to come to the United States, or would be permitted to come to the United States.

The CHAIRMAN. You say that in the face of 700,000 applications? How are you going to substantiate your position? That is what I am wondering. I want you to develop it.

Mr. FINUCANE. The Germans have an interest in the expellees and they don't want to lose all their good people. They would like to retain as many as possible.

The CHAIRMAN. Now, is it not true, and I am advised accordingly, though I have never been there, that of this very group, some of the best and most able-bodied have been forcibly taken out and are now subjugated in Russia, leaving behind them only the weak and those unable to endure hard labor? Is that not true?

Mr. FINUCANE. I don't know how extensive that is, Senator.

The CHAIRMAN. It is true, whether it is extensive or not. Is that not correct, so far as your study goes? That is my information, and I get it from a very good source.

Mr. FINUCANE. The information that comes to us is that the Russians would not be able to kidnap anybody in the western zones. As for the expellees in their own zone, they have labor drafts there, I understand, and it is possible that in these labor drafts they would take, naturally, the best people.

The CHAIRMAN. If that be the case, let us take another angle of it. I want to be enlightened on this and I want to be enlightened by those who are presumed to know the subject. How many million are there of these people in Germany now?

Mr. FINUCANE. Twelve million.

The CHAIRMAN. Twelve million displaced persons?

Mr. FINUCANE. Twelve million refugees.

The CHAIRMAN. You call them refugees and others call them displaced persons.

Mr. FINUCANE. They really are displaced persons.

The CHAIRMAN. Whether it is a matter of expellees or displaced persons, I take it to be one and the same. Am I correct in that?

Mr. FINUCANE. I would say "Yes."

The CHAIRMAN. Let us say there are 12,000,000 there. They are not able to find employment?

Mr. FINUCANE. Many of them are not able.

The CHAIRMAN. How many do you think are employed in Germany, of the 12,000,000? Have you any data or statistics on that? Of the 12,000,000 how many do you think or how many does your information lead you to believe are employed in Germany? Remember, these are expellees or displaced persons that have infiltrated into Germany. Have you anything that would enlighten us on that?

Mr. FINUCANE. I have the report of the miiltary government for April dealing with that, but I cannot quite pick it out of these tables. There are a lot of figures here.

The CHAIRMAN. What I am driving at is this: Is it not true that of this 12,000,000, the high percentage are being taken care of by one agency or another in Germany now?

Mr. FINUCANE. Yes. That is true.

The CHAIRMAN. That is right. In other words, they are a burden on the German economy, or on some other nation that is carrying on work there, as for instance, our own Nation in our own zone. They are a burden on us, are they not, right now?

Mr. FINUCANE. They are a burden on the German economy, and anything that is a burden on the German economy is a burden on the United States.

The CHAIRMAN. All right. Do you mean to tell me they do not want to come to this country, 12,000,000 of them?

Mr. FINUCANE. I don't think all 12,000,000 do Senator.

The CHAIRMAN. Well, maybe 11,500,000?

Mr. FINUCANE. I would say perhaps 11,000,000 would like to have a villa in Hollywood.

The CHAIRMAN. I guess so. That is very likely.

Mr. FINUCANE. But I think that when they face the actual facts and the conflicting demands as to where they are going to go, you won't have practical applications from more than a few hundred thousand. Because although the Germans are not able to assimilate all these people right away, the very able-bodied, capable, skilled people, the most desirable elements in that population, those that we would like to have in this country, the Germans would like to keep in Germany.

I have a clipping here, Senator, from the New York Times, of July 21, dealing with how our military occupation authorities feel about the expellees. The clipping says:

United States aides for rise in German output—urge emigration on large scale and changes in frontiers to end crowding.

Should I read it, Senator?

The CHAIRMAN. Very well. Just as you like. If it develops your theme, go ahead.

Mr. FINUCANE. This has a byline, "By C. L. Sulzberger." He is the chief foreign correspondent of the New York Times. It is written from Berlin, July 20:

The only way to relieve the artificially induced overpopulation of western Germany is to raise the level of industry in the trizonal area, to permit the large-scale emigration of Germans to labor-short parts of the world, and to obtain modification in favor of Germany of the existing de facto frontier with Poland, United States authorities in Germany have concluded.

He presents this as the view of the people who are doing our occupation job in Germany: that these refugees should be permitted to leave if they want to.

Their findings were arrived at after an exhaustive study of the problem and, it is learned, were submitted to the State Department as a recommendation for future policy during the Paris meeting of the Council of Foreign Ministers.

The recommendations were submitted before the time of the conference with the foreign ministers, but it is just being reported now.

The suggested frontier revision and the removal of emigration barriers are designed to reduce the number of Germans, including Volksdeutsche from Danubian countries, now crowded into the west, especially the United States and British zones.

I am skipping a part and continuing with what applies to this question:

Already, because of overcrowding in the western zones, United States officials have detected increasing hostility on the part of the native population to the minority of refugees who have swarmed in from the Soviet zone and east European countries. The normal population considers its living standards threatened thereby.

Furthermore, it is felt that the problem of a permanently discontented section of the population in the west is presented, which may develop into a potential political menace to the recovering German social structure. Already a tendency has been noted among refugees to turn to the extreme political right or the extreme political left in an effort to solve the problems of their status.

Just what the United States policy-makers in Washington will eventually try to do and what they will be able to do to ease this condition is difficult to forecast, because of the existing world political conditions.

And I presume one may read "you" for that term "United States Government policy-makers."

The CHAIRMAN. You can read something into anything. I was read into a bottle not long ago.

Mr. FINUCANE. I saw that cartoon, Senator.

The CHAIRMAN. I was going to ask you that question. You did notice that cartoon?

Mr. FINUCANE. I did, sir. I don't think it did you justice as far as your appearance goes. They show you needing a shave.

The CHAIRMAN. What I wanted to get at: Did you notice the people in the bottle? I was on the cork. But did you notice the people in the bottle? Did the people in the bottle represent the people you are speaking for?

Mr. FINUCANE. I don't remember the cartoon well enough to say.

The CHAIRMAN. You did not see the detail at all, then.

Mr. FINUCANE. I was just struck by your appearance, Senator.

This news story continues, in the final paragraph, with the statement that the American authorities in Germany are asking our State Department to do something about these refugees:

As a result, American authorities are gravely worried about the long-range social consequences of this condition, and are urging Washington to seek some means of easing the mounting pressure on a social structure that is by no means strong yet.

Everybody that comes back from Germany agrees that Germany has to be put on its feet. Averill Harriman came back and made that statement. Senator Ellender came back and made a speech on the floor a couple of days ago to the same point: That these 12,000,000 people are a draw-back to the Germany economy. They should be assimilated or helped to emigrate. And this committee can help them out and help to relieve the situation.

The Chirstian Century has an editorial today. The Christian Century, as you know, is an independent Protestant nondenominational weekly, widely respected, which is published in Chicago, and of which Paul Hutchinson is the managing editor. They have their suggestions about the Volksdeutsche. Shall I read this, Senator?

The CHAIRMAN. Yes, if you wish.

Mr. FINUCANE. Their editorial is titled "Light on the Potsdam Evacuation Atrocity."

Future generations may brand as the greatest postwar atrocity of our time the Stalin-Attlee-Truman decision of August 1945 to exile millions of persons of German ancestry from eastern Europe. The whole truth concerning this incredible action has not yet dawned on the people of western nations. When it becomes known, it should shock even our calloused generation. It will certainly be remembered against us by our descendants. How many lives did this Potsdam decision cost? Information recently published by the Evangelical Press Service of Bethel-Bielefeld gives a partial answer. The former population of the Province of Silesia was between 4.6 and 4.8 million. Not more than 250,000

of these people remain in Silesia, says this source. Some 80,000 are known to be in other parts of what is now Poland. Over 600,000 Silesians are in lower Saxony, 450,000 are in Bavaria, around 400,000 in Westphalia north of the Rhine. Smaller groups are listed as scattered in a half-dozen other provinces of Germany. Some may be living in the Russian zone of Germany, but probably not a large number. All together, the total that can be accounted for, including returned prisoners of war, is around 2.2 million.

Out of 4.6 million, which were accounted for before the war.

So, over half the former population of Silesia has disappeared. Where are these people? The most likely supposition is that most of them are dead. If this proportion holds for people from other eastern areas, the Potsdam decision was an immediate sentence of death for many millions of people. That a slower but equally certain death awaits the 11,000,000 survivors from Silesia and other lands who are now in Germany was affirmed at the recent meeting of the World Council of Churches by Dr. Martin Niemöller.

Incidentally, I would like to interrupt at this point this quotation. Dr. Niemöller presented the plight of the expellees to the World Council of Churches meeting in Chichester, England, on July 13, this month, and asked that in view of the added burden of these 12,000,000 expellees, the dismantling program be restudied; that the remaining dismantling be looked into again to see if the presence of these expellees and the necessity of affording them a livelihood would not justify saving these plants which are scheduled to be dismantled.

I will continue now with this quotation from the Christian Century:

The German church leader said that, unless the victors move soon to undo so much as possible of the damage done at Potsdam, few of the Volksdeutsche can survive more than a decade. These people cannot be absorbed in Germany unless that nation is permitted to build far more factories than it had in 1939. That will not happen soon. But something has to be done if these millions are to survive. Since the victors seem incapable of agreeing on a German peace treaty, they should convene an international conference to decide on what they are going to do with these people whom just 4 years ago they decided to uproot.

The Christian Century calls for international action to save the DP's.

Now, the United States doesn't have to confer with anybody about it, but it could do its share by taking some hundreds of thousands of them on the same basis of equality with the other DP's.

Mr. ARENS. If you please, Senator, I would like to submit for the record at this time a tabulation of statistical data which was prepared by the Visa Division of the Department of State, showing the registered demand on each of the quotas of the world for the years 1946, 1947, 1948, and 1949.

The CHAIRMAN. It will go in the record.

(The tabulation referred to is as follows:)

Demand for quota immigration visas

[The following figures show the total number of intending immigrants registered throughout the world as reported by consular officers as of June 30 of the year designated. Consular officers were not authorized to accept registrations until Apr. 17, 1945, wartime visa-control procedure having been effective previous thereto. Therefore, no tabulation of registrations as of June 30, 1945, or prior thereto is available]

Country	1946	1947	1948	1949
Afghanistan				
Albania	101	587	838	1,316
Andorra				
Arabian Peninsula				
Australia	298	1,351	1,596	2,112
Austria	4,766	8,615	9,692	14,805
Belgium	3,477	5,886	5,084	3,905
Bhutan				

Demand for quota immigration visas—Continued

Country	1946	1947	1948	1949
Bulgaria	85	250	11,811	14,395
Cameroons (British mandate)				
Cameroons (French mandate)				
China	187	237	944	1,117
Chinese	295	685	548	1,429
Czechoslovakia	6,211	5,005	6,753	11,955
Danzig	75	65	147	2,938
Denmark	157	55	2,599	6,362
Egypt	176	184	1,123	1,855
Estonia	781	1,222	1,507	2,671
Ethiopia				
Finland	216	475	1,468	3,595
France	3,761	2,092	6,461	2,533
Germany				[1] 703,000
Great Britain				
Greece	5,473	10,374	11,846	12,299
Hungary	1,502	5,523	6,207	11,226
Iceland				
India	208	485	1,047	3,973
Iran	107	490	542	2,555
Iraq	1,040	2,275	2,719	634
Ireland				
Italy	1,552	3,299	4,536	8,365
Japan				
Latvia	286	789	921	4,700
Liberia				
Liechtenstein				
Lithuania	556	1,162	1,214	9,016
Luxemburg				
Monaco				
Morocco				
Muscat				
Nauru				
Nepal				
Netherlands	7,840	16,345	17,396	26,264
New Guinea				
New Zealand	41	352	308	446
Norway	3,386		5,807	11,753
Palestine	87	1,942	1,849	2,099
Philippines	104	2,483	2,377	3,057
Poland	14,814	30,943	33,688	114,604
Portugal	264	4,602	5,778	9,648
Ruanda-Urundi				
Rumania	2,472	8,353	10,285	17,205
Samoa				
San Marino				
Saudi Arabia				
Southwest Africa				
Spain	1,070	2,742	3,408	3,719
Sweden				
Switzerland				
Syria and Lebanon	900	1,396	2,871	3,723
Tanganyika Territory				
Thailand				
Togoland (British mandate)				
Togoland (French mandate)				
Turkey	5,272	7,092	7,683	8,315
Union of South Africa				
Union of Soviet Socialist Republics	2,011	3,615	8,432	21,951
Yap and other Pacific islands				
Yugoslavia	1,712	8,829	12,687	14,984
Total	71,283	139,800	192,172	1,064,524

[1] Estimated figure furnished by the Office of the U. S. Political Adviser at Frankfort and includes approximately 151,000 German ethnics.

The CHAIRMAN. I want to draw your attention to some of the figures in there. For 1949 the requests for visas for emigration from some of the countries, not to go into all of them, are as follows: Czechoslovakia, 11,000; Austria, 14,000; Germany, 703,000, of which 151,000 are German ethnics.

Mr. FINUCANE. One hundred and fifty-one thousand, Senator?

The CHAIRMAN. One hundred and fifty-one thousand German ethnics. That is a part of the group that you speak of here.

Mr. FINUCANE. Yes.

The CHAIRMAN. Then we have Poland with 114,000. I am only reading some of the larger numbers, and I am only reading the round numbers, too. Then there is Yugoslavia, 14,000; Union of Soviet Socialist Republics, 21,000; Turkey, 8,000; and so on.

You may proceed.

Mr. FINUCANE. There is a pamphlet put out by the American Friends Service Committee called Twelve Million German Refugees, written by Betty Barton, a very well-qualified social worker. She has a statement here, after making a study of the situation, which bears on what you said, as to how this affects our occupation policy in Germany.

The CHAIRMAN. Is she not going to testify here?

Mr. FINUCANE. I do not know. Is she, Mr. Arens?

Mr. ARENS. She is here and will testify, as I understand, later this morning.

Mr. FINUCANE. She says, bearing on that point:

> The allied military governments must come to recognize that money reform, educational reform, and political reform can be no more than partly effective while the unmet problems of refugees burdens Germany.

That is one of her conclusions after making a study. She was with the DP program in the British zone of Germany, was the deputy director of Relief Services of the UNRRA mission to Austria, and was with the American Friends Service Committee as CRALOG representative, and head of mission in the British zone of Germany in 1948.

Senator, around the country there have been a lot of organizations which are not as well publicized as the groups which are bringing the wealth in for the more specifically defined DP's.

The CHAIRMAN. What do you mean by that statement, now? When you get down to grass roots with it, what does that all mean?

Mr. FINUCANE. The group of displaced persons, technically defined as such in the displaced-persons law, are in the situation in which their admission into the United States is being very actively and very successfully and very capably lobbied for by the Citizens Committee on Displaced Persons, which has taken a leading role in this question of postwar emigration policy from Europe. And they have, through their activities, been able to confuse the public, and they have been able to draft the statements which they are promulgating in favor of the groups of DP's in which they are interested, and they are able to get them the benefit of the best publicity.

The CHAIRMAN. How? And why? How can they get them the best publicity? Who are they?

Mr. FINUCANE. They can get them the best publicity by being "on the ball," and by having a staff, and by having money, by taking advantage of statements that are made.

The CHAIRMAN. Who are these people? Who are the lobbyists that you refer to?

Mr. FINUCANE. The Citizens Committee for Displaced Persons is a registered lobbyist, or was when I last looked at the register.

The CHAIRMAN. That is the group you referred to?

Mr. FINUCANE. Yes; it is.

The CHAIRMAN. When did you last look at that register?

Mr. FINUCANE. About 6 months ago, I think. I assumed they would still be active.

The CHAIRMAN. Yes, I think they are very active, to the extent of about $875,000, according to the register.

Mr. FINUCANE. I understand they were embarrassed by the plenitude of their funds at one point.

The CHAIRMAN. It is too bad the law requires it. I did not know that would embarrass anybody.

Mr. FINUCANE. The Citizens Committee for Displaced Persons is doing a good job but they are not comprehensive enough. They don't include everybody that should be brought in or that should have the opportunity of coming in, on an equal basis with the specified categories in which they have a definite interest.

The CHAIRMAN. Maybe they do not want certain groups to come in. How about that?

Mr. FINUCANE. I don't know that that is perhaps exactly it, but they do feel that the admission of any other groups would reduce the possibility of their favorites coming in. I don't think they are perhaps opposed to these people personally, because there are a surprsing number of highly esteemed, highly reputable people on the Citizens Committee for Displaces Persons. Some of them may be dupes, in the sense that they don't realize the restricted terms of reference within which their committee operates. They think that their committee operates for the benefit of all displaced persons, but actually it is an interest group, a special interest group.

The CHAIRMAN. All right.

Mr. FINUCANE. Now, this is just typical, Senator, of the kind of statements that are made, but which don't get wide circulation, because they are not put out with pressure behind them. It is a small thing but it is indicative. This is a quotation from *The Tablet*, from Brooklyn, June 18, 1949:

> Increased interest in the welfare of their fellow Catholics abroad was urged upon Knights of Columbus of New York State by officers and delegates to the State council convention held recently in Syracuse.

There is a long description here of their meeting. The resolution called for "better integration of said expellees into the economy of western Europe or their emigration to other areas of the world," meaning the United States, of course. That is typical. It is a small thing. It doesn't get beyond the locally distributed press. But our impression is, from talking to people around the country and from reading journals from all over the country, that there are millions of people in this country who would like to see the expellees have a chance to come to the United States or to emigrate on an equal basis with others.

The CHAIRMAN. How many of these people of this particular group for which you speak have been taken in by Great Britain?

Mr. FINUCANE. I don't know the figure on that, Senator.

The CHAIRMAN. How many have been taken by Canada?

Mr. FINUCANE. I don't know the figure on that either. I am sorry.

The CHAIRMAN. How many have been taken by France?

Mr. FINUCANE. I don't know, but I understand that the French foreign minister has said that he would like to have some in France, because they have a labor shortage in France.

The CHAIRMAN. They have a labor shortage?

Mr. FINUCANE. That is right, or they did have as of a year ago. Of course, the picture has changed there as rapidly as it has changed here.

The CHAIRMAN. I heard over the radio this morning that three governors of New England States, I think it was, said that there was a great wave of unemployment up there.

Mr. FINUCANE. In New England?

The CHAIRMAN. Yes; I do not know whether they knew what they were talking about or not.

Mr. FINUCANE. I understand it is pretty spotty. Some of those towns, like Lawrence, Mass., I understand want a WPA project, or are getting some kind of WPA project, or something similar to it.

Mr. ARENS. May I ask a question, Mr. Chairman?

The CHAIRMAN. Certainly.

Mr. ARENS. Mr. Finucane, how many of these expellees were driven into Germany and Austria prior to the cut-off date, December 22, 1945, that is in this present law?

Mr. FINUCANE. My impression is that the majority of them were before that cut-off date, because the expulsion of these people was fast and ruthless. They didn't wait, and it was done in a sense by vigilante action. In Czechoslovakia they had a committee which operated as a sort of a subversive group during the Nazi occupation. It was called Narodni Odbor, meaning National Council, and as soon as the Americans came in, this National Council went around and drove the German-speaking people, the people of German descent, out of their houses and put placards in their windows saying, "This is property of the National Council." They just expropriated them, and those people went on the roads. That started in May 1945, on the borders of Germany, and it had started earlier in 1945, in these other countries where the Russians were coming in and taking over. So my impression would be that because of the speed and utter ruthlessness of the evacuation, it was probably mostly all over by that cut-off date.

The CHAIRMAN. I am interested in knowing how many of this group of which you speak have been taken by other countries.

Mr. FINUCANE. I will try to find out, Senator. I will supply it for the record, if that will help.

The CHAIRMAN. As to South America, for instance, how many have gone there?

Mr. ARENS. I think one question might provide a little enlightenment on that subject, Senator. It would not be statistics. These people are excluded, of course, by IRO.

Mr. FINUCANE. That is right.

Mr. ARENS. So any of the IRO people who have been resettled, would not embrace this group; is that not true?

Mr. FINUCANE. That is correct. I presume it would be a pretty small figure.

The CHAIRMAN. In other words, then, I take it that very few if any of this group for which we speak have been taken by any other country.

Mr. FINUCANE. That is right. There has been no room for them in the inn, any place. They are just on the road.

The CHAIRMAN. Is there any good reason that you know of why that has existed up to date, why that condition has prevailed?

Mr. FINUCANE. Yes. It is not a good reason, but it is an understandable reason. The war was a total war, a war of total hate of Germans and everything German.

The CHAIRMAN. In other words, hatred prevailed.

Mr. FINUCANE. Hatred prevailed. Exactly. And there was no sound judgment at the end of the war. It was just a spontaneous reflex. These people were driven out. Driven into Germany. They became outcasts. There was no logic to it, but there was plenty of emotion behind it. It was unreasonable.

The CHAIRMAN. All right.

Mr. FINUCANE. And now is the time to set it right, because Americans have a tradition, along with some other people, of doing things in the heat of emotion that they later regret.

For example, if somebody commits a murder or something there are those who want to string him up right away, but later on, 6 months later, they are willing to give him a fair trial. And sometimes the people they string up are the wrong people.

We have cooled down somewhat after the war and we now have an opportunity to rectify the mistakes that we made. The fortunate thing about this is that most of these people are still alive. With most of them we can right the account if we want to. We don't have to make it a permanent injustice.

If the whole thing were terminated 6 months after the war and history were being written about us on the basis of what we did within the 6 months after the end of the war, it would be very tragic to have our record stand on that. But we still have time to reverse ourselves and to say that these people should get a square deal and that we should live up to our traditional ideals of being a sanctuary for the oppressed.

The question has been raised as to how these people should be handled on quotas or where the quota numbers are coming from.

The CHAIRMAN. You are speaking now of quota numbers as recognized in our immigration law?

Mr. FINUCANE. That is right, under the national origins quota principle. The National Council for the Prevention of War, after making a staff study, feels that because of the large unused quotas, which have accumumlated over the years, and because of the emergency situation, either the unused quotas should be pooled at the end of each year or some provision should be made for using back quotas which were not used for several years, or, as was done in the Judd bill providing for the admission of Asiatics, with which I presume you are familiar because this committee I believe handled that, there could be erected an arbitrary quota. Just call it a central European quota, not to be charged against any country, but with a number of arbitrary quota allotments in it or a single large allotment with these expellees and so-called DP's, the IRO DP's, to come in without mortgaging any future quotas.

Mr. ARENS. May I ask a question, Senator?

The CHAIRMAN. Yes.

Mr. ARENS. Mr. Finucane, the witness yesterday, as I recall, made the suggestion that the definition of a DP in the first part of the present law be revised so as to include in that definition these persons of

German blood who were forcibly expelled from the eastern European countries. What is your reaction to that suggestion?

Mr. FINUCANE. We endorse that amendment 100 percent. We believe that discrimination should be removed. We don't have any technical language to suggest. But the fact that the Germans are discriminated against should be looked into and that discrimination should be removed by an amendment to the present law.

Mr. ARENS. Then we would, by that process, would we not, the Congress would, be embracing in the class presently known as displaced persons a potential class of an additional 12,000,000.

Mr. FINUCANE. That is right.

The CHAIRMAN. That would militate against the class that is now designated as displaced persons, would it not?

Mr. FINUCANE. Everything would be fair and on the level then. And if to be fair and on the level is to discriminate against anyone, yes, it would be discrimination.

The CHAIRMAN. I am not talking about discrimination. I am talking of whether it would militate against those who are now classified as displaced persons if there were a backlog of 12,000,000 that were to be given the same status. If that were done, the 12,000,000 would naturally militate against the 150,000 that are in these classifications of displaced persons at the present time. Is that not correct?

Mr. FINUCANE. Senator, if to surrender a special privileged status, under the present DP classification, is to be militated against, yes; it would militate against them.

Mr. ARENS. It would dilute their numbers, would it not?

Mr. FINUCANE. That is right, unless these quotas were enlarged, an idea which we endorse.

The CHAIRMAN. You spoke about discrimination. Under our immigration law, we have certain quotas fixed for every country in the world.

Mr. FINUCANE. That is right.

The CHAIRMAN. Now, there are enormous lists awaiting immigration under our quota laws in every country, with rare exceptions.

Mr. FINUCANE. Yes.

The CHAIRMAN. I notice that some countries have no lists at all.

Mr. FINUCANE. England and Ireland, I think, for example.

The CHAIRMAN. Ireland is not applying at all. She is happy and contented the way she is.

Senator MCGRATH. Except for six counties.

The CHAIRMAN. Yes, six counties want to get down into the south. That is all right. I am for that. They are displaced persons, too.

But what I started to say was that those who cannot get on and get visas because of the limitation in quotas in every country are discriminated against. Is that not true?

Mr. FINUCANE. Yes. You might say that.

The CHAIRMAN. Would you raise all the discriminations? Would you open the floodgates completely to all the people who want to come to this country? I just wonder how far you would go with your theory.

Mr. FINUCANE. The National Council for Prevention of War feels that with common-sense modifications, the idea of freedom of emigration is an essential for world peace. We think that all the quotas could

be greatly enlarged. But for this particular bill we feel that something should be done for this central European group specifically.

The CHAIRMAN. Well, would your group favor doing away with quotas entirely?

Mr. FINUCANE. In testimony that we presented to the staff——

The CHAIRMAN. Never mind that. Tell me, tell this committee, would you do away with quotas entirely, thus doing away with discrimination?

Mr. FINUCANE. Quotas based on national origin should be done away with, yes.

The CHAIRMAN. Altogether?

Mr. FINUCANE. Altogether. In other words, there is no particular reason for confining the United States in the ghetto of its past.

The CHAIRMAN. In what?

Mr. FINUCANE. In the ghetto of its past. In other words, the national origins proportions were established in 1920 or so, when you had a certain percentage of English, a certain percentage of Irish, a certain percentage of Germans. There is, in itself, no essential virtue in continuing that national proportion. And, in fact, the unworkability has been demonstrated, because the largest groups are not filling their quotas. We feel that people should be allowed to come to this country on the basis of their need——

The CHAIRMAN. Their need? That is, the many people who want to come?

Mr. FINUCANE. That is right—and on the basis of their desirability to the United States, the skills and other qualifications that they can offer, and subject only to common-sense regulations. After all, the people should be inspected, and health and moral requirements should be observed, and so forth. But we do not believe that on the basis of nationality you can determine the future population composition of this country. We think nationality an unimportant consideration.

The CHAIRMAN. What do you think of the standard of living of our own people? What do you think of 3½ million unemployed, and 8 million more that they say will be unemployed by the first of the year? What do you think about that? What do you think about the several billion dollars that we appropriated here the other day or set up here the other day for housing for those who fought in the last war and who are unable now to house either themselves or their dependents? Do you not think we should think of ourselves just a little bit for the protection of the world we are now striving to protect?

Mr. FINUCANE. Yes, Senator. One of the best protections for that world is to admit a group of young, healthy, capable, productive people. They consume a lot, they have a lot of children, and have to be fed and clothed.

The CHAIRMAN. What about the young, healthy, productive people that are here in America?

Mr. FINUCANE. They will be taken care of by the natural operation of events. That is not just blind optimism. I quote here from the Wall Street Journal of July 22, 1948:

> Europe's population increased about 2½ times, from 180 million to 440 million during this era.

The CHAIRMAN. Whose population?

Mr. FINUCANE. Europe's, during the century preceding 1910. This is an article by William Henry Chamberlin, on the editorial page of the Wall Street Journal. He says:

> And the 440 million Europeans of 1910 were living, by and large, more healthily and much more comfortably than their 180 million great-grandparents of 1810. New fields of employment were constantly opened up as the age of steam developed its possibilities, and gave way to the age of electric power.

In this country right now we have a monopoly on atomic energy. Everything is opening up. If you have faith in the future of this country, Senator, you must have faith in its possibility to absorb more people. We are not going to stay static like this. We are not going to stay at this same level, with so many people unemployed. We have had people unemployed before. We have had three or four major depressions in the last century, and we have always come out of them and gone ahead. And the immigrants are those who have made it possible, by their large contributions, to accomplish that.

I don't want to give you a sermon. That is all common sense.

The CHAIRMAN. No, I am taking your sermon. That is all right. I am glad to get it.

Mr. FINUCANE. I think there are great possibilities here, and that the United States has not begun to reach its frontier with respect to the internal developments that are possible here. We need more people. And, to grind this particular ax, these expellees are ideal people, because they have, a number of them do, the skills that are needed for the building of a technology, for the improvement of a technology.

The CHAIRMAN. All right. Have you concluded?

Mr. FINUCANE. Yes, sir.

The CHAIRMAN. Any questions, Senator?

Senator MCGRATH. Do you think the cut-off date in this present law ought to be changed?

Mr. FINUCANE. I don't know, Senator. I am sorry.

Senator MCGRATH. Let us see, now, whether you know or not. You are talking here about discrimination, and you say that some of your people that you are interested in came in before this cut-off date and a lot of them came in after the cut-off date.

Mr. FINUCANE. That is right.

Senator MCGRATH. If the cut-off date is not changed, then are you not advocating a discrimination in favor of those that came in before the cut-off date as against those that came in after the cut-off date?

Mr. FINUCANE. Yes, it would seem so, on the surface.

Senator MCGRATH. Do you regard this group that you represent, here, as one whole? You do not see all the good in the people that came before 1945 and all the evil in those that came after 1945, do you? If we are going to open our immigration or set a quota for this type of person, do you not think that anyone, regardless of the time that he came into that classification, ought to be able to participate in that program?

Mr. FINUCANE. Yes, in general we favor the liberalization of the DP law, and if the advancement of the cut-off date would make the DP law more liberal, we would be in favor of it. I answered your question by saying that we did not know, and by saying that it seems like a technical question. We have not studied all the technical

aspects of this and we do not want to make a full statement without realizing all the implications.

Senator McGRATH. But you base your presentation here on discrimination. You say we have discriminated against the group you represent. Therefore, I say if you do not favor an extension of the cut-off date, you then make a further discrimination as regards your own group.

Mr. FINUCANE. You mean as regards those in this group that came in before and after?

Senator McGRATH. That is right.

Mr. FINUCANE. If that were true, we would favor an extension of the cut-off date, an advancement of it.

Senator McGRATH. Has your organization ever thought deeply enough about it to authorize you to come over here and take a stand on it? That is one of the important issues at stake in reform of the DP law.

Mr. FINUCANE. We feel that whatever can be done to liberalize the bill should be done. If that would liberalize it, we are for it.

Senator McGRATH. But you are not prepared to say whether it would or it would not?

Mr. FINUCANE. Senator, here is a practical thing. I understand that the argument about the cut-off date gets down to this: This was the public sentiment and it was what the people wanted. They wanted to get into this country under the DP bill the people who were victims of the war. That was what the thought was. Now, since it has been started, they would cover people in Iceland or the Eskimos, if they were victims of the war. The people in this country, feeling their involvement in the war and feeling their responsibility for the war's victims want to help the people who were victims of the war.

The war and most of its immediate aftermath was over by December 1945. There were a large group of people in Poland, mostly Jews, who wanted to come into the United States and the British zones of Germany, so that they could benefit by the care given to displaced persons, so that they could use that as a stopping point on the way to Palestine and so that they could use it as a basis for later possible emigration to the United States. Now, the question is, as I would put it, Did the people of the United States want, has it been their desire, to help the people who suffered from the war, both those who suffered from Nazi oppression and those who suffered from Allied misjudgment at the end of the war? Do they want to help those primarily or do they want to help in the resettlement of Palestine and the population movement out of Poland into Germany and to the United States of a large group of people who are mostly Jewish?

Now, I am not criticizing anybody who is in Poland and would like to come to Palestine or to the United States and who wants to use this method of doing it. However, we should be clear as to what we are doing.

Senator McGRATH. No further questions.

The CHAIRMAN. You want to remove all discrimination. That is your object, is it not?

Mr. FINUCANE. Yes.

The CHAIRMAN. Well, then, why not say, "All who are displaced in the world shall be welcome to come to this country"? Would that not remove all discrimination? Why not do that?

Mr. FINUCANE. Senator, that would be a physical impossibility. That is one reason for not doing it in the first place.

The CHAIRMAN. No, it would not be a physical impossibility any more than it is now. We cannot even get ships to bring over those who are registered under the Displaced Persons Act.

Mr. FINUCANE. That is what I say. It would be a physical impossibility.

The CHAIRMAN. Never mind the physical aspects of it, then. Let us say they could move to the United States. Carrying out your doctrine, now, let us say all those who have been displaced, who have suffered by this or that or the other to the extent of being displaced, are welcome to come to this country. How many million do you think we would have to take?

Mr. FINUCANE. Senator, we wouldn't have to take so many. It's just like when you invite your relatives. You say, "I want all my relatives to come at Christmas," but you don't invite them until you can take care of them, so they don't all come at the same time.

The CHAIRMAN. That is what we are doing under the present displaced persons law and you say it is discrimination.

Mr. FINUCANE. It is discriminatory if you leave out your brother just because he happens for some reason to have red hair or something.

The CHAIRMAN. Why not welcome them, then, and say, "Come on." We do not want to discriminate against the Arabs, the Turks, the Greeks, do we? There are millions of displaced persons in China right now.

Mr. FINUCANE. That is our policy, Senator, subject to common sense regulations regarding health, physical accommodations, and the availability of resources here.

The CHAIRMAN. I want to carry your doctrine clear into the bill. I want to see how it would work, how you would like it yourself, what you would think about it. We want your guidance. You do not want any discrimination at all.

Mr. FINUCANE. Senator, we think the ideal is free immigration.

The CHAIRMAN. Free immigration. All right. That means "everybody come in."

Mr. FINUCANE. That means that everybody can go out, too, that wants to.

The CHAIRMAN. All right. Everybody that wants to can go out. Do you think many Americans want to get out of here?

Mr. FINUCANE. No, but for example, right now there is a group that have been trying to get into Russia for about 6 months, to see what is in there, and they can't get in.

The CHAIRMAN. Well, that is just curiosity.

Mr. FINUCANE. Senator, here is the thing. We have to set up an ideal and then strive for it. And you can't get everything overnight. Everybody wouldn't want to come to the United States, because there is not only the physical limitation factor, but there is a saturation point which would be reached.

Senator MCGRATH. Well, you realize that when we undertook to deal in this field, we had no hope that we could solve all of the injustices of the world with respect to persons who were displaced or wanted to move from one place to another.

Mr. FINUCANE. I realize that, Senator, yes.

Senator McGRATH. But the main purpose the Congress had in going into this problem was this: We had at that time approximately a million people who were living in camps, under our supervision and whom we are feeding. And we set out to meet this problem from the humane point of view, No. 1; but there was also a major consideration there in that we had the obligation to maintain these people, and we could not turn them loose and so we had an economic interest in cleaning out the DP camps.

Mr. FINUCANE. Right.

Senator McGRATH. And that was the basis upon which this Congress started in to legislate in this field.

Now, it is true that you represent a class of people against whom great injustice has been done, and who are entitled to great sympathy, but it is a second problem. It is another problem. It is closely related, to be sure, but it is not exactly the same problem that we have in connection with our responsibility for closing up camps that our officials run and into which we have to pour the money to feed these people. We may have great sympathy for the people of China and in other parts of the world, but those stiuations, too, are separate problems which in due time have to be taken up and handled.

Mr. FINUCANE. I agree with you, Senator. The idea was to empty the camps, because they represented a concentration of misery.

Senator McGRATH. And they represented an economic drain, a direct economic drain, which we had an interest in getting rid of.

Mr. FINUCANE. Right. And here is where some of the complaints about the present DP law have come in. Instead of these camps representing a concentration of misery, they represented to a certain extent a large number of people who were exploiting what the world believed to be misery to aid them in their emigration out of Europe.

Senator McGRATH. Then the policy of our law was to pick and choose among those people as to those who were worthy and those who were unworthy.

Mr. FINUCANE. That is right.

The CHAIRMAN. Thank you very much, Mr. Finucane.

Mr. FINUCANE. Thank you, sir.

The CHAIRMAN. Mr. Gerhard, you may come forward.

Would you kindly state your name, your place of residence, and your business or occupation?

STATEMENT OF CHARLES F. GERHARD, CHAIRMAN, UNITED ACTION COMMITTEE FOR EXPELLEES

Mr. GERHARD. I am Charles F. Gerhard, 1639 North Fifty-fifth Street, Philadelphia, a lawyer, and chairman of the United Action Committee for Expellees, formed in Philadelphia for the purpose of furthering the cause of the expellees.

Mr. ARENS. Do you have a prepared statement, Mr. Gerhard?

Mr. GERHARD. I have a partial statement, but in view of what has transpired, I would like to make some further remarks, if I could.

The CHAIRMAN. Go right ahead, Mr. Gerhard. Use your prepared statement, if you wish, and proceed in whatever manner you prefer.

Mr. GERHARD. First of all, the chairman has made reference to an editorial. And we refer in our statement to the fact that interviews with cartoonists and editors of great daily papers, who mold public

opinion, fail to distinguish between a "displaced person" and an "expellee." Therefore, it is not surprising that the man on the street does not know this difference. Many Americans still think that expellees are getting the same medical care, the same supplementary food and clothing rations, and the same immigration privileges as the DP's.

Senator McGRATH. You say that interviews with cartoonists and newspaper editors disclose that they do not make this distinction. Does your organization go around and induce newspapers to draw cartoons and write editorials in favor of your position?

Mr. GERHARD. No, Senator McGrath, but having seen the cartoons in the paper, and I refer particularly to two cartoons both involving the chairman, we made it our business to go to the drawer of one of the cartoons who in this particular case was Mr. Alexander of the Evening Bulletin.

Senator McGRATH. In Philadelphia?

Mr. GERHARD. Yes.

Senator McGRATH. Do you think that this cartoon appeared in the paper because some organization, not yours particularly, but some organization lobbying with respect to this legislation, went and asked to have it put in?

Mr. GERHARD. I couldn't answer that, because when I asked Mr. Alexander whether he would entertain a countercartoon, he said that that was up to the editorial department.

Senator McGRATH. But you did go and seek to have a countercartoon drawn?

Mr. GERHARD. I asked him point blank whether he knew the difference between a displaced person and an expellee, and he said, "Frankly, I don't." And I handed him the information that our committee had prepared, and he thanked me for it, and said he would hand it to the editorial department.

We took up with the Philadelphia Inquirer the question of the propriety of that cartoon [handing], which was reprinted from the Washington Post.

The CHAIRMAN. All right. Proceed, Mr. Gerhard.

Mr. GERHARD. As a result of that, and an editorial in Monday's Inquirer, we conversed with one of the assistant city editors, who promised us an interview on our return from Washington to enlighten the Inquirer editorially on the difference between displaced persons and expellees. That was part of the committee's plan of education.

Our concern, Mr. Chairman, is the fact that the pictures, the stories and pictures, of the expellees have often been falsely presented to American audiences as if they depicted the condition of the DP's. To bear out this fact, and show that DP's were not neglected as were the expellees, we refer to General Eisenhower's reply to Mr. Earl Harrison in his letter of October 8, 1945, in Department of State publication 2423, which is here [indicating].

We also refer to writers who have tried to acquaint the American public with the stark tragedy and terror among expellees, which resulted from the mass deportations. We mention the writings of Emmanuel J. Reichenberger, In Darkest Germany, by Victor Gollancz; the High Cost of Vengence, by Freda Utley; History's Most Terrifying Peace, by Austin J. App, Ph. D.; An Appalling Tragedy,

by Frederick P. Kenkel, director of the central bureau of St. Louis, Mo. To those may be added the Sudetens, a Moral Issue, by Joseph Fetter, one of the first to speak out, and recent writings by Betty Barton, Dr. Jane Carey, and Christopher Emmet. They have all condemned the barbarity of the procedure which was to have been carried out in a supposedly "orderly and humane manner."

Actually the mass movement of uprooted people resulted in murder, robbery, pillage, plunder, and violation of women, constituting the worst progrom the world has ever known. Most Rev. Bishop Aloysius J. Muench, Bishop of Fargo, N. D., now apostolic administrator in Germany, has described this mass murder as the "greatest crime in history." It is inconceivable that there are groups sensitive to the DP problem who have still not joined in seeking justice for those most unfortunate of all the displaced.

Now, Mr. Chairman, and members of the committee, our concern is primarily with the fact that the whole background of this thing revolves around the United States of America's participation in this movement of people. We feel that since the Potsdam agreement was subscribed to by America, it should be American concern to see that this condition is remedied in the best possible manner and in the quickest possible way. We don't think the legislation that has already been presented offers anything near the adequate relief which this country has a moral responsibility to give. We feel that this little token recognition under the Langer amendment is not even a half a loaf. It is not a crumb from the table. And it is the concern of our United Action Committee for Expellees to so educate the American public that they may join us in trying to create a conscience of the American people and in asking the legislative bodies to pass such remedial legislation as will adequately take care of the expellees, and to try to bring to the American public the fact that there is a vast difference and a vast distinction, and to show the contrast between what the displaced persons get for nothing and what the expellees don't get and have to pay for.

At a meeting in our hall of the United Action Committee within the last 10 days, we had a lady who has already spent $1,500 in trying to get three relatives from Germany, and she has been 3 years in trying to do it. They have not come in yet, although she has an apartment already prepared for them and she has positions created for the nieces to work in. She still can't get them in.

Another great concern of our committee, gentlemen, is that as recently as May 18, 1949, on board the *Marine Marlin*, the following displaced persons by nationality entered, totaling 1,844. The break-down is 377 Polish, 247 Lithuanian, 76 Latvian, 37 Esthonian, 30 Czech, 22 Russian, 18 Hungarian; stateless 17, Rumanian 8, German 5, Yugoslav 4, and Austrian 3.

Now, our further complaint and concern, gentlemen, is that although this act has been passed more than a year, we are still trying to locate and find one person of German ethnic origin qualified to enter under the Langer amendment who has reached the shores of America.

The CHAIRMAN. Those people that you mention as having come over here recently on a boat, were they brought in here under the Displaced Persons Act?

Mr. GERHARD. Yes, sir.

The CHAIRMAN. Was that the boat that arrived in, I think, Boston just a few days ago?

Mr. GERHARD. I am not sure whether this boat arrived in New York or Boston. I have not followed it up any more than this. I happened to be in Washington and I made it my business to go to the proper place and get the necessary information.

Of course, you understand, gentlemen, our humble committee has not the facilities, the wherewithal, nor the high-salaried executives who can do this work. It is purely voluntary work. Nobody gets any salary and I think it would be startling to you men to see how much we have done on how little.

The CHAIRMAN. You do not come in the class of an $875,000 lobby, then.

Mr. GERHARD. We do not even have a $175 lobby, and those things, Mr. Chairman, should be taken into consideration, when people are interested themselves, motivated by charity and human kindness and a sense of justice. I think a greater weight should be placed on their activities than on those of men who are professional tear jerkers and solicitors for legislation.

The CHAIRMAN. What was the first term?

Mr. GERHARD. Tear jerkers. Of course, for a price, they can make you cry by their weeping articles.

I want to say to the members of this committee, and I particularly direct my remarks to the distinguished Senator from Missouri, that if the same attitude were pursued in 1851 we would not have had that distinguished Member of the Senate, Carl Schurz, who has been called the most distinguished immigrant of the 19th Century.

I would further like to call to your attention, although you probably would not understand it, this series of newspaper articles.

Senator DONNELL. Are you referring to the chairman?

Mr. GERHARD. I am referring to the language.

Mr. ARENS. I think it should be noted for the record that Mr. Gerhard is referring to newspaper articles written in the German language.

Mr. GERHARD. That brings up the question, Mr. Chairman, that somewhere, here, there is a postal card from Austin J. App, who was on our lecture program in Philadelphia, who bought a book in Austria and asked the bookseller to send it to Germany. It was returned to him with the instruction that nothing could be sent from Austria into Germany nor could any books be received into Germany from Austria. So in order to get the book into Germany he mailed it to the United States of America from Vienna, and in due course, it will be delivered to the address in Germany.

He further stated that you can make a telephone call from Salzburg to New York City or Washington, D. C., but you can't speak from Salzburg to Munich, Bavaria.

Now, it is not my intention, Mr. Chairman and gentlemen, to further take up your time, other than to tell you that our method of procedure is to use press releases and mimeographed material of this kind for the purpose of drawing the attention of the American people to this condition.

I might further say that Senator Langer on the floor of the Senate on June 29, 1949, was kind enough to have the resolution that we are concerned with introduced on the floor of the Senate. I would fur-

ther call to your attention that our method of education is to have petitions of this sort [indicating] signed, which endorse our resolution. And we are prepared to present similar petitions to this committee, if the committee deems it important and worthy enough to have that work done.

We started our work a few months ago, after Senator Langer came to Philadelphia and addressed the people of Philadelphia on the grave situation. A number of people were unacquainted with the serious conditions up to that time and so we feel that we would like to add our humble voice to those already pleading before your committee for what we think is a just and humanitarian cause.

The CHAIRMAN. You heard the testimony of the last witness. Do you subscribe to that pretty largely?

Mr. GERHARD. I didn't hear all of it, but I would say, sir, that I heard the testimony in full of Otto Durholz yesterday, whom we consider to be one of the best-posted men on this legislation in this country, and on the surrounding conditions and the background. And as to the conditions locally in Germany and Austria, I think that the secretary of our committee would be glad to enlighten your members further.

The CHAIRMAN. All right. Any questions, Senators?

Senator MCGRATH. No questions.

Mr. GERHARD. I might say to Senator Donnell that if the Senator would like to have some information concerning expellees from an outside source, which might be considered disinterested, the Central Bureau of St. Louis, located at 3835 Westminster Place, St. Louis, Mo., would be glad to furnish you with any information.

Senator DONNELL. Thank you very much.

Mr. GERHARD. The Director of that Bureau is one of the top sociologists in America and his brochure, An Appalling Tragedy, was one of the first outspoken protests against the conditions which we now suffer from in Germany.

I would like to show you, Mr. Chairman, this picture presented by Dr. App, showing the conditions in Stuttgart and showing you the tremendous handicaps they are under in Germany in trying to secure any livable conditions for these expellees, who have been pushed into homes that are at present inadequate. And I am not a bookseller, but Victor Gollancz has pictured that more dramatically in his book than anybody I know about.

Senator MCGRATH. We were in Stuttgart.

Senator DONNELL. Yes; in October of 1947, as was also Mr. Arens.

Mr. ARENS. And Mr. Davis.

Senator DONNELL. And Mr. Davis. That is right.

Mr. ARENS. The lady from the Friends organization has arrived, as I understand it. Would she kindly come forward?

The CHAIRMAN. Would you kindly state your name, your place of residence, and your occupation?

STATEMENT OF BETTY BARTON, AMERICAN FRIENDS SERVICE COMMITTEE

Miss BARTON. I am Betty Barton. My residence is Marlton, N. J. I am speaking for the American Friends Service Committee, whose headquarters are at 20 South Twelfth Street, in Philadelphia. I am

a member of the foreign service executive committee of the American Friends Service Committee and I served for the American Friends Service Committee for the year 1948 in the British zone of Germany. I was traveling all over the zone and also had occasion to go frequently into the American and French zones of Germany.

I am here to speak to you about the problem which I understand you are considering, the German refugees who are in Germany and who are those excluded by the IRO constitution from the displaced persons legislation.

At the request of the American Friends Service Committee, I prepared this pamphlet in the spring of this year, covering this problem and the statement of the American Friends Service Committee, setting forth their position in this connection. This is material for which I am responsible. The American Friends Service Committee has done the publication and supports the stand, the conclusions which I have reached.

I will not go into the background in any detail, because I think you have had that material. I should merely like to indicate that we are very concerned with the problem of the German refugee. The recommendations which I see as possible solutions are included in section V on page 35 of this publication, which I should like to ask to have inserted in the record.

Specifically, Senator, you are discussing the possibilities of immigration from this group into the United States, as I understand it.

The CHAIRMAN. That is, as one of the groups.

Miss BARTON. As one of the groups; yes. It is my strong personal feeling, and a feeling which is endorsed by the American Friends Service Committee, that the displaced persons under care of the International Refugee Organization have a first call on immigration quotas into the United States, because of the moral responsibility, which has not yet been met. However, that should in no way be considered as excluding individuals from these German refugees who have been uprooted, entirely without fault of their own, and due only to the geographical location of their homes and their ancestry.

The CHAIRMAN. Would you kindly dwell on the moral responsibility of this country? You used that term. Would you kindly expand on that a little bit, as to how it came about and why it is?

Miss BARTON. The displaced persons for the most part, as covered by the IRO constitution, had their citizenship with our allies in the war. They, as individuals, received negative treatment on the part of our then enemies, the Germans. We, in many public statements, agreed that this was one of the first problems which would be considered at the end of the War. Through UNRRA and through the International Refugee Organization, the United States Government has participated in caring for these, and in some measure immigration provisions have been made. That should be continued and increased.

The CHAIRMAN. How far should it be continued, and how far should it be increased, based on your study?

Miss BARTON. My study deals not with the displaced persons but with this larger group, the German refugees.

The CHAIRMAN. Well, take them all. You have to consider them all. You cannot centralize your thought on just one faction.

Miss BARTON. If I may, I should like to point further to what I have to say on the subject of immigration here.

The CHAIRMAN. Yes.

Miss BARTON. It is my standpoint that the matter of immigration from Germany for this very large group is only a very small potential solution. There are 12,000,000 of these people in all of Germany. There are 4,500,000 to 8,000,000 in the western zones, for whom we now have a possibility of action. The IRO, with the resources of the United Nations and the member countries, has not been able to move 1,000,000 people. Therefore, in considering the problem of 7,500,000 or 8,000,000 people, or potentially 12,000,000 people, it is obvious that without the resources that IRO has, it is impossible to solve the problem of the German refugees by emigration. Therefore, I think that emigration is a solution for a few hundred thousand, not only to this country, but to many countries, but the major approach to the solution of the problem of this group of German refugees must be an assimilation within the German economy.

The CHAIRMAN. Now, let us go back to that statement. In other words, there are 12,000,000, and your theory is that they must be assimilated within the German economy. Is that right?

Miss BARTON. A few hundred thousand, possibly, will be offered opportunities for emigration. A few hundred thousand will have opportunities of returning to their homelands, regardless of the political jurisdictional determinations.

The CHAIRMAN. Let us dwell on that for just a minute. How will they return to their homeland? What could this country do to return them to their homeland? And would that not be a high part of the solution of the problem, to return them to their homeland?

Miss BARTON. The possibility of a return to their homeland for this group is dependent upon the over-all east-west relationship. Until there is a quieting of the cold war, there is very little practical possibility of the return of these groups to the east.

The CHAIRMAN. All right. Then that means that they must be assimilated into the German economy.

Miss BARTON. The bulk of this group for practical purposes must be assimilated into the existing German boundaries.

Senator DONNELL. Mr. Chairman, might I ask Miss Barton a question at that point?

The CHAIRMAN. Certainly.

Senator DONNELL. How do you think then, Miss Barton, the United States should assist in the assimilation into the German economy of these German refugees?

Miss BARTON. We are assisting, Senator, at the present time.

Senator DONNELL. Would you tell us how that is being done and how you think it should be furthered?

Miss BARTON. I would be glad to. The American Military Government has been putting large relief supplies and financial and material resources into the German economy. As these persons are Germans now, assimilated to German citizenship, they share with the local German citizens in the benefits of these material supplies and steps taken under the leadership of the United States and the British and French occupation authorities. The Marshall plan is sending in several million dollars worth of materials and supplies, which contribute to the improvement of the economy of Germany. To that extent we are contributing.

I find that we consider the economic problems of Germany and we consider the money problems, the currency problems, of Germany, and we consider the political situation in Germany, as something in which we, as the United States Government, are definitely interested and will take a stand on. As for this problem of German refugees, our Government has consistently said, "This is a German problem." That seems to me inconsistent. So also are currency, economy, politics, and without definite consideration of this problem, which affects 18 percent of the population of Germany, there can be no satisfactory solution to the economic and political and fiscal problems in which we are participating.

Senator DONNELL. Miss Barton, I understood you to say earlier in your testimony that you think the displaced persons, as distinguished from the German refugees, have a first call with respect to immigration into this country under the displaced persons legislation?

Miss BARTON. Yes.

Senator DONNELL. I take it you mean they should have a first call; not only do they now, under the displaced-persons bill, but you think they should have that first call?

Miss BARTON. I do think that, Senator, but I do not think that that should in any way be interpreted to exclude a percentage of these persons who also are suffering as a result of the war.

Senator MCGRATH. You mean they should not have an exclusive call.

Miss BARTON. That is right. Thank you.

Senator DONNELL. I was interested in your statement that they should have a first call and was not quite clear as to what you meant by that. Do you think that there should be a percentage of those who are admissible under the displaced-persons registration to come from the German refugees, or do you think all the displaced persons should be first taken care of, before any of the German refugees are permitted to come into this country? Which of those two alternatives do you think presents the proper solution, so far as legislation by this country is concerned?

Miss BARTON. That is a very complicated thing. I think that percentages, in dealing with people, always result in some inhumanities. I never like to see a percentage applied to people. We, as the United States Government, have been interested in and active in financing, largely, action on the United Nations' displaced persons, over a period of 4 years. That is a long time, and I should like to see as quickly as possible that group finished up, with all action possible, as quickly as possible.

The CHAIRMAN. What do you mean "finished up"? The reason I ask the question may give you the opportunity to answer.

We find that the population of these so-called camps has practically not diminished, although countries have been taking from them for the past two or more years.

Miss BARTON. You have access, I am sure, to the International Refugee Organization statistics?

The CHAIRMAN. Yes, and other statistics.

Miss BARTON. That probably can explain it, because it is not a subject with which I am entirely familiar at the present time.

The CHAIRMAN. I will not ask you to try to dwell on it, but you used the term "finished up". That means until the camps are cleared?

Is that the thought you have in using the term "finished up"? Just what did you mean?

Miss BARTON. I was in Germany in 1945, and there were 5,000,000 United Nations displaced persons there. I was in Germany again in 1948, and there were approximately 400,000 of this group in the camps there. That means that a tremendous activity has taken place in those years.

The CHAIRMAN. In the meantime, in those camps, and just out of those camps, now, are anywhere between 700,000 and 800,000 people.

Senator DONNELL. Mr .Chairman, along the line of your question, I want to be clear on just what Miss Barton means, too. And it is, I think, substantially the same problem involved in your question as is involved in mine, as to the meaning of the "first call."

I want to know just what you have in mind, Miss Barton. Do you think that before the United States should start taking in any of these German refugees, with respect to whom your booklet here is written, we should first take all of the displaced persons that we are going to take and then start in on the German refugees? Or do you think that there should be some taking of both elements simultaneously? What do you mean by saying that you think the displaced persons should be finished up? Do you mean that that ought to take place before we start in on the German refugees or do you mean that simultaneously we should be taking some displaced persons and some German refugees?

Miss BARTON. The latter, Senator. I see no reason why there is any inconsistency with action being taken at the same time for both groups.

Senator DONNELL. What do you mean, then, by saying that displaced persons have the first call? May I just develop that a little? Do you mean that they have already had the first call and that they should have had the first call, and now, you think that we ought to come to an end of giving them the exclusive first call and we ought to give both elements, both the displaced persons and the German refugees, from now on out, some simultaneous admission into this country, so that both elements, perhaps in some percentages or as derived in some way, should be received simultaneously? Is that what you mean?

Miss BARTON. Yes. I would be glad to see the latter.

Senator DONNELL. The latter. Well, how would you arrive at the proportion of the German refugees that should be admitted as compared with the displaced persons, from here on out?

Miss BARTON. I understand that there are authorities who deal with immigration against quotas which have been established by legislation throughout history, and I think that that is a matter to which, with those authorities, your committee needs to give considerable thought. I don't think that I am in a position to make any specific recommendation on how that should be developed.

Senator DONNELL. But your thought is, as I understand it, that up to this point the admissions into this country have been of the displaced persons. From here on you think they should be admissions both of displaced persons and German refugees, in some proportion to be arrived at by this committee, after consultation with persons who have had wide experience with immigration problems?

Miss BARTON. I should be glad to see that happen, Senator.

Senator DONNELL. And that is your meaning, with respect to the first call and the finishing up to which you referred; is that right?

Miss BARTON. Yes. Plus the fact that I do not want to see the displaced persons forgotten, even though they are numerically a small group, because we face a much larger problem.

The CHAIRMAN. I wish to draw your attention to a report from the IRO, from which I will read to you, "Potential Scope of the Displaced Persons Problem."

That is the heading [reading]:

> New registrations for International Refugee Organization status in the occupied areas of Europe over the course of the last several months have been running at an average rate of approximately 26,000 per month. New approvals by the International Refugee Organization for care and maintenance, as distinguished from International Refugee Organization status, over the course of the last several months have been running at an average rate of approximately 10,000 per month. It is estimated that there is a potential of several million displaced persons in eastern European countries.

I wanted to draw that to your attention, because you said we had access to the information from IRO, and that is true. And it goes back to the statement that I made to you: That the population of these camps has not materially diminished. I was invited just the other day to come up, I think to Boston, to celebrate the arrival of a ship with the fifty thousandth displaced person, under this law, the fifty thousandth that has come in since some time in October, and we are to get them at the rate of about 15,000 a month very shortly, according to the report from the Displaced Persons Commission. But still we find that report coming from IRO showing that the population in these camps does not materially diminish, because they are coming in at the rate of 26,000 a month. They are accepted and registered at the rate of 10,000 a month. I think that those are things that fine intelligent people like yourself, who have lived with the subject more or less, should give great thought to, because it is a matter of perplexing thought to this committee.

Mr. ARENS. May I ask a question, Senator?

The CHAIRMAN. Yes.

Mr. ARENS. Miss Barton, of the approximately 700,000 persons who are cataloged as IRO displaced persons in the occupied areas of Europe, approximately 200,000 arrived after the cut-off date in the present law. What percentage of your 12,000,000 German refugees arrived after that cut-off date, December 22, 1945?

Miss BARTON. You recognize that the two groups are separate in origin?

Mr. ARENS. That is, the refugees, as distinguished from those persons who have come in under their own power?

Miss BARTON. Yes. During the first 6 months after the end of the war in Europe in 1945, 2, 3, or 4 million of this total of 12,000,000, I believe, came into Germany. It might be slightly higher than that figure. I would have to check my sources.

Within the first 12 months after the end of the war, the greater proportion of these people were moved.

Senator DONNELL. Over 50 percent of the 12,000,000 German refugees came into Germany within 12 months after May of 1945? Is that your view?

Miss BARTON. That is it. I would have to check my own information.

Senator DONNELL. I understood you to mean that.

Miss BARTON. Yes.

The CHAIRMAN. All right. You may proceed, Miss Barton.

Miss BARTON. Thank you, Senator. I think that that is the major emphasis of my testimony. I would like to ask that this section, this last section, with recommendations as to the possibilities for the German refugees, be included in the record.

Mr. ARENS. Would you kindly identify that for the reporter?

Miss BARTON. That is on page 35, section V, running through to the end of the section, on page 39.

The CHAIRMAN. Very well.

(The material referred to is as follows:)

WHAT ARE THE POSSIBILITIES FOR THE GERMAN REFUGEES

The physical, economic, social and political difficulties of these 12 million refugees are too complicated for simple solution.

Keenly aware of the "cold war" between east and west, many of the refugees imagine that a real war might bring about their return to their former homes in the east. Local Germans, oppressed by the overcrowding caused by the superimposed population, also speak of this as a way out. This negative approach reflects the despair of the people who have been presented with no more constructive alternatives.

EMIGRATION

Emigration from Germany is widely discussed—by the refugees, by indigenous Germans, and by many groups who wish to help. At best it can be the solution for only a few hundred thousand able-bodied persons. The IRO experience with displaced persons has shown the complications and limitations of large-scale resettlement plans.

The U. S. S. R. has proposed one type of emigration by asking Czechoslovakia to accept the return of 300,000 Sudetens from the Russian zone. Such a move would relieve overpopulation pressures in the zone and would provide Czech industries with urgently needed manpower. Eventually quite a number of the refugees may be invited to return to their former communities. This is particularly true for those from the eastern Provinces, even if the final boundary determinations favor Poland. The total number involved, however, would not be sufficient to alter the over-all problem.

ASSIMILATION

Under present circumstances the only practical solution of the problem of German refugees appears to be their absorption by the German population. In western Germany the legislative groundwork is laid for this eventuality. From an economic standpoint it is possible, if increased industrial production is permitted, Germany can produce 60 percent of the food necessary for its present population. Forty percent must be imported. The exporting of industrial products could make this trade exchange possible.

Given such foreign trade, Germany can absorb the refugee workers, even the marginal ones, into her labor market. The primary requisite for such employment stabilization is the redistribution of refugee labor. To match the available skills of the refugees with job openings, a national employment service is needed.

Social absorption can be expected to follow individual economic security. The attitude of ostracism and bitterness in some communities has been largely due to the competition of these strangers with the "old-timers" for food, shoes, textiles and housing. There has been far too little of any commodity to go around. Following the currency reform, there has been an upswing in the availability of consumer goods, but the quantities on hand are still far below the demand. Housing is the most serious shortage. Time and materials and a large-scale building program will be necessary to alleviate this basic human need. Given these, it is still estimated that it will be two generations before the average individual can have a room of his own. This factor will delay the completion of social absorption for many years.

COMMUNITY RESPONSIBILITY

Given assimilation by Germany as the practical solution for the problem of these refugees, changes in static conditions of the present must be introduced on many levels. On the local or community level there must be a change of attitude toward the newcomers. To accomplish this, an educational program is necessary to provide an understanding of the background of the refugees and of the problems which they face. Individuals and groups in each community must take the initiative for the development of such activities as will further the integration of the refugees. Women's clubs, schools, churches, and social agencies must lead the way. The attitude of neighborliness in all its aspects must supplant that of suspicion.

Among the vast number of unassimilated refugees themselves, there must be a reorientation of thought. The lethargy and hopelessness into which so many have fallen must be supplanted with a new outlook. They must be helped to relinquish dreams of a return to the past. Only by facing the realities of their present situation, as they must begin to realize, can they contribute toward a better future for themselves and their families. There must be a rebirth of individual initiative and a willingness to participate as members of a community. Leadership for such reorientation should come primarily from the refugees themselves, but it can be stimulated and assisted by local community groups and by national and foreign agencies.

GOVERNMENTAL RESPONSIBILITY

German governmental authorities deserve great credit for the responsibility which they have assumed in the administration of refugee matters since the end of the war. Their task has been surrounded by insurmountable difficulties. But a growing recognition of the extent of the problem and a gradual increase in the availability of consumer goods will make their task an easier one. In the immediate future the municipal authorities must carry out the practical application of the refugee "Bill of Rights" in every community. Governmental means must be developed for the coordination of activities regarding employment, housing and educational facilities for refugees, both on an intercommunity basis within the Land and on an interstate one among the various Laender.

ALLIED OCCUPATION AUTHORITIES: THEIR RESPONSIBILITY

The Allied occupation authorities have stated repeatedly that the Volksdeutsche and Reichsdeutsche refugees are a German problem. By occupational policy they have made it impossible for the German authorities to administer this in a practical manner beyond the local communities. The valueless reichsmark was also a German problem, but the occupation authorities instigated and gave financial backing to currency reform. The same acceptance of responsibility is necessary with regard to the refugees, a problem frequently cited as the most pressing in Germany today. It would appear that the Allied military governments must come to recognize that money reform, educational reform, and political reform can be no more than partly effective while the unmet problem of 12,000,000 refugees burdens Germany.

Unfortunately, the Four-Power Allied Control Council in Berlin is not currently capable of approaching the refugee problem on an all-Germany basis. Until east-west relationships have been clarified, this problem as well as others affecting all Germany must be handled on the basis of a divided Germany. Eight of the twelve million refugees are now in western Germany. The western occupation authorities have made a beginning in unified action with the establishment early in 1948 of a tripartite commission on refugee problems. The commission recommended that 300,000 refugees be moved from Schleswig-Holstein (British zone) and Bavaria (United States zone) into the French zone. French-zone authorities stressed that only those refugees assured of employment should be authorized for removal ipso facto. They also urged that there be an employment drive with the aim of finding work contracts for as many refugees as possible.

It is hoped that further steps can be taken to level off the uneven distribution. A centralized labor index, large-scale housing projects and a work program for the employment of refugees in rural areas are additional programs which could be initiated under tripartite commission auspicies. ECA counterpart funds might be drawn upon to finance such programs.

The military governments of western Germany are the agencies for carrying out the policies of their respective governments. Their major policies are de-

termined in Paris, London, and Washington. The funds to implement these policies are appropriated in Paris, London, and Washington. Therefore, occupational policy as to German refugees in trizonia is the responsibility of the citizens of the democracies of France, Great Britain, and the United States.

NEEDED: INTERNATIONAL ACTION

Responsibility toward constructive solutions for the refugees in Germany is broader than the local community, the German Laender, and the occupation powers. It is an international problem. As has been pointed out, the Governments of Yugoslavia, Czechoslovakia, Hungary, Rumania, Austria, the U. S. S. R., Poland, Denmark, the Netherlands, France, Great Britain, and the United States have all been involved in the development of the problem. These nations, plus all nations which have agreed to the principles of the Declaration of Human Rights, have an obligation toward the German refugees. The problem therefore becomes one for the United Nations, the organization which these nations have established for action on international problems.

The United Nations has established the precedent for its responsibility for refugees by creating the International Refugee Organization for the care of displaced persons. More recently, it has set up the United Nations program for Palestine refugees. Numerically, the problem of German refugees far exceeds either of these groups. Historically, it is as international in causation. It may be hoped that the United Nations will develop an organization within its framework to deal with the problem of the German refugee.

THE ROLE OF FOREIGN VOLUNTARY AGENCIES

There is a large place for the foreign voluntary agencies in connection with the problem of the German refugees. Such welfare agencies are needed to supplement the efforts of the private and governmental German agencies, and to work with a United Nations organization, if one should be created. To be most effective, the work of foreign organizations in Germany must be coordinated in an interagency body; and the foreign personnel must work in close cooperation, at all levels, with the German private agencies and the German administration.

The need for material supplies—soap, textiles, food, and shoes—is still great, particularly in the static camps. To a large extent, such supplies should be given on a self-help basis. Specifically, textiles can be given to refugee camp sewing rooms. Seeds can be given for garden projects. Leather and shoe-repair equipment can be provided instead of the finished pair of shoes. In addition to extending the agency's resources, this method has the concrete value of helping the recipients to improve their condition by the work of their own hands. It leads to the organization of group efforts and to an opportunity for community participation in constructive projects.

Carefully selected foreign agency personnel has a great opportunity to offer services of a recreational, educational, and cultural nature to refugee communities. Play centers, youth groups, hobby clubs, libraries, forums, and concerts are needed to give color to a life which has become pathetically drab. Once again, the function of the agency is to stimulate such group activity and to make possible the opportunity for self-expression.

The function which the foreign voluntary agency can perform better than any other body is the important one of spreading interpretation and an awareness among individuals, groups, and private and governmental agencies of the problem of refugees.

Finally, it is through such foreign voluntary agencies that individuals in Great Britain, Sweden, Switzerland, France, Holland, Norway, Denmark, and America can express their personal concern for the individual misery, the poverty, and the family disruption which has overtaken 12,000,000 human beings—men, women, and children.

The CHAIRMAN. I do not want to inconvenience people who come here from a great distance and we do want to hear them, but we have a very important bill that will entail a number of votes on the floor, commencing right away, and I do not see any chance to go on with the hearings this afternoon. I have another hearing, by the way, in which I will have to get someone else to sit in the chair for me. I just do not know at this time when we can meet again.

May I ask the lady over here: Have you a prepared statement that you would care to file?

Miss MARY P. CAMPION.[1] I have a prepared statement, Senator McCarran, that I would like very much to leave here.

The CHAIRMAN. We will do it this way, then. File your statement. But I would rather have you present and have you testify, so that you might elaborate on your statement, as you notice other witnesses have done. I think it is much more satisfactory to the committee. But if you will file your statement, we have your address and we may be able to send for you at a later date. Would that be satisfactory? It is about as good as I can do.

Mr. ARENS. We have about nine witnesses here. If all will give us their names and addresses, we could notify them of the next hearing.

The CHAIRMAN. If there are any who are here desiring to testify, if they will leave their names and addresses with Mr. Arens, when we resume, we will notify you. Thank you.

(Whereupon, at 12:05 p. m. the committee was recessed, to reconvene at the call of the Chair.)

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[1] Secretary-Treasurer, United Action Committee for Expellees.

DISPLACED PERSONS

THURSDAY, AUGUST 4, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10:30 a. m., pursuant to recess, in room 424–D of the Senate Office Building, Senator Pat McCarran, Chairman, presiding.

Present: Senators McCarran and Donnell.

Also present: Richard Arens, Staff Director of the Special Subcommittee.

The CHAIRMAN. The committee will come to order.

Let the record show that this meeting was announced for today and notices have been out 2 days. Since the other Senators are engaged in different matters, we cannot have more of them present, which we regret exceedingly. However, we will proceed and make the record.

Mr. Arens will ask some questions.

Mr. ARENS. Mr. Chairman, it was your desire, was it not, to have the Commissioners make their statements separately?

The CHAIRMAN. Yes. We will hear Mr. Rosenfield first, and then Mr. O'Connor.

You can wait outside, Mr. O'Connor.

You may proceed now, Mr. Arens.

Mr. ARENS. For the record, I will say that this is a continuation of the sessions which have been conducted by the Immigration and Naturalization Subcommittee in the matter of the nominations of the Displaced Persons Commissioners. The witness this morning is Mr. Harry N. Rosenfield, who has been appointed a member of the Displaced Persons Commission.

Mr. Rosenfield, would you kindly tell us a word of your background before your affiliation with the Displaced Persons Commission?

STATEMENT OF HARRY N. ROSENFIELD, DISPLACED PERSONS COMMISSIONER

Mr. ROSENFIELD. Yes, indeed.

I was appointed to the Displaced Persons Commission by the President on August 12, 1948. I took my oath of office on August 27. I had just returned from Geneva, where I was an adviser to the United States delegate of the United Nations Economic and Social Council.

Between 1944 and 1948 I was assistant to the Federal Security Administrator. From 1942 to 1944 I was principal attorney for the Federal Security Agency.

From 1935 until 1942 I was Secretary to a Commissioner of the Board of Education of the city of New York, and to the Chairman of the Teachers Retirement Board of the City of New York. Simultaneously with that, and as a part time occupation, I was a lecturer on administration and supervision in New York University.

Senator DONNELL. What dates were you there at New York University?

Mr. ROSENFIELD. 1938 to 1942.

Senator DONNELL. Did you know Mr. Joseph A. Veith, a member of the faculty then, in the French department?

Mr. ROSENFIELD. Yes, indeed.

Senator DONNELL. He was a roommate of mine in school.

Mr. ROSENFIELD. Yes, indeed.

Prior to 1935, in 1934, I was on the council staff of the New York City Charter Revision Commission and also special counsel to Senator Nye's committee in the Senate to investigate the munitions industry.

Between 1933 and 1934, I was special legal aid to Fiorello LaGuardia.

I was graduated from Columbia Law School in 1934 and I was graduated from the College of the City of New York in 1931. In 1942, I received a doctor of science in law degree from New York University.

Mr. ARENS. Would you kindly tell us now, sir, the allocation of functions among the Commissioners on the Displaced Persons Commission in the performance of their duties as Commissioners?

Mr. ROSENFIELD. I shall try to do that. The Commission, of course, acts as a body. They meet regularly and decide all policy matters as a Commission.

The first order of responsibility for each of us is divided, roughly, in the following fashion: The Chairman, Mr. Carusi,[1] is, of course, spokesman for the Commission. He has initial responsibility in budget, administration, and field service and in relationships with other agencies coperating in the program.

Mr. O'Connor [2] has as his basic responsibility the resettlement aspect of the program, and the relationships with the voluntary agencies and the some 29 or 30 State commissions.

My responsibility principally is in the assurance process, the adjudication process, the legal process, and the development, so far as the Commission is concerned, of the statistical and reporting techniques.

Mr. ARENS. How many employees are employed by the Displaced Persons Commission?

Mr. ROSENFIELD. I think our last figures show, sir, that we have 85 as of July 29. We have an approved ceiling of 85, with 82 in Washington, which is three under the ceiling. We have an overseas strength of 176 American employees, plus 34 alien employees, paid aliens. The total of American employees in the United States and overseas is 258 employed by the Commission itself.

Mr. ARENS. Without undertaking at this time to give a detailed break-down as to the functions of each employee, would you give us the general pattern of the functions of the employees from the administrative standpoint?

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[1] For the statement of Ugo Carusi, see p. 1.
[2] For the statement of Edward M. O'Connor, see p. 425.

Mr. ROSENFIELD. Do you mean here or overseas, Mr. Arens?

Mr. ARENS. Both. I would suggest that you preferably start with the central office in Washington and tell us about the organizational pattern in Washington, and then you can proceed to discuss the organizational pattern overseas.

Mr. ROSENFIELD. In Washington, the two top offices are the Executive Director of the Commission, first, through whom everything funnels to the Commission.

The CHAIRMAN. Who is that?

Mr. ROSENFIELD. Arthur J. Hazes.

The other is the General Counsel, James J. McTigue.

Mr. ARENS. Let me just interpose this question: Are the employees of the Displaced Persons Commission under the Civil Service?

Mr. ROSENFIELD. They are not, sir.

Mr. ARENS. Are they exempt by law?

Mr. ROSENFIELD. They are exempt by the law, but the Commission follows the civil service salary schedules.

Mr. ARENS. Does the selection of the personnel fall within your particular area of work or does that fall within the areas of the other Commissioners?

Mr. ROSENFIELD. The selection of the employees falls within the functions of the Chairman on matters of major employees, top employees, such as, for example, Mr. Hazes, Mr. McTigue, and the overseas Coordinator, and people of that level. It is always decided by the Commission, because they work with the entire membership of the Commission.

Senator DONNELL. May I interpolate a question at this point? In regard to those who are not at the head of the work of the Commission, is it left entirely to the Chairman as to their selection?

Mr. ROSENFIELD. The Chairman makes the selection.

Senator DONNELL. Does he report to the Commission?

Mr. ROSENFIELD. I do not think it is quite that simple, sir.

If I may go back, may I just take part of the organization, for which I am responsible? In connection with the General Counsel, I recommended the General Counsel and the Commission discussed it, but the appointment was made by the chairman. In other words, the chairman has the final authority.

Mr. ARENS. Who is the General Counsel, by the way?

Mr. ROSENFIELD. Mr. James J. McTigue.

Senator DONNELL. Do you mean the Commission itself does not finally determine the employees, that that is left to Mr. Carusi?

Mr. ROSENFIELD. Mr. Carusi has that delegation from the Commission, so that the administrative authorities would be handled by the Chairman. In each case, since the Commission works as a unit in all of these things, the Chairman always consults with the chief to whom the individual is most closely related.

For example, the Commission just appointed a Chief Resettlement Officer. That was discussed by the Commission on recommendation from Mr. O'Connor, who is responsible to the Commission as a whole for initial responsibility in that area.

The CHAIRMAN. Who is that Chief Resettlement Officer?

Mr. ROSENFIELD. Eliot Shirk.

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Senator DONNELL. Does the statute prescribe on whose ultimate decision the appointment rests, whether it is with the Commission or the Chairman?

Mr. ROSENFIELD. It does not. It says: "The Commission shall appoint."

Senator DONNELL. I cannot see how the Commission has the right to delegate that to any one individual.

Mr. ROSENFIELD. Well, sir, we have no difficulty with it, because the Commission works very harmoniously.

Senator DONNELL. That is true, but it seems to me that the Commission has the duty of making appointments and that it is a duty that cannot be delegated to anyone else. I do not see how they can permit one man on that Commission to decide and have the ultimate power of virtual appointment.

Mr. ROSENFIELD. It is very simple, Senator. If there were any issue involved as to a particular appointment, that delegation presumably would be removed.

Senator DONNELL. I do not think it is a proper delegation.

Mr. ROSENFIELD. We would be guided by your judgment.

Senator DONNELL. I would not want you to be guided by my judgment. It is a question of what the statute says. If the statute says the Commission should appoint personnel, I think the Commission should do it, not any one individual.

Mr. ARENS. I have the law here, Senator, and I think perhaps a few questions might clarify the procedure there.

This is from section 8 of Public Law 774 of the Eightieth Congress, which is the Displaced Persons Act of 1948:

> Within the limits of such funds as may be appropriated to the Commission or as may be allocated to it by the President, the Commission may employ necessary personnel without regard to the civil service laws or the Classification Act of 1923, as amended, and make provisions for necessary supplies, facilities, and services to carry out the provisions and accomplish the purposes of this act. * * *

That is only an excerpt from the section.

Senator DONNELL. Now, let me ask you this question, Mr. Rosenfield. Has the Commission promulgated a rule and regulation vesting in the Chairman the power to make selections of personnel?

Mr. ROSENFIELD. No, sir. The only rule that the Commission has made on that score is published in the Federal Register of October 6, and reads as follows:

> The Commission shall act by majority vote of all of its members.

Mr. ARENS. Has the Commission, either prior to or subsequent to the appointment of the respective employees of the Commission, passed a resolution or adopted by formal action the selection of any of these individuals who are now in the employ of the Commission? Or is it, on the other hand, just an informal understanding, an acquiescence?

Mr. ROSENFIELD. I do not believe, sir, we have any formal minute to that effect, but there is certainly constructive consent on all of our parts in this connection, in that action. We have agreed among ourselves, although I do not think there is any formal agreement, that the Chairman shall have that responsibility.

Senator DONNELL. What responsibility are you referring to?

Mr. ROSENFIELD. The ultimate appointment, sir, is determined by somebody signing the appointment paper.

Senator DONNELL. His decision determines who shall be appointed; is that correct?

Mr. ROSENFIELD. That is correct, sir.

Senator DONNELL. Mr. Chairman, this is perhaps not the time and place to go into that, but it would appear to me that the Commission is the body that may employ the people, and I cannot see that the law is being complied with if the Commission is permitting one member of the Commission to make the ultimate appointment.

The CHAIRMAN. I think the observation of Senator Donnell is well taken. That is one of the reasons why we want to go into this thing and see how much there has been of this avoidance of the letter or spirit of the law, if any. I think that is a matter for us to discuss. We will develop it here, and then discuss it.

Mr. ROSENFIELD. I will be glad to contribute whatever I can to it, Mr. Chairman, if you will permit me the observation.

I think I can speak for my colleagues. There certainly has been no intention to avoid either the letter or the spirit of the law, but purely an intention to operate in the most effective way we know how, with a very difficult program that we have to administer, with a completely inadequate staff, and with the development of a wholly new operation.

The CHAIRMAN. How much of a staff have you now?

Mr. ROSENFIELD. We have at the present moment a staff of 82 in the United States, and a staff of 176 American employees overseas.

Mr. ARENS. I believe there are additional employees that you referred to, are there not? Thirty-four alien employees?

Mr. ROSENFIELD. Yes. They are paid out of American funds.

Mr. ARENS. That is in addition to the 176 abroad, is that correct?

Mr. ROSENFIELD. Yes.

The CHAIRMAN. How is your overseas work carried on? Are they all in one center?

Mr. ROSENFIELD. Oh, no, sir.

The CHAIRMAN. Can you tell us about that?

Mr. ROSENFIELD. We have overseas a series of areas.

The CHAIRMAN. How many are there in the series?

Mr. ROSENFIELD. We have 15 offices in which the Commission operates. In Europe our major office is in Frankfurt. That is our European headquarters.

The CHAIRMAN. How many employees are in that office?

Mr. ROSENFIELD. I am sorry I do not know, but I can submit that for you. I can give you that information within an hour.

The CHAIRMAN. We would like to have it. Who is in charge of that office, if you know?

Mr. ROSENFIELD. That office is under the immediate control at the moment of an acting coordinator by the name of Alexander Squadrilli.

The CHAIRMAN. How long has he been there?

Mr. ROSENFIELD. Since October 1948.

The CHAIRMAN. What is his place of business or residence, his home? Is he an American citizen?

Mr. ROSENFIELD. Yes, indeed. I am sorry I do not know his address, sir, but I can submit that if you want it.

Senator DONNELL. Is he of Italian descent?

Mr. ROSENFIELD. Yes, he is.

Senator DONNELL. But he is an American citizen, is he not?

Mr. ROSENFIELD. Yes, indeed. Prior to his employment by the Commission he was the top official in the United States Army, in charge of displaced persons. So he was one of the most informed people in Europe on this particular program.

The CHAIRMAN. Where is he located?

Mr. ROSENFIELD. In Frankfurt. He is the top officer of the Displaced Persons Commission in Europe.

In Germany we have major offices in Butzbach, Ludwigsburg, Schweinfurt, Amburg, Augsburg, Munich, and all of these are in the United States zone of Germany.

Then there is Wentdorf, in the British zone of Germany, and Rastatt in the French zone of Germany.

In Austria we have one major office—we call them area offices—in Salzburg, which is in the United States zone, and then we have branch offices, which is a difference technique from the German offices, in Linz in the British zone, Innsbruck in the French zone, and Graz in the British zone.

In Italy we have an office in Bagnoli, which is just outside of Naples.

Then we have an embarkation office in Bremen, from which our ships sail.

The CHAIRMAN. Can you give us the name of the top man in each one of those places you mentioned?

Mr. ROSENFIELD. I can try, sir. I cannot be sure of being able to mention them all, however.

Mr. ARENS. You are speaking now of the 15 offices, rather than of the 7 large areas; is that right?

Mr. ROSENFIELD. There are 11 large areas now, Mr. Arens.

Mr. ARENS. Has it recently been expanded?

Mr. ROSENFIELD. That has been expanded since Mr. Carusi last spoke to you, but there are 11 offices in Europe.

Mr. ARENS. Are those called area offices?

Mr. ROSENFIELD. Those are called area offices.

Mr. ARENS. In answer to the Senator's question, could you give us the names of the top man or the director, your chief man over there in each of the 11 big areas?

Mr. ROSENFIELD. I will try to do that, if I can.

Senator DONNELL. Who fixes the salaries of these various people?

Mr. ROSENFIELD. The Commission fixes the salaries of these people.

Senator DONNELL. That is not left to any one individual, is it?

Mr. ROSENFIELD. No, sir.

Senator DONNELL. Does the Commission keep minutes of its meetings?

Mr. ROSENFIELD. Yes, sir.

Senator DONNELL. Do those minutes show, as you recall, the fixing of salaries of these various individuals?

Mr. ROSENFIELD. I would assume so. I do not recall, sir.

Senator DONNELL. Who keeps those minutes?

Mr. ROSENFIELD. At the present time the Executive Director.

Senator DONNELL. Who makes up the minutes?

Mr. ROSENFIELD. He does himself.

Senator DONNELL. That is Mr. Hazes, is it?

Mr. ROSENFIELD. Yes. He does that at the present, sir.

Suppose I take them in the order in which I gave them to you, if I can recall. At Frankfurt, Mr. Squadrilli; at Butzbach, it is Mr. Bashein.[1]

Senator DONNELL. Would you mind indicating the nationality of each of these gentlemen? I suppose they all have American citizenship.

Mr. ROSENFIELD. Yes, indeed.

Senator DONNELL. Could you tell us their descent? Is Mr. Bashein German?

Mr. ROSENFIELD. I am sorry I do not know.

Mr. ARENS. Is the selection of these men overseas made by Mr. Carusi on the same basis?

Mr. ROSENFIELD. Every one was made here in the United States. All of these people were appointed in the United States. Every single one of these persons was appointed within the United States.

Senator DONNELL. By whom were they appointed?

Mr. ROSENFIELD. By the Chairman, through the same procedure we discussed before.

That is not accurate. I beg your pardon, sir. A good many of these were appointed when Mr. Carusi was in Europe and I was acting chairman.

Senator DONNELL. Concerning those that were made by you, you made the decision whether they should or should not be appointed; is that right?

Mr. ROSENFIELD. That is correct, in all cases in consultation with the entire Commission available.

Mr. ARENS. I should like to make one point here clear, if I may. These persons who were appointed when you were Acting Chairman are the persons who are the heads of these 11 areas in Europe, are they?

Mr. ROSENFIELD. Oh, no.

Mr. ARENS. How many of the persons who are heads of the 11 areas in Europe were appointed under your administration as acting head of the Commission?

The CHAIRMAN. Why do we not let him go on and finish the answer he was giving when he started to tell us about the heads of these 11 areas?

Mr. ROSENFIELD. I will try to do it to the best of my recollection, sir.

The CHAIRMAN. We can do that and then come back to these questions.

Mr. ROSENFIELD. I believe I have gotten to Ludwigsburg after Frankfurt and Butzbach. In Ludwigsburg it is Miss Ruskin.[2]

In Schweinfurt it is Mr. Tarczynski.

Mr. ARENS. Do you have the full names?

Mr. ROSENFIELD. I can submit them later.

The CHAIRMAN. All right.

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[1] For the testimony of Alexander Squadrilli and Meyer D. Bashein, see p. 828 and p. 881, respectively.

[2] For the testimony of Gertrude M. Ruskin, see p. 978.

Mr. ROSENFIELD. These officers whose names I am giving you, Mr. Chairman, are called senior officers. They are the senior officers in charge of each area office.

Amberg is under Miss Mayerson.

Augsburg is under Mr. Dervan.

Munich is under Mr. Main.

Wendorf is under Mr. Hurley.

Rastatt is under Mr. Cardinaux.

In Augsburg there was a switch. Mr. Dervan was switched from Augsburg to Salzburg. So in Augsburg we have Mr. Braatoy.

In Bagnoli we have Mr. Varrichione.

I do not have the names of the officers in the suboffices in Austria, that is, Linz, Innsbruck, and Graz.

I have the name of the officer at Bremen. His name is Conan. I believe that is correct.

Senator DONNELL. Could you tell us the salaries that are paid to these respective individuals? You can furnish us that information if you do not have it at hand.

Mr. ROSENFIELD. I am not sure about Mr. Conan's salary, but I think each senior officer is paid $6,400. I think the differential has been omitted. It used to be plus 10 percent for overseas. I can furnish that.

(The document referred to was marked "Rosenfield Exhibit 1" and is as follows:)

ROSENFIELD EXHIBIT 1

Displaced Persons Commission operational areas in Europe

Areas	Senior officer in charge	Salary [1]	Number of employees under him
European headquarters:			
Germany: Frankfurt	Squadrilli, Alexander E.[2] (acting coordinator).	$9,407, CAF-14	42
United States zone:			
Butzbach, APO-807	Bashein, Meyer D	$6,474.60, CAF-12	12
Ludwigsburg, APO-154	Ruskin, Gertrude M	$6,474.60, CAF-12	9
Schweinfurt, APO-62	Tarczynski, John J	$6,474.60, CAF-12	11
Amberg, APO-114	Mayerson, Augusta	$6,474.60, CAF-12	8
Augsburg, APO-178	Braatoy, Bjarne	$6,474.60, CAF-12	8
Munich, APO-407A	Main, Donald W	$6,474.60, CAF-12	15
British zone: Wentorf, APO-751	Hurley, James B	$6,474.60, CAF-12	17
French zone: Rastatt, APO-403	Cardinaux, Alfred	$6,474.60, CAF-12	8
Austria:			
Headquarters, United States zone: Salsburg, APO-541.	Dervan, Richard J	$6,474.60, CAF-12	5
Suboffices:			
British zone:			
Linz, APO-541	Ward, William T	$4,479.60, CAF-9	3
Graz, APO-541	Sartin, Basil D	$5,608.20, CAF-10	3
French zone: Innsbruck, APO-541.	Gherardi, Gerald S	$5,106.60, CAF-10	3
Italy:			
Headquarters: Bagnoli (Naples).	Varrichione, Louis	$6,474.60, CAF-12	8
Embarkation only:			
Germany: Bremen	Conan, Abraham	$6,474.60, CAF-12	6

[1] All salaries are base, plus 10 percent wage differential for overseas duty.
[2] The legal residence of Mr. Alexander E. Squadrilli is New York.

Mr. ARENS. Have you finished, Mr. Rosenfield?

Mr. ROSENFIELD. Yes, sir.

Mr. ARENS. Were FBI reports requested on each of these employees before he was employed?

Mr. ROSENFIELD. No, sir; not before each was employed, but certainly after each was employed. The reason for that was very simple.

Mr. ARENS. I just wanted to inquire whether or not an FBI report has been made on each one.

Mr. ROSENFIELD. Yes; so far as I know, FBI reports have been available on each one.

The reason why they were not made prior to that is that the FBI said they could not give them to us before between 3 and 6 months.

Senator DONNELL. So they started on their work before the reports came, is that correct?

Mr. ROSENFIELD. That is correct.

Senator DONNELL. But in each instance there has been an FBI report, has there?

Mr. ROSENFIELD. To the best of my knowledge.

Mr. ARENS. As I understand from your previous statement, Mr. Rosenfield, under the allocation of functions from the Commission, Mr. Carusi's primary functions were budget and administration, and Mr. O'Connor's primary function was resettlement.

Mr. ROSENFIELD. Budget, administration, and relationships with other cooperating governmental agencies.

Mr. ARENS. To come down to the area in which we are at the moment, concerning your functions, as I understand it your chief function deals with the assurances and the processing procedures overseas. Is that correct?

Mr. ROSENFIELD. And the regulations, the interpretation of the regulations in the United States.

Mr. ARENS. And the regulations in the United States?

Mr. ROSENFIELD. That is correct.

Mr. ARENS. Could you elaborate upon your responsibilities and duties as a Commissioner, with reference to the processing procedures overseas, which I understand is a function that is directly under your jurisdiction?

Mr. ROSENFIELD. Let me make that perfectly clear. The field service is a responsibility of the Chairman. When it comes to the question of review, in which there is a review officer overseas, in questions of inquiries as to eligibility, in questions as to the interpretation of the law as it applies to a particular individual, that is referred to me.

As to who makes decisions, as to the administrative and budget situation, Mr. Carusi has complete control, subject to the Commission, of course. When I say complete control, I should say initial responsibility.

Mr. ARENS. Do you direct the activity of the processing of displaced persons abroad?

Mr. ROSENFIELD. I do not.

Mr. ARENS. Who does that?

Mr. ROSENFIELD. Mr. Carusi.

Mr. ARENS. Then you are participating in the processing procedures abroad in the nature of a review of the adjudications as to eligibility; is that correct?

Mr. ROSENFIELD. Hardly even that. It is as to a source for interpretations, when they run into difficulties.

Mr. ARENS. Would you describe the structure and the organizational pattern by which you would participate in the review procedure? I

do not mean necessarily just you, but by which the review procedure is set up.

Mr. ROSENFIELD. I should be glad to try to do that.

I ought first to say that our processing in Europe is on a decentralized basis to the extent possible, with basic interpretations of the law and all review being done in the headquarters office in Europe. Where there is a question that comes up as to a case, at any stage, in which there is either a Commission policy or a question as to Commission policy, or a security issue, or an ineligibility provision, or any one of those things, the case is referred to the review unit. That is in Frankfurt.

The CHAIRMAN. Of whom is the unit composed?

Mr. ROSENFIELD. At the moment, its Chief is Mr. Shouse.

The CHAIRMAN. From where is he, do you know?

Mr. ROSENFIELD. I do not know. My impression is that he is from Texas, but I am not sure. I can furnish his full name.[1]

I doubt that I have through my office had anything more to do with the specific eligibility on specific cases of more than 10, 15. I am just pulling those figures out of the air so as to correct what might have been a misimpression when there is an indication that I control that. That is done in Europe.

What does come here is when there are specific issues that arise, such as, for example, whether it is permissible to have a bond on certain cases or what happens in the step-child and adoptive-child situation. That is the kind of issue that comes back here, or particular issues as to differences between the Displaced Persons Commission determination and any of the other cooperating agencies' determinations.

Mr. ARENS. Since you have alluded to that adopted child illustration, did you promulgate the rule or regulation that an adopted child shall be deemed to be a child within the purview of the law?

Mr. ROSENFIELD. Do you mean I, personally?

Mr. ARENS. Yes.

Mr. ROSENFIELD. The Commission did, and that is in the regulations.

Mr. ARENS. The following language appears in the Displaced Persons Act of 1948:

> Except as otherwise authorized in this Act, all immigration laws, including deportation laws, shall be applicable to eligible displaced orphans and eligible displaced persons who apply to be or who are admitted into the United States pursuant to this Act.

That is true, is it not?

Mr. ROSENFIELD. I have not checked it, but I think that is true.

Mr. ARENS. Under the general immigration law, an adopted child is not within the purview of a "child," is it?

Mr. ROSENFIELD. I do not believe it is.

Mr. ARENS. Does the Displaced Persons Commission still maintain that rule and regulation on its register of rules and regulations?

Mr. ROSENFIELD. We do.

Mr. ARENS. Would you tell the Senators the experience you have had on that insofar as difference of opinion is concerned between the Commission and the Visa Division of the Department of State?

Mr. ROSENFIELD. I would be delighted to, sir. The Commission adopted this regulation on the theory that the Congress of the United States wanted to keep families together.

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[1] The legal residence of Dwight Shouse is Indiana.

The CHAIRMAN. Have you the regulation in mind?

Mr. ROSENFIELD. Yes, indeed.

The CHAIRMAN. Can you read us that?

Mr. ROSENFIELD. I would be delighted to. Section 700.1 (d) reads as follows, Mr. Chairman:

"Child" includes a step-child and a legally adopted child; also a child legitimated under the law of the father's domicile, or under the law of the child's residence or domicile.

I take it Mr. Arens is directing his question to the first part of that definition.

Mr. ARENS. Yes.

Mr. ROSENFIELD. This is in the definition section of the regulations: "Legally adopted child."

That was one, Mr. Chairman, in which the Commission followed the lead of the Attorney General under the War Brides' Act in defining adoptive children under that act.

In view of the fact that one of the particularly desirable features of the Displaced Persons Act of 1948 was the obvious intent of the Congress to maintain family unity and integrity and not to break up families, and in view of the fact that there were so many marriages among people in the camps whose spouse had died or had been killed under the terrifying circumstances under which they lived; in view of the fact that there were so many step-children within families and adoptive children, the Commission felt that that was an appropriate way of carrying out the functions allotted to the Commission by the Congress.

The CHAIRMAN. You set aside the statute, did you not, when you adopted that?

Mr. ROSENFIELD. We did not think so. We thought we were following out the obvious intent of the statute. May I be permitted to answer your question in full, Mr. Arens?

Mr. ARENS. All right, sir. Go ahead.

Mr. ROSENFIELD. These regulations were submitted to the Visa Division and to the State Department. I may say here that I personally submitted them to Mr. L'Heureux,[1] the Chief of the Visa Division. He personally came back to my office, then temporarily in the State Department, and said he approved every single provision.

At a subsequent meeting, Mr. Alexander,[2] of the Visa Division, and Mr. Devaney,[3] of the Immigration and Naturalization Service, came back and again talked about this and other provisions and it was agreed that they would follow this provision without question at that time, subsequent to the promulgation. Prior to that, I discussed it with Mr. L'Heureux, the Chief of the Division, and that met his approval, after the Commission had decided to do this on the basis of its meeting the objectives of the statute, of the legislation.

Subsequent to the promulgation of the regulation, which was on October 6, Mr. Alexander and Mr. Devaney visited with me, and I believe a Mr. Salisbury[4] of the Immigration Service. I am not quite sure of that name, however. We again discussed this and it was agreed that, in order to be perfectly sure, we would discuss it with

[1] Herve L'Heureux, Chief, Visa Division, Department of State.
[2] Robert C. Alexander, Assistant Chief, Visa Division.
[3] Allan Devaney, Chief Examiner.
[4] Ernest E. Salisbury, Chief Operations Advisor.

the committees of the House and the Senate when this matter came up under legislation. It was agreed to continue to follow the regulation.

Subsequent to that, without any advice to us, the Visa Division issued a cabled instruction to the contrary.

The CHAIRMAN. That was to the contrary of what?

Mr. ROSENFIELD. To the contrary of this regulation which I have read to you, as to that at the present moment it is not possible to process a child who is a step-child or a legally adopted child as part of the family. That has been continuing until this date and there are some 200 to 400 cases involved in that particular interpretation at the present moment, with a possibility of as many as 800.

I am sorry, Mr. Arens, to have interrupted you, but I thought I ought to answer that question.

Mr. ARENS. I wanted to clarify my question about whether the regulation issued by the Displaced Persons Commission embraces not only adopted children, but also step-children, and that under the immigration law a step-child or an adopted child is not deemed to be a "child." Is that true?

Mr. ROSENFIELD. I believe that is accurate, except under the War Brides' Act.

Mr. ARENS. Yes. That was an exceptional statute.

Mr. ROSENFIELD. Using exactly the same language.

Mr. ARENS. But the War Brides' Act did not include the language:

> Except as otherwise authorized in this Act, all immigration laws, including deportation laws, shall be applicable to eligible displaced orphans and eligible displaced persons who apply to be or who are admitted into the United States pursuant to this Act.

Mr. ROSENFIELD. It did, however, use the word "child" and followed the same definition for "child" as the immigration law.

Senator DONNELL. Might I ask a question at this point?

The CHAIRMAN. Yes, sir.

Senator DONNELL. I take it by reason of that fact that you conferred with these various gentlemen over the proposed regulation that you thought there was some question, did you not, Mr. Rosenfield, as to whether it was in compliance with the portion of the statute that Mr. Arens has read?

Mr. ROSENFIELD. I must say, Senator, that at the time of my original discussion on behalf of the Commission, with Mr. L'Heureux, I had no concerns and neither did Mr. L'Heureux. Those arose only subsequently.

Mr. ARENS. Did you have a specific conversation with him on the specific sections of the regulations?

Mr. ROSENFIELD. Yes, indeed. I discussed every single section of the regulations with him.

Mr. ARENS. Has this regulation been suspended or superseded by the Displaced Persons Commission since the Visa Division has refused to issue visas?

Mr. ROSENFIELD. No, sir.

Senator DONNELL. When you and Mr. L'Heureux discussed the matter, did you discuss whether or not it was valid and in compliance with the language that Mr. Arens read?

Mr. ROSENFIELD. I do not recall it in those terms. In our subsequent discussions with Mr. Alexander and Mr. Devaney, I believe Mr. Salisbury, also, we did.

Senator DONNELL. Do you know whether or not Mr. L'Heureux had in mind in the initial conversation you had with him this provision of the Displaced Persons Act which Mr. Arens read to you a few minutes ago?

Mr. ROSENFIELD. I cannot guess what was in his mind. By knowing the carefulness with which Mr. L'Heureux approaches his duties, I would say "Yes."

Senator DONNELL. But the question of the legality of that portion of the regulations to the effect that an adopted child shall be considered a "child" was not discussed between you and Mr. L'Heureux, was it?

Mr. ROSENFIELD. I have no recollection of that.

Senator DONNELL. With whom was it first discussed, as far as you recall, between you and whom? Was it with Mr. Alexander, or with whom?

Mr. ROSENFIELD. I believe it was with Mr. Alexander.

Senator DONNELL. Was that discussion the first occasion on which the question as to whether or not the regulation was valid first arose in your mind?

Mr. ROSENFIELD. I cannot say, sir. No, no; it did not. I can say. I do believe I discussed it with Mr. Tate,[1] who is the associate legal adviser with the State Department.

Senator DONNELL. Was that discussion before the regulation was adopted, or after it was adopted?

Mr. ROSENFIELD. I would suspect it was before.

Senator DONNELL. That is, you were conferring with these gentlemen with a view to saying whether or not the regulation was valid; is that right?

Mr. ROSENFIELD. Not this particular one, but the entire regulation.

Senator DONNELL. Yes. And in the discussion with Mr. Tate, do you think that then the question arose in your mind as to whether this provision was valid, prior to the adoption of the regulation, the question as to whether the provision that an adopted child should be considered a "child" was at harmony with the provision of the Displaced Persons Act which Mr. Arens read to you?

Mr. ROSENFIELD. Yes, sir.

Senator DONNELL. Then, as a matter of precaution, you discussed it subsequently, and did you arrive at the conclusion that it was in harmony with the Displaced Persons Act?

Mr. ROSENFIELD. The Commission did.

Senator DONNELL. How could you arrive at such a conclusion when under the immigration laws—I understand your testimony to be—you believe that an adopted child is not to be considered a "child," and then under the Displaced Persons Act, where it is not otherwise provided the immigration laws shall govern?

Mr. ROSENFIELD. The Commissioners are authorized by regulation to carry out the purposes of this act.

Senator DONNELL. But one of the purposes of this act is to carry out all of the provisions of the act, is it not?

Mr. ROSENFIELD. Yes.

Senator DONNELL. I cannot quote exactly the language that Mr. Arens read, but one of the provisions is to the general effect that,

[1] Jack B. Tate, deputy legal adviser, Office of the Secretary of State.

unless otherwise stated, the provisions of the immigration laws shall govern, is that right?

Mr. ROSENFIELD. Yes, sir.

Senator DONNELL. It was your opinion, at least, was it not, that the immigration laws were to the effect that an adopted child should not be considered a "child"?

Mr. ROSENFIELD. Yes; but there is one provision which prevails in the Commission's mind, if I may be permitted to read it. It is the last sentence of section 2 (c) of the Displaced Persons Act, which says:

> The spouse and unmarried dependent child or children under twenty-one years of age of such an eligible displaced person shall, if otherwise qualified for admission into the United States for permanent residence, also be deemed eligible displaced persons.

Senator DONNELL. Do you think the language there used includes adopted children?

Mr. ROSENFIELD. We do, because the obvious purpose of that was to include people who were not on their own account eligible. Otherwise, it would not be necessary to say that. In other words, there are people who are ineligible on their own right under the Displaced Persons Act, who would be eligible to be married to or the children of an otherwise eligible person. That is the purpose of that and I think it is a very laudable purpose.

I think we stand before the world in a good light as to that. The purpose of it is to maintain family unity. Otherwise perfectly legitimate families, who have lived together as families for years, would either be broken up, or would not come at all. I think that prevails over the provision which Mr. Arens has read. At least, that is the judgment of the Commission, in which I heartily concur.

I might point out, Mr. Arens, when this was raised with the chairman in the hearings, before the entire House committee, they agreed completely with the Commission and asked the Commission whether, to clarify the situation, we would want them to put a statement to that effect in their report, or in their legislation. We said it was completely immaterial to us, that that was a matter for their judgment.

The CHAIRMAN. When was that taken up with the House committee?

Mr. ROSENFIELD. When we first discused the legislation with them on the hearings, not prior to that.

Senator DONNELL. That was during the Eighty-first Congress, was it?

Mr. ROSENFIELD. Yes, indeed.

Mr. ARENS. Was it ever discussed with the representatives of the Senate Committee?

Mr. ROSENFIELD. No, sir, because we have not had hearings on our bill. The Commission has not been called for hearings on the bill yet, Mr. Arens, as you well know.

The CHAIRMAN. By what you have said, do you mean that was during the time the House committee was discussing your so-called bill that is now pending?

Mr. ROSENFIELD. Yes, indeed. We never discussed it with the House committee until hearings were held on the bill.

The CHAIRMAN. Before you promulgated the regulation you had no hearings with either House; is that right?

Mr. ROSENFIELD. No, indeed.

Senator DONNELL. Before you promulgated the regulations, this query as to this decision including adopted children was in harmony with the provisions of the Displaced Persons Act which Mr. Arens has read had occurred to you; is that right?

Mr. ROSENFIELD. Yes, indeed; and we had decided on the basis of the provision I read to you, which occurs both as the last sentence in section 2 (c) and the last sentence in section 2 (d).

Mr. ARENS. Under the provision of the rules and regulations issue in defining "child," there is no date limitation at all applicable to the child or stepchild, is there?

The CHAIRMAN. Are you speaking now of the regulation?

Mr. ARENS. The regulation.

Mr. ROSENFIELD. I do not understand your question.

Mr. ARENS. In other words, under the regulation, an individual who is the stepchild or adopted child of an eligible displaced person would not be required to be in the areas designated by the bill on the date fixed by the bill; is that correct?

Mr. ROSENFIELD. No more so than a natural child. The same is true there as of natural child.

Just so I will not be misunderstood, I want to say we are not giving any priority or preference or treating an adoptive child any differently from any other child, because, under the provision I read to you, the thing which makes an adoptive or a stepchild eligible, if our provision were to be followed, is the language:

> The spouse and unmarried depednent child or children under twenty-one years of age of such an eligible displaced person shall, if otherwise qualified for admission into the United States for permanent residence, also be deemed eligible displaced persons.

Mr. ARENS. The present immigration law says, does it not, in effect, that the term "child," shall not include a stepchild or an adopted child?

Mr. ROSENFIELD. I do not know that it excludes it specifically, but it does not include it.

Mr. ARENS. I do not happen to have the law with me at the present time. I read the provision of the Displaced Persons Act.

Mr. ROSENFIELD. Since there is a point made of that, may I refer back to the language which you quoted, sir, which is to the effect that, except as otherwise authorized in the act, all immigration laws shall be applicable? The point that the Commission has been making is that it is otherwise authorized by this act, by the provision which I read to you. I wanted the record to be perfectly clear on that.

Mr. ARENS. What provision of the act says, in effect, that the term "child" shall embrace a stepchild or an adopted child?

Mr. ROSENFIELD. The child or the spouse derives eligibility from a particular person. That is how it changes the immigration law. It was the obvious intent of Congress to change that provision of the immigration law.

The CHAIRMAN. I do not understand you, Mr. Rosenfield.

Mr. ROSENFIELD. May I go over it again, because I want to be perfectly clear on it?

I may be wrong, Mr. Senator, but I think you are entitled to that judgment on the basis of my statement, but it is the unanimous feeling of the Commission that this law changes the normal immigration law in respect to a spouse and a child by giving them derivative eligibility.

The CHAIRMAN. The statute quoted by Mr. Arens was completely and positively negative to that and you must have overlooked it when you said that.

Mr. ROSENFIELD. But this amends that, sir, at least, in our interpretation. The provision that I have read to you, the last sentence in sections 2 (c) and 2 (d) amends that law.

Senator DONNELL. The question is whether or not an adopted child is to be considered a "child." I do not see anything in what you have read that says that the term "child" shall mean something other than what it means under the immigration laws.

If it was intended in the Displaced Persons Act that a "child" should include an adopted child, it would seem to me that in order to make it so include such an adopted child it would have to say so specifically, in view of the fact that there is the provision that the provisions of the immigration laws shall govern except as otherwise provided in the Displaced Persons Act. The provisions of the immigration laws, as I understand them, do not include adopted children in the term "child." Does not that sound logical to you?

Mr. ROSENFIELD. It does not, I must confess. I say that with complete diffidince toward a person for whose legal capacity I have the greatest respect.

My two colleagues agree with this. It is not my view, but it is the Commission's view. The function of the sentence that I have been reading to you is to see to it that families come in as families; otherwise there is no point to it.

The Congress was directing itself to a very unusual circumstance. It was directing itself to what we assumed and what is ordinary in the statutory construction assumed to be the circumstances to which this law was applying. There were families, perfecly legitimate families, families that had lived as families for years in this kind of a situation, and it was our understanding that by the adoption of this particular language that was the intention. It was the understanding of the House committee when the discussion came up that that was the intention.

Senator DONNELL. You realized there was some doubt there, did you not? Otherwise you would not have talked it over with the gentlemen.

Mr. ROSENFIELD. Indeed, sir; but we resolved our doubts at the time in the way of making this a program which we thought would keep families together.

Mr. ARENS. I would like to invite attention to some other regulations, Mr. Rosenfield. Under section 2 (c) of the Displaced Persons Act, before a person can be an eligible displaced person, he must, among other elements in his case, have been in Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna or the American zone, the British zone, or the French zone of either Germany or Austria?

Mr. ROSENFIELD. On January 1, 1948.

Mr. ARENS. Yes; on January 1, 1948, he must have been there; is that correct?

Mr. ROSENFIELD. That is correct.

Mr. ARENS. And he must have also been there prior to December 22, 1945; is that correct?

Mr. ROSENFIELD. That is correct.

Mr. ARENS. In view of that language, I would like to read you an excerpt from the regulations of the Displaced Persons Commission and ask you about that. It is regulation 700.5, under "Eligibility," which sets forth this language:

> An applicant's eligibility under the Act shall not be affected (1) by absence from the geographical areas listed in section 2 (c) of the Act after December 22, 1945, or before January 1, 1948, or on or after January 2, 1948, unless such absence was for the purpose of a firm resettlement, or (2) by absence from the geographical areas listed in section 2 (d) of the Act after June 25, 1948, unless such absence was for the purpose of a firm resettlement, (3) by absence from the geographical areas listed in section 2 (e) of the Act after having been present there on or before June 25, 1948, unless such absence was for the purpose of a firm resettlement.

Under the rule and regulation of the Commission, it is true—is it not—that a person could not have been in the areas designated by the bill on January 1, 1948, and still be eligible, so far as the regulation is concerned?

Mr. ROSENFIELD. No; it is not true. Let us look back over that and read it, sir. Let me read if I may. It is section 700.5 (b) (1):

> An applicant's eligibility under the Act shall not be affected by absence after December 22, 1945, or before January 1, 1948.

It does not say "on" or "on or after" January 2, 1948. It specifically says that he must be there on January 1, 1948. There has not been a single visa issued to a person who was not in Germany, Austria, or Italy, on January 1, 1948, and there will not be.

Senator DONNELL. But, in order to entitle them to such a visa, you consider that they need be there only on January 1, 1948. In other words, the person could have been away on December 31, 1947, and away on January 2, 1948, but he would be admissible for a visa under the terms of the regulation which you read.

Mr. ROSENFIELD. That is what the statute says. That is a very specific elaboration of the statute.

Mr. ARENS. Could you give us a specific illustration of a type of case falling within the purview of the regulation?

Mr. ROSENFIELD. There could be a person in Germany, Austria, or Italy, looking for a passport.

Mr. ARENS. As of what time?

Mr. ROSENFIELD. As of January 2, 1948. Or, more importantly—and there are a good many of these cases—the IRO or voluntary agencies took a lot of these people out for medical care to Switzerland and brought them back after they recovered.

All I can say is that there is not a single case of a person coming into the United States under this act who was not in Germany, Austria, or Italy, in the western zones, under the statute, on January 1, 1948.

The CHAIRMAN. That is no matter where they were the day before or the day after; is that right?

Mr. ROSENFIELD. That is correct. I do not have the figures, Mr. Chairman, but I would doubt that, of the 52,000 that have come in by July 29 of this year, there is more than the merest pittance who have come in under the circumstances we have just been talking about. They have been there and they have stayed right through.

Mr. ARENS. Let us speak of the regulation itself. Under the terms of the regulation itself, here is an individual who on December 23, 1945, left the occupied areas and was gone from December 23, 1945, until January 1, 1948. Then he returned to the occupied areas on January 1, 1948. Thereafter, he left the occupied areas and returned several months thereafter.

So far as the rule and regulation is concerned, would that individual be eligible?

Mr. ROSENFIELD. Yes, sir. And the law authorizes that, because the law, section 2 (c) says "who on January 1, 1948, was * * *."

It does not say on January 1, 1948, and thereafter.

Mr. ARENS. He could have been absent, under the rule and regulation, from December 22, 1945; is that right?

Mr. ROSENFIELD. Assuming he was there on December 22.

Mr. ARENS. Yes, and he could have absented himself from December 22, 1945, until January 1, 1948; is that correct?

Mr. ROSENFIELD. That is correct.

Mr. ARENS. Then, if he got in under the wire on that one day, January 1, 1948, and thereafter left for an indeterminate time, he would still be eligible; is that correct?

Mr. ROSENFIELD. That is right, because the law authorizes and requires that.

Mr. ARENS. Allow me to invite your attention to the rules and regulations of the Commission, which were promulgated with respect to the in-camp priority. It is 1446.6.

Mr. ROSENFIELD. It is 700.4, Mr. Arens.

Mr. ARENS. I think I have a different listing of the rules and regulations. In section 7 of the law, priority or preference is given to displaced persons in camps and centers. We have this qualifying language:

> * * * but, in exceptional cases, visas may be issued to those eligible displaced persons located outside of displaced persons' camps and centers upon a showing, in accordance with the regulations of the Commission, of special circumstances which would justify such issuance.

I invited your attention now to the rule and regulation of the Commission applicable to this preference which is given in the law.

Mr. ROSENFIELD. The Commission adopted these regulations pursuant to the law, because each of the cases involved was an exceptional circumstance.

Mr. ARENS. Is it true, to interpret the rules and regulations, the several of them applicable to your camps and centers, as a blanketing of categories, rather than a designation of specific cases?

Mr. ROSENFIELD. Mr. Arens, I think the Commission has followed the law. The Congress asked us to do this by regulation and not by adjudication of the individual cases. We assumed that by regulation was meant by regulation applicable to all, rather than by individual determination and regulation.

Just in case there is any misinterpretation, let me go on to point out that, as of July 15, 80 percent of the people that came into the United States had the in-camp preference.

Mr. ARENS. Twenty percent of the persons brought into the United States, then, under the present displaced-person law, are persons who came in from outside the camps; is that right?

Mr. ROSENFIELD. At the moment they came in; that is right. They were not in the camps at the moment they were being processed; that is right.

Mr. ARENS. Of the displaced persons who are eligible under the International Refugee Organization constitution and eligible under the law, approximately 38,000 are receiving care and maintenance under the International Refugee Organization outside of camps; is not that true?

Mr. ROSENFIELD. I would not vouch for the figures, but I think that is in the order of correctness.

I beg your pardon. No, sir. At the moment, those are people who are eligible for care and maintenance. At the moment there are 626,700 displaced persons in Germany, Austria, and Italy, who are IRO eligibles. Of those, 383,100 are in camp, and 243,600 are out of camp.

The 38,000 figure that you used, Mr. Arens, has to be used with an understanding that they are eligible for care and maintenance. The people who are not eligible for care and maintenance are still IRO eligibles.

Mr. ARENS. I understand that. Let us get those figures clear again. How many displaced persons are there who are presently eligible under the IRO constitution and under the law?

Mr. ROSENFIELD. I cannot answer. We do not know how many.

Mr. ARENS. Let us forget about them being eligible under the law. Under the IRO constitution.

Mr. ROSENFIELD. Yes, sir.

Mr. ARENS. Only about 38,000 are receiving care and maintenance outside of camps and centers; is that not true?

Mr. ROSENFIELD. I think that is substantially correct.

Mr. ARENS. The others are on the economy, working in various lines of endeavor; is that right?

Mr. ROSENFIELD. That is right, many of whom left the camps at the specific request of Army and civilian authorities of the United States.

Mr. ARENS. But they are working in the economy; are they not?

Mr. ROSENFIELD. Either working or starving.

Mr. ARENS. They are maintaining themselves.

Mr. ROSENFIELD. I do not know whether they are maintaining themselves or not.

Mr. ARENS. They are not being maintained by the International Refugee Organization; are they?

Mr. ROSENFIELD. That is correct. All of them are eligible for IRO maintenance.

Mr. ARENS. They are eligible for IRO care and custody; is that right?

Mr. ROSENFIELD. Let us be specific: Eligible for IRO concern.

Mr. ARENS. That is right. There are approximately 300,000 eligible displaced persons presently in the camps; is that right?

Mr. ROSENFIELD. I do not know. All I can say is that they are displaced persons. I do not know whether they are eligible displaced persons or not.

There are 383,100 displaced persons in camps. I do not want to quibble with you, Mr. Arens, about the word "eligible"; but there are 383,100 displaced IRO persons in Germany, Austria, and Italy, in camps, today. That is as of June 30.

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Mr. ARENS. Of the displaced persons who have been brought into the United States under the present law, am I correct in interpreting your testimony to be that 20 percent of them have been displaced persons who are not in the camps and centers?

Mr. ROSENFIELD. May I say yes to that?

Mr. ARENS. Who were not?

Mr. ROSENFIELD. Who were not at the time. I do not mean to quibble with you. It is as to visas issued at the time.

Mr. ARENS. It is substantially 20 percent; is it not?

Mr. ROSENFIELD. Yes. That is why I said "Yes." I wanted to make the record clear.

Mr. ARENS. What is the percentage of the displaced persons who are receiving care and maintenance outside of the camps and centers outside of the International Refugee Organization, of the aggregate number of eligible displaced persons, approximately?

Mr. ROSENFIELD. I would say somewhere between 5 and 10 percent.

Mr. ARENS. Then, although the displaced persons outside the camps who are receiving IRO care and maintenance runs approximately between 5 to 10 percent, the displaced persons who have thus far been brought into the United States from outside the camps and centers under the present law run approximately 20 percent; is that right?

Mr. ROSENFIELD. That is correct.

Mr. ARENS. What agency is it that has been designated by the President of the United States as the agency which shall make the thorough investigation and written report on each applicant?

Mr. ROSENFIELD. The Displaced Persons Commission, under Executive Order 10003.

Mr. ARENS. What does the Displaced Persons Commission do, if anything, in the processing of the cases in the determination of eligibility of the individual and in the processing of the cases in general?

Mr. ROSENFIELD. May I take each of those separately? I think there were two distinct questions.

Mr. ARENS. Yes, sir.

Mr. ROSENFIELD. The Displaced Persons Commission is the only one who makes the determination under the Displaced Persons Act, independent of the other Immigration Act, as to eligibility of persons.

Mr. ARENS. Does the Displaced Persons Commission make a determination of eligibility in individual cases?

Mr. ROSENFIELD. It does in every single case. If I had known you were going to ask that question I would have brought along the files from the Immigration Service.

In every single case in which the person comes to the United States under the Displaced Persons Act, there is a written report on the character, history, and eligibility, signed by a person authorized under the Commission's regulation, an analyst, to write such a report.

Mr. ARENS. Who makes the investigation? Who goes out and asks questions about the individual?

Mr. ROSENFIELD. That depends upon the area. In the United States zone of Germany and the United States zone of Austria, the actual gumshoeing is done by the Counter Intelligence Corps of the United States Army, and by the FBI here in the United States. Every single person, so far as the security is concerned, is checked by CIC and the FBI.

In Italy the Commission hires its own investigators, because of the fact that it is an independent country and the United States Army is not there.

Perhaps I ought to go back. There are some 16 or 18 steps used in the security clearance on each one of those cases, including checking against all files of Communits, Nazi, and Fascist individuals, including checking against the 8,000,000 name files of the Bill and Document Center, including checking against the Provost Marshal's file, including checking on the local police records, on all known records, and including a personal investigation by the Counter-Intelligence Corps.

When I use the word "gumshoeing," I do not mean to derrogate from it. I am talking about the actual going out, because it is a very important thing and we have very, very strict regulations that every case is to be checked and that none come in without it.

The initial check is done by the British security in the British zone of Germany and Austria, which then submits its findings to Commission personnel and CIC agents, who then check to see whether it is satisfactory, and who constantly make spot checks to see whether that is satisfactory.

In the French zone, a similar system is used with the French Sureté Generale.

Mr. ARENS. Who makes the written reports?

Mr. ROSENFIELD. The analyst, under the regulation of the Commission. May I read that regulation to you?

The CHAIRMAN. Yes; I would like to have it.

Mr. ROSENFIELD. The Commission, Mr. Chairman, was one of the first agencies of Government that had its administrative regulations separate from its other regulations. They are published separately. I can give them to you. This is 1 (b):

> Officers and employees of the Commission designated by it as analysts or to act in that capacity, shall have the authority to prepare the written report required by the provisions of section 10 of the act and by Executive Order, section 10003, supra.

Those are the only people that prepare the report.

The CHAIRMAN. Is that Executive order very long?

Mr. ROSENFIELD. No, sir.

The CHAIRMAN. Would you read it, please?

Mr. ROSENFIELD. Executive Order 10003, signed by the President, October 4, filed with the Register on October 5, and published on October 6. I am sorry I do not have the actual page number, Mr. Chairman, but it is in the record. It reads as follows:

PROVIDING FOR THE INVESTIGATION OF AND REPORT ON DISPLACED PERSONS SEEKING ADMISSION INTO THE UNITED STATES

By virtue of the authority vested in me by section 10 of the Displaced Persons Act of 1948, approved June 25, 1948, and as President of the United States, it is ordered as follows:

(1) The Displaced Persons Commission is hereby designated as the agency which shall, subject to the provisions of paragraph 2 hereof, make or prepare the investigations and written reports required by section 10 of the Displaced Persons Act of 1948 regarding the character, history, and eligibility under the said Act of displaced persons seeking admission into the United States.

(2) The Department of State, the Department of the Army, and such other agencies of the Government as the Displaced Persons Commission may request, shall, in accordance with arrangements agreed upon between the Commission

and any such department or agency, furnish the Commission such assistance as it may need in carrying out its responsibilities under paragraph 1 of this order.

It is signed by Harry S. Truman, the White House, October 4, 1948. Mr. Chairman, I note that I do not have the letter that accompanied that.

The CHAIRMAN. We are approaching the hour of 12, and I have to go on the floor. I would like to ask one or two questions that are not at all in line with the line of interrogation here. How many persons, under the Displaced Persons Act, have been brought into the United States up to this time?

Mr. ROSENFIELD. I can answer that, Mr. Chairman, as of July 29, which is last Friday. As of last Friday, Mr. Chairman, there had actually arrived in the United States 52,792 people.

The CHAIRMAN. Does that include children, minors.

Mr. ROSENFIELD. It does.

The CHAIRMAN. Does it include parents, and the like?

Mr. ROSENFIELD. It includes everybody who entered under this program.

The CHAIRMAN. At what rate have they been coming in in the last 4 months, taking that as a test?

Mr. ROSENFIELD. All right, sir. As of the first 29 days of July, a preliminary estimate, 12,694 people came in. For the whole month of June it was 10,162. For the whole month of May at was 11,190. For the whole month of April it was 6,432. That is for 4 months.

Did you want me to go further back?

The CHAIRMAN. That is all right.

When did you get your machinery of administration—using that term figuratively—to start the first group coming this way? When was it, approximately?

Mr. ROSENFIELD. Late September and early October of 1948.

The CHAIRMAN. When did the first group come in?

Mr. ROSENFIELD. The first boat arrived in the United States, sir, October 30, bearing 813 people.

The CHAIRMAN. How much of a backlog have you of those that have been screened—if I might use that term—or examined or investigated and are ready to come on here with the approbation of the Commission? How much of a backlog have you waiting?

Mr. ROSENFIELD. I think I can answer that precisely, Mr. Chairman, if I know exactly what you mean. You want to know in how many cases has the Commission forwarded cases to the consuls ready for action as far as the Commission is concerned; is that right?

The CHAIRMAN. How many persons have cleared everything now and are ready to come in?

Mr. ROSENFIELD. There were, Mr. Chairman, on July 29—we get weekly reports and a report just came in last night, I am very glad to say—last Friday, there were 7,096 people waiting at the port of embarkation.

The CHAIRMAN. Why are they not being brought in in greater numbers?

Mr. ROSENFIELD. They are, sir; they are being brought in.

The CHAIRMAN. Why are there 7,000 waiting at the port of embarkation? Why do they not come in in greater numbers?

Mr. ROSENFIELD. That was on July 29, Mr. Chairman.

The CHAIRMAN. Let us go back a month. Let me clear this in my mind. How many were waiting a month prior to that?

Mr. ROSENFIELD. On June 24 there were 5,156. It had been increased from 5,156 to 7,196.

The CHAIRMAN. How many came in in June?

Mr. ROSENFIELD. In the month of June a little over 10,000.

The CHAIRMAN. Why did you not bring in more in the month of June when you had 5,000 waiting there?

Mr. ROSENFIELD. If I may be permitted to describe that, Mr. Chairman, it presents a loading problem. In other words, we do not want to send people on a New Orleans boat to Maine, as far as we are able to help that. We do not want to send people on a Boston boat than can go on a New Orleans boat. So if you just take people as they come and throw them on the boat, it costs the sponsor here an awful lot of money.

Having said that, Mr. Chairman, I must say in all frankness that there have been occasions when we have had to let boats go because we could not get them in fast enough to meet the schedules provided for by IRO.

The CHAIRMAN. What is that schedule provided by IRO?

Mr. ROSENFIELD. IRO gives us boat schedules. There are times that we cannot get our people there fast enough.

The CHAIRMAN. But you had 5,000 people there.

Mr. ROSENFIELD. Let me point out, Mr. Chairman, that on July 29 we had over 7,000 people at the port of embarkation. On July 30 there was a boat sailing for Boston with 884 people.

Since this capacity has been given us—this is July 25—each of those boats has been increased to about 1,200 capacity. On July 30, 1 day afterward, there was a boat sailing for Boston with about 1,200 people and there was on July 30 a boat sailing for New York with 1,300 people. On June 31 there was a boat for New Orleans sailing on this schedule with 829 people. But actually, it was 1,200 people. So you see, Mr. Chairman, we have to get them there in advance. All of those things have to happen.

The CHAIRMAN. What I am directing my question at is: Why cannot you bring them in in greater numbers per month? I think you are trying to explain to me why you cannot and I think I see, but I want to clarify the proposition. In other words, it is not the law that is preventing you from bringing them in?

Mr. ROSENFIELD. Yes, it is, Mr. Chairman. I did not realize that is what you were driving at.

The CHAIRMAN. Why is it you say that the law militates against bringing them in when there are 5,000 people standing around at the port of embarkation, or 7,000 people?

Mr. ROSENFIELD. Mr. Chairman, there are 7,000 people standing around, with something in the vicinity of eight or nine thousand people ready to sail in the next 3 or 4 days. On August 2 we had a boat, on August 4 we had a boat, and we have a boat on August 6.

The CHAIRMAN. Where does the law militate against it there?

Mr. ROSENFIELD. The law requires, Mr. Chairman, so many complicated bookkeeping processes, so many complicated arrangements among organizations. The law requires, and we insist upon, so careful a screening. That is the one thing we do not complain about, Mr.

Chairman, among others. But certainly our people are working their heads off trying to meet the schedules.

The CHAIRMAN. Is it not the screening that is preventing the movement?

Mr. ROSENFIELD. The security screening.

Mr. ARENS. What is your backlog of assurances that have been processed, your assurances that are approved?

Mr. ROSENFIELD. Approved out of here?

Mr. ARENS. Yes.

Mr. ROSENFIELD. Our last figure was 208,000 persons. We have assurances for 208,000 persons.

Mr. ARENS. Your law only provides for bringing in 190,000; is that right?

Mr. ROSENFIELD. 205,000.

Mr. ARENS. You have 15,000 here in the country.

Mr. ROSENFIELD. That does not come under the visas, Mr. Arens.

The CHAIRMAN. Do you figure your 205,000 in addition to 15,000?

Mr. ARENS. I think you will find you have many more assurances than you have numbers under the law.

Mr. ROSENFIELD. I will come back to that in a moment. I do not think so, Mr. Arens.

If I may be permitted to say this, Mr. Chairman, and you may want it off the record, I was a little bit startled at the statement the other day that it was only 190,000. If I may be permitted an assertion, I think that is erroneous. I do not want to put myself in contradiction.

The CHAIRMAN. There were 15,000 taken care of who were here in the country.

Mr. ROSENFIELD. They are not granted visas, Mr. Chairman.

The law provides there are to be 202,000 visas, plus 3,000 visas for orphans. The section 4 cases are not granted visas. Therefore, they are not taken out of the 202,000.

The CHAIRMAN. Then you construe the law to mean 205,000 plus 15,000; is that not right?

Mr. ROSENFIELD. That is correct, sir. That is our interpretation of the law.

The CHAIRMAN. That would be 220,000; is that right?

Mr. ROSENFIELD. That is correct.

Mr. ARENS. Even with your interpretation, you have 202,000 visas to be issued.

Mr. ROSENFIELD. I beg your pardon; 205,000.

Mr. ARENS. Let us just make it 205,000 visas, including the orphans.

Mr. ROSENFIELD. That is right.

Mr. ARENS. And you have 208,000 assurances already processed; is that correct?

Mr. ROSENFIELD. That is correct.

Mr. ARENS. Your administrative process got set up in October 1948; is that right?

Mr. ROSENFIELD. Yes. But, Mr. Arens, you assume that every assurance is a valid assurance.

Mr. ARENS. I do not assume it. I just say you have those assurances that you have processed.

Mr. ROSENFIELD. That is correct, but there is a terrific loss in those assurances, because people just simply have not waited, and the Aus-

tralians and the Canadians have not waited either. They have taken some of the people that the Americans wanted, by name.

When a Canadian or Australian comes in, he comes in in this sort of way: He feels the muscle and says, "All right, you come along." We take 4 to 6 months to process a case, and they do not wait for us.

There is now between a 20- and a 30-percent loss factor. The Jews that were waiting have gone to Israel, 112,000 of them. There will not be any Jews coming in in anywhere near the number that were available and ready to come in.

The CHAIRMAN. What percentage have come in to date? I am just asking that out of curiosity since you raised that question.

Mr. ROSENFIELD. I think I can give it to you exactly, Mr. Chairman.

The CHAIRMAN. Can you also give us the percentage of Catholics, if you have the figure?

Mr. ROSENFIELD. As of today, Mr. Chairman, 29 percent of the people that have arrived have been Jewish. This is as of July 29, 50 percent have been Catholic, and 21 percent have been Protestant.

Mr. ARENS. Your 21 percent of Protestants include not only Protestants, but Orthodox and unknown, is that correct?

Mr. ROSENFIELD. No, indeed; only Protestant and Orthodox.

Mr. ARENS. It includes both Protestant and Orthodox; is that right?

Mr. ROSENFIELD. That is right; people that the Protestant agencies sponsor.

Mr. ARENS. Then when you said that 21 percent are Protestants, you were in error, were you not?

Mr. ROSENFIELD. No, because the Protestants call those people Protestant.

Mr. ARENS. Are they Protestant or Orthodox?

Mr. ROSENFIELD. I think they are Orthodox, but the Protestants call them Protestant.

Mr. ARENS. They are people sponsored by Protestant organizations, but they are not necessarily people of Protestant faith; is that right?

Mr. ROSENFIELD. Yes, sir.

Mr. ARENS. That 21 percent is approximately half Orthodox and approximately half Protestant; is that correct?

Mr. ROSENFIELD. I cannot answer that. I do not know how you can get that figure.

Mr. ARENS. That is the estimate Mr. Carusi gave us when he was here, that this figure of 21 percent Protestant was not 21 percent of the Protestant faith, but 21 percent Protestant and Orthodox, and that approximately half were Protestant and approximately half Orthodox

Mr. ROSENFIELD. I would not dispute Mr. Carusi.

The CHAIRMAN. What do you mean by Orthodox? Any person that adheres to a particular religion is called orthodox.

Mr. ROSENFIELD. I beg your pardon; these are Greek Orthodox.

Mr. ARENS. A Greek Orthodox is not a Protestant, is he?

Mr. ROSENFIELD. No, but they are sponsored by the Protestants.

Mr. ARENS. They take the responsibility, do they not, the World Church Service and the National Lutheran Council?

Mr. ROSENFIELD. I would——

Mr. ARENS. They take the responsibility for assisting them to come in; is that right?

Mr. ROSENFIELD. Yes, and for their care here. May I pursue that point for a moment, Mr. Chairman? I think it is important. I think there has been considerable misunderstanding on this point.

If you took the visas issued on December 31, 1948, 40 percent of them were Jewish; 24 percent were Protestants and Orthodox, and 36 percent were Catholic.

Let us take the Jewish. There has been an awful lot of misconception about that. On December 31, 1948, 40 percent of the visas issued were to Jews. On July 15, cumulative, only 29 percent were issued to Jews. The Jews are disappearing from the camps. There are not going to be any.

Just yesterday Mr. Ronald Elliot, of the Church World Service, called up to say, "Would not there be enough room within the 205,000 for 17,000 more assurances which I am bringing down tomorrow?"

That means somewhere in the vicinity of 40,000 to 45,000 more Protestants.

Mr. Chairman, I think it is important to realize in this thing—and I am saying this in all frankness—that if you take any one boat or any one time, it is just as if you were to take a man when he had shaved half of his face. One side of his face will be very scrubby, but he has not gotten finished yet.

Or you might take another case. Suppose there are 10 barrels of apples and one barrel of potatoes, and you start filling one barrel from each one of them. It is perfectly clear what happens. You finish and you still have eight barrels of apples.

The point I am making, Mr. Chairman, is that there are 17,000 Protestant assurances coming in tomorrow from the Church World Service alone, with the National Lutheran Council going to submit somewhere in the vicinity of six to eight thousand in September. That is assurances, not individuals. Seventeen thousand assurances means anywhere between 35,000 and 45,000 people.

The Jews are washed out. They have gone to Israel.

Mr. ARENS. In other words, under the present displaced persons law, or under the President's directive, by the time of the expiration date the persons who are embraced within the date limitations, people of the Jewish faith will be amply taken care of; is that true?

Mr. ROSENFIELD. It is not true.

The CHAIRMAN. Gentlemen, we will have to suspend here. They are calling me to the floor.

We will let you know when we want you to appear before us again, Mr. Rosenfield.

Mr. ROSENFIELD. I will be available at your pleasure, Mr. Chairman.

(Thereupon, at 12:20 p. m., the committee recessed, to reconvene subject to the call of the Chair).

DISPLACED PERSONS

FRIDAY, AUGUST 5, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10:40 a. m., pursuant to call, in room 424 of the Senate Office Building, Senator James Eastland presiding.

Present: Senators McCarran (chairman), Eastland, and Donnell.

Also present: Richard Arens, staff director of the special subcommittee.

Senator EASTLAND. The subcommittee will come to order.

Mr. ARENS. Our first witness is Miss Mary P. Campion.

STATEMENT OF MARY P. CAMPION, UNITED ACTION COMMITTEE FOR EXPELLEES

Mr. ARENS. Do you have a prepared statement?

Miss CAMPION. I have a prepared statement, yes.

Mr. ARENS. Would you kindly identify yourself by name and organization, and proceed with your statement?

Miss CAMPION. I am speaking not for any organization, but speaking simply as an American citizen in my own right. I am secretary-treasurer of the United Action Committee for Expellees. I would like to preface what I say by mentioning that I am not speaking for the American Friends Service Committee although I was employed with them and I make reference to that in my statement.

Senator EASTLAND. Proceed.

Miss CAMPION. Imbued with a deep confidence in the Members of the United States Senate and convinced that they are motivated in their decisions by a desire for justice, I wish to bring before them a concern for 12,000,000 survivors of one of the most brutal crimes committed in our modern era—the uprooting and planless scattering of 15,000,000 people from their ancestral homes, without providing for their food or shelter—a crime nothing short of genocide.

In February 1946 I was selected by the American Friends Service Committee to serve with their relief mission in Austria, the first Quaker mission to go to that country since the war. There I had the opportunity to observe these expellees often, and well. Daily I passed by bomb-destroyed areas where teams of women were working at clearing away debris and rubble. All other types of employment were, at that time, denied them.

With only thin remnants of clothes to protect them from the cold, no stockings, feet covered with newspaper or tattered rags, these wretched people were compelled to do work that was a hazard to their

very life. Daily they could be seen trudging along with back bent from the weight of a load of faggots gleaned from the Vienna Woods and intended for sale to bring in a few groschen with which to purchase a few crumbs of food.

In warmer weather these same simple people, with faces from which all trace of a smile or ray of hope had long since vanished, wandered about trying to peddle a few basketfuls of berries they had likewise scrounged from the woods. Upon inquiry as to who these refugees might be, I was told "They are expellees, forced to flee from their homes at the hands of the Czechs, Poles, and Russians." "Why don't they go to IRO (International Refugee Organization)?" I asked, having heard that that Organization was providing food, clothes, and housing facilities for refugees.

The answer was: "These are German refugees. IRO takes only DP's, not expellees."

I delved into the history of these stricken people. They compare very markedly to our own Pennsylvania and Minnesota German and Swedish ethnic groups. Several thousand of them are Mennonites, fleeing now for the third time in their history, twice from religious persecution and now because their ancestors learned to speak German. Because of a vindictive spirit, let run wild, these helpless and homeless millions are being made the scapegoat.

Today, wandering about aimlessly or housed in primitive quarters, without facilities for sanitation and the barest necessities for decent living, without medical aid, food or clothing supplements, they are not only a threat to America's own mounting financial burden in Germany, but a reminder of America's sanction of one of the greatest crimes against humanity.

Mr. Chairman, I realize full well that emigration is not the primary means of solving the expellee problem, but it is mainly because of the principle of justice which is at stake that I am making this appeal. It deeply hurts my pride as an American citizen to see America's name go down on record as sanctioning the expulsion of millions of people, solly because of their racial origin. It hurts deeply to see my country sanctioning the exclusion of these victimized masses from the help of the International Refugee Organization for that same reason.

Therefore, I sincerely hope that the United States will permit the alteration of her present restricted and biased legislation, and will adopt an amendment to Public Law 774 that will clearly and in fair proportion place expellees among those eligible for immigration under the DP law on the same basis as all other qualified displaced persons.

Thank you.

Senator EASTLAND. What is the solution to the expellee problem?

Miss CAMPION. I do not feel qualified to make a statement as to what the solution is. I think the very fact that they are not finding a solution shows that to have done this thing in the beginning was to create more problems and to solve none.

Senator EASTLAND. I thoroughly agree with you, but what, in your judgment, is the solution?

Miss CAMPION. I think one of the solutions, or a partial solution, might be an immediate stop to the dismantling of some of the German industries which would offer employment to many of these people.

Senator EASTLAND. That is correct.

Miss CAMPION. I think immigration could solve a very, very small portion of it, of course.

Senator EASTLAND. What is the solution?

Miss CAMPION. Finding employment for them, partially, and in having them acceptable as emigrees to the United States.

Senator EASTLAND. By immigration to other countries?

Miss CAMPION. If that could be arranged that too would help solve the problem.

Senator EASTLAND. Germany cannot feed herself with the expellees; she is overpopulated.

Miss CAMPION. That is correct.

Senator EASTLAND. Is not the solution emigration?

Miss CAMPION. It would seem to be indicated that emigration could certainly ease the situation in great measure.

Mr. ARENS. In order to clear the record at this time, make the record clear for those who are here, if you would give a word as to the number of expellees, these persons expelled from the eastern European countries pursuant to the Potsdam agreement, I think it would assist us.

Miss CAMPION. Originally the number expelled, of course, was as near as can be approximated set at 17,000,000. Many of these people perished on the way, on the flight from their countries of their birth to Germany. About 15,000,000 have been accounted for as being in parts of Germany, including the Russian zone.

Senator EASTLAND. Have you any figures of how many people died in the migration?

Miss CAMPION. It has been estimated that almost 3,000,000 people perished somewhere on the way. Some of them were brutally treated by the people who expelled them and as a result of injury and brutality, died before they ever left the countries.

Senator EASTLAND. Were they not mistreated by the Russian armies?

Miss CAMPION. I would not want to say specifically that they were. In my statement I say that they were mistreated by Poles and Russians. From what research I have been able to do, I feel they were not so much mistreated by some of the Polish peasants, because they tried to help them in many cases but rather that it was the local government that was so ruthless towards them.

Senator EASTLAND. You stated that manual labor was the only work that they were permitted to do?

Miss CAMPION. At the time I saw them and observed them in Vienna, which was in February 1946, in answer to my questions, I learned that they were not permitted to do anything other than the severest kind of manual labor.

Senator EASTLAND. Was it mandatory that so-called displaced persons were forced to work?

Miss CAMPION. You are referring now to, not to expellees but to displaced persons, is that right?

Senator EASTLAND. Yes.

Miss CAMPION. I have not done a great deal of study as to the conditions of the displaced persons although I have had an opportunity to observe many of them. As to whether it was mandatory that they work or not, I would not know the specific answer to that. I have not seen any of them working at the work that expellees were doing. I saw many of them around Munich. I saw many men identified as

displaced persons by the patches that they were given, on the uniform that they were wearing which I believe were dyed, formerly American uniforms.

Mr. ARENS. Miss Campion, there are 15 bills pending in the Senate to make changes in the present displaced persons law. Are there any of those bills to your knowledge that embrace the expellees?

Miss CAMPION. I understand that some of them embrace the expellees but our committee feels there is not adequate provision in any of the pending bills to take care of the expellees in fair proportion.

Senator EASTLAND. What are your suggestions as to what the bill should contain?

Miss CAMPION. If I may not appear to be evading, I should like to refer to the statement made by Mr. Otto Durholz, who represents the legislative interpretation that our committee takes. I am secretary-treasurer of our committee and both our chairman, Mr. Garhart and Mr. Durholz, who is interpreting the legislative angle for us, have made statements [1] which I feel are more than adequate to answer that question.

Mr. ARENS. None of the bills that are pending at the present time embrace the expellees within the definition of a displaced person, is that true?

Miss CAMPION. As far as I know, there is no bill that includes the expellees under the constitution of the International Refugee Organization and gives them the full privileges or any of the privileges of the International Refugee Organization, which privileges are now extended to displaced persons.

Mr. ARENS. That is all I have.

Senator EASTLAND. Thank you.

Mr. ARENS. The Rev. Robert E. Van Deusen of the National Lutheran Council.

STATEMENT OF THE REVEREND ROBERT E. VAN DEUSEN, NATIONAL LUTHERAN COUNCIL

Mr. ARENS. Would you kindly give your full name?

Dr. VAN DEUSEN. Robert E. Van Deusen, Washington secretary of the National Lutheran Council.

The National Lutheran Council represents eight Lutheran Church bodies, with a combined membership of about 3½ million members. As the United States National Committee of the Lutheran World Federation, it carries on a major program of relief and rehabilitation in Germany and other parts of Europe. Since the war that has run in excess of $20,000,000 in food, clothing, and cash. It is concerned with all phases of the refugee problem in Germany, including displaced persons and expellees.

Our displaced-persons program has laid special emphasis on resettlement; it has been the major Protestant group in terms of numbers resettled, so that we are aware of both problems.

We are aware of the seriousness and scope of the expellee problem in Germany. The social, moral, economic, and political problems caused by the presence in the western zones of Germany of some 7 or

[1] See p. 109 and p. 70, respectively.

8 million unassimilated refugees cannot be ignored by the United States in the framing of its policy in Germany. The fact that about half of these refugees were moved into Germany pursuant to the terms of the Potsdam agreement gives the United States an additional responsibility to help in finding a solution.

Study of the various phases of the problem by staff members of the National Lutheran Council has led to the conviction that emigration of expellees from Germany cannot be considered a major solution. The numerical size of the expellee group, as contrasted to the ability and willingness of the United States and other potential receiving countries to absorb immigrants, makes it almost mandatory to look elsewhere for the basic answer to the problem.

The feeling is growing among students of the situation that the central solution will have to lie in the integration of the expellee group into the social and economic structure of Germany. That is easy to say; but it is tremendously hard to do, I know.

Senator EASTLAND. How could they do it in a country that is already greatly overpopulated?

Dr. VAN DEUSEN. A good many people working on the problem feel that that is about the only solution open. It would involve building up the industrial potential of Germany and it would involve major assistance by the ECA in encouraging and helping finance small businesses and work projects and it would involve some redistribution within the western zones and would involve, perhaps, some mass resettlement within Europe to other parts of Europe.

Last week in a meeting in the State Department called by the Advisory Committee on Voluntary Foreign Aid, both State Department men and one of the political leaders from Germany and an ECA man and the voluntary agency people came very close to being unanimous in arriving at that conclusion that the first step somehow is for the German people and expellees to accept the hard facts of the situation and make up their minds that as far as they could, they would help to solve their own problem within Germany. There are modifications of that further in my statement, but that is the basic fact we would like to start with.

This tremendously difficult process will need all the help which the United States Government, through its representatives and agencies in Germany, can give. When the problem is approached on this basis, then other remedies, such as emigration to the United States and other parts of the world, become feasible as auxiliary solutions. We feel that the immigration subcommittees of both Houses of Congress should explore thoroughly the part which large scale immigration of German expellees into the United States might play in the over-all attack on the problem.

We question the wisdom, however, of holding in abeyance the liberalization of the present Displaced Persons Act for the study of the expellee problem. We consider it of the utmost importance that the number of DP's to be admitted and the time of admission be extended by legislation at this session of Congress, so that the DP pipe lines may be kept full and the momentum of processing and resettlement which has now been achieved may not be dissipated. In other words, if we were to study the expellees problem so hard and so long that it meant a neglect of the displaced persons problem, it would be tragic. The momentum has been worked up and the voluntary agencies have

their techniques and procedures worked out. We understand that along in September and October the number under the present law will have been at least in the initial stages of processing.

If the gap had to go from there until next January or February, the thing would run dry and a lot of things would have to be done over again to get the displaced persons problem going. I think the expellee problem cannot be divorced from the displaced persons problem in that the displaced persons problem should be carried through to a successful conclusion at this session. With the termination of IRO scheduled for next July, it is necessary for the United States to play its part in bringing this program to a successful conclusion. We are running short of time and we need to keep on with the displaced persons program while it is going and then we can tackle the much bigger expellee problem.

As a temporary measure, pending a thorough study of the expellee problem in its relation to immigration, we would favor an extension of the time of admission of "persons of German ethnic origin" as provided for in section 12 of the Displaced Persons Act. In other words, something along the order of that provided in the McGrath-Neely bill. We would like to see larger numbers, but if that is all that can be passed in this Congress, why we will have to accept it.

Senator EASTLAND. What about the McGrath-Neely bill, you say you favor that bill?

Dr. VAN DEUSEN. We favor most of the general provisions of it; yes.

Senator EASTLAND. What is wrong with the present Displaced Persons Act?

Mr. VAN DEUSEN. I think that the numbers need to be increased and the time extended, those are the main things. Then there are other restrictions which would assist if lifted. The 60 percent agricultural and 40 percent Baltic provisions I think have been objections to the present set-up.

Senator EASTLAND. You mean all groups would be treated fairly if those restrictions were removed?

Dr. VAN DEUSEN. I think so; yes. As a matter of fact, it would take away from the group which I represent some favorable status which we would be willing to forego in the interests of equal treatment.

Mr. ARENS. Do you have information respecting the number of displaced persons who are in the agriculturalists' category, the percentage?

Dr. VAN DEUSEN. Not in terms of numbers.

Mr. ARENS. The percentage is approximately 60 to 65 percent, is it not?

Dr. VAN DEUSEN. But I have understood from the testimony given by the representatives of the Displaced Persons Commission that when it comes to sorting out the people they have run way behind and have had to leave that percentage hoping to make it up at the end of the term if necessary.

Mr. ARENS. Among the persons classed as displaced persons under the Constitution of the International Refugee Organization, it is true, is it not, that approximately 60 percent of those persons fall within this category designated as agriculturalists within the terms of the present law?

Dr. VAN DEUSEN. I am not aware of that figure. I have understood that in the actual operation that not that many were asking to come over and that the percentages have acted as road blocks instead of as facilitating the procedure.

Senator EASTLAND. Well, your information is very faulty.

Dr. VAN DEUSEN. Some came from the Displaced Persons Commission at a public hearing. We feel, however, that it would be more equitable for their visas to be charged against their country of origin rather than against the German quota. In that respect, we do not feel that it is an equitable provision in the McGrath-Neely bill in that that many German nationals are kept from having those quota numbers.

We feel that every possible adjustment in consular procedure should be made, within the framework of existing laws and the limitations of security regulations, to facilitate the issuance of visas to those who wish to enter the United States. That is referring to the fact, which some claim has been unavoidable, but not all of us are convinced of that, that even with the expellee provisions within the present displaced-persons law that the entrance has been negligible, the number of expellees entering this country have been neglible. I think if there are any techniques or devices under the present law which can be used by the Visa Division and other representatives to make that possible, that there should be a willingness and urgency on the part of the people in charge to use the existing laws to the fullest extent to get people in who qualify under that expellee provision.

Voluntary agencies have played a major part in the implementation of the Displaced Persons Act. It has been a privilege for them to do so. But in facing the much larger expellee problem, it must be kept in mind that the primary responsibility for resettlement, as that relates itself to the total problem, lies with the Government. Meanwhile, to the extent of their resources and personnel, the churches and other voluntary agencies will continue to cooperate in meeting the spiritual and social needs of the people involved.

By that I mean that the churches are not equipped either in resources or personnel to take a major responsibility for the resettlement of the numbers of expellees that would be envisaged in large-scale entrance into the United States. They would cooperate as far as their resources permit, however.

That completes my statement, Mr. Chairman.

Mr. ARENS. I have no questions, sir.

Senator EASTLAND. Thank you, sir.

STATEMENT OF OLINDA M. ROETTGER, DEPARTMENT OF PUBLIC RELATIONS OF THE LUTHERAN CHURCH—MISSOURI SYNOD

Mr. ARENS. Next we have Miss Olinda M. Roettger. Would you kindly identify yourself by name and organization, and then give your statement, please?

Miss ROETTGER. I am Olinda M. Roettger, and I am the Washington secretary of the department of public relations of the Lutheran Church—Missouri Synod. I might just make the statement that the National Lutheran Council represents two-thirds of the Lutheranism in the United States, and our membership is about 1,500,000.

Mr. ARENS. All those people just from Missouri?

Miss ROETTGER. No; we always have to explain our name. It is of historical significance and not of local significance. We are scattered in 4,000 congregations all across the United States.

Mr. Chairman and members of the committee, I appreciate the opportunity to present a brief statement setting forth the concern of the Lutheran Church—Missouri Synod, in the problem of the "expellee." The Lutheran Church—Missouri Synod, has been a vital part of these United States for the past 100 years. Its membership numbers more than a million and a half. Our church recognizes the great difficulties involved in the problem of attempting to help these unfortunate millions of people who have been uprooted and expelled from homes and homelands where they and their people had lived for many years, some for many generations.

We are concerned for these 12,000,000 stricken people of German ethnic origin who are, because of their ancestry, excluded from the program of the displaced persons of the International Refugee Organization. Although they may qualify in every other point they are rejected because of their ethnic origin. Many of our members have relatives among these distressed and homeless people whom they would like to bring to this country. They are willing to pay all expenses and will guarantee they do not become public charges.

Our people are anxiously waiting and watching for the action of those considering the revision of and amendments to the present legislation. They hope that the moral aspects of the discriminating features of the present legislation will be studied and corrected. They feel that ethnic origin should not bar the expellee from the displaced persons program if ethnic origin is the only disqualifying point.

In our present law, under section 12, about 13,000 ethnic Germans may be admitted. Whether any of the 234 refugees who were given visas up to June 6 have entered the country we do not know. We do know that administration of section 12 is very difficult.

As a practical measure we would call the attention of this committee to the Canadian program for displaced persons of German ethnic origin outside of the IRO. We suggest a study of their close relative plan which is being successfully administered and through which, as of July 27 and since December of 1947, 8,937 German refugees of ethnic origin were brought into Canada. These are included in the total of some 76,000 displaced persons who have entered Canada up to this time. On August 8, 785 more will arrive.

We realize the tremendous problem for those seeking a solution to meet it in all its phases—political, economical, and social. We are not suggesting that immigration will solve it alone. We are concerned that the refugee of German ethnic origin be dealt with justly. We suggest a thorough and vigorous and sympathetic study and investigation of the problem be made by this committee in the solution of which we feel immigration must play a part.

I should like to assure you that anything that this committee does to make our people feel that their relatives driven out of their homes in Communist-occupied territory will receive nondiscriminatory consideration in the pending legislation will be appreciated. We earnestly request such favorable consideration.

Thank you.

Mr. ARENS. May I ask you, the present law has a cut-off date of December 22, 1945?

Miss ROETTGER. That is right.

Mr. ARENS. What percentage of the people of German ethnic origin were in the occupied areas prior to December 22, 1945?

Miss ROETTGER. I do know that from January 1, 1946, to December of 1946, during those months, the expulsion took place and about 5,000,000 of the expellees arrived in the German area during 1946.

Mr. ARENS. Do you have information with respect to the numbers who arrived in the occupied areas prior to December 22, 1945?

Miss ROETTGER. I think the movement did not begin until January of 1946; that is the information that I culled yesterday.

Mr. ARENS. Thank you.

Senator EASTLAND. Thank you very much.

STATEMENT OF J. H. MEYER, THE STEUBEN SOCIETY OF AMERICA

Mr. ARENS. Next we have Theodore H. Hoffman, national chairman of the Steuben Society of America. Would you kindly give your name, please?

Mr. MEYER. J. H. Meyer. Mr. Hoffman was unable to be here today.

Senator EASTLAND. You may proceed.

Mr. MEYER. We appear before you today as representatives of the Steuben Society of America, a patriotic organization of American citizens of Germanic extraction, to plead the case of the 12,000,000 expellees in Germany, in connection with your pending legislation.

Let me start out by saying, once and for all, that our society, just as much as all other Americans, has the fullest sympathy and deepest compassion for the terrible fate meted out to what we call the displaced persons by the National Socialistis prior to 1945. They need our help; they deserve our assistance, and I trust that the immigration barriers will be lowered promptly by Congress in order to make it easier for them to come to the United States.

Many organizations are engaged in this laudable enterprise on their behalf. Most of these organizations are especially close to the DP's, by reason of common blood ties and/or the same religious affiliation.

The members of the Steuben Society of America consider it their sacred duty to speak on behalf of the 12,000,000 expellees, close to them by virtue of common blood ties. These people had and have the ill fortune of being of German ancestry, in many cases 8, 10, or more generations removed from the old fatherland.

Do not let us say: "They have been, or are, our enemies." An infinitesimally small percentage of them went along with the Nazis. Such things happen in every country. The overwhelming majority of them were good, decent, and hard-working citizens of Czechoslovakia, Hungary, Rumania, Yugoslavia, of the Baltic Nations, of Poland, and of the other countries of eastern and southeastern Europe. Yes; they spoke German. But don't our Pennsylvania Dutch speak a German dialect, have spoken it for the past two centuries and more? And are they not a people of which the Commonwealth of Pennsylvania and our entire Nation have good cause to be proud?

For the sake of world peace, let us forget these nationalistic rivalries. Let us all pull together to make this world a better place to

live in. A terrible wrong was committed by the Nazis prior to 1945 against those people whom we call now DP's.

Just such a terrible wrong, and against a much larger number of human beings, was committed in 1945 and after against the expellees. Did we not fight this war to right a wrong and is it not in the tradition of American decency and fair play to help those who are in dire need?

Mr. Chairman and gentlemen, it is my considered judgment that we should not discriminate against any one particular group of persecutees in our immigration legislation and, where it has been done, such discrimination should be remedied. These expellees, the so-called Volksdeutsche from the nations just mentioned, and the Reichsdeutsche who were driven into rump Germany from the eastern provinces now occupied by Poland and Soviet Russia, have been the victims of discrimination.

When the IRO (International Refugee Organization) Constitution was adopted by the Senate of the United States and signed by President Truman on July 1, 1947, it was explicitly stipulated that all people of German ethnic origin, whether German nationals or members of German minorities in other countries, should be excluded from the activities of IRO.

There has been a conspiracy of silence in this country and elsewhere in regard to the fate of the expellees. This lack of understanding, this unwillingness to help, has been noted with increasing bitterness by the millions of American citizens of Germanic extraction, whose sons and daughters proudly served in the last war, just as they have served our nation since 1776 and this land since 1683.

Gentlemen, many of those driven from their ancestral homes—and do not let us forget that we gave at least our tacit approval to this forced mass migration in Potsdam—in 1945, have blood relations, good American citizens all, in this country, hundreds of thousands of them.

In New York State, in New England, in Pennsylvania, in the Middle West, and all the way to the coast, there exist numerous singing societies, athletic clubs, fraternal organizations composed of American citizens who were born or whose forefathers were born in those old German colonies in the Banat, in the Gottschee'r Country and in many other places in Hungary, Romania, Yugoslavia, and so forth.

Do you realize the feelings of these, our fellow citizens, in those terrible months when they read that their loved ones on the other side had been driven without consent from their homes and sent, with just their barest necessities on their backs, on foot or in cattle cars, hundreds of miles away into a country which most of them had never seen? When they learned that millions of them—and these figures are based on research by American relief organizations—perished through cold, hunger, rape, through man's inhumanity toward his fellow men? When they saw in the papers that this Nation had not only become coguilty in Potsdam but had also refused to alleviate the suffering of their kin when the IRO was called into being?

Gentlemen, such things are not easily forgotten. It is up to you, it is up to all of us to heal those wounds now, for the sake of common decency toward unfortunate human beings, for the sake of continued good relations between the many races and groups of which this great Nation consists.

Who are these "expellees"? And how many are there?

Allow me to submit to you some figures based on United States Government sources and on independent research by American relief organizations, especially the American Friends' Service Committee (Quakers):

Toward the end of 1946, there were 2.9 million expellees in the American zone, 3.2 million in the British zone, 50,000 in the French zone, about 4,000,000 in the Russian zone, and about 40,000 in Berlin, a total of over 10,000,000 people.

Since then, by further forced migration the total expellee figure is conservatively estimated at 12,000,000. How do these people live?

According to impartial observers, among them the Quakers, the lot of these people is pitiful. It is hard for them to find work and they are not always welcome in a country which is overpopulated, which lacks food and which has lost over 40 percent of the 1939 dwelling units in industrial sections through bombing.

Gentlemen, let us remember that 65,000,000 people are trying to exist in a shrunken Germany whose area is less than half the size of our own State of Texas; that this country is split into four parts; that, in many districts, it consists of heaps of rubble; that it lost its bread basket when the eastern provinces were taken over by Poland and Soviet Russia; that its factories are being dismantled, no longer in order to forestall a military resurgence, but primarily to hold down competition in the world's markets, and that, therefore, unemployment and bread lines are increasing.

The American military government, the German Länder (states), many German municipalities, American relief groups and the expellees' own self-help organizations have done wonders in finding employment for at least a few of these people.

I wish to call your attention to an article by Ernest O. Hauser, entitled "A German Village Tries To Forget" in the Saturday Evening Post of July 23, 1949, which deals with the fate of the few hundred expellees who came to this village in central Germany and with the many problems their arrival created.

What has been done is remarkable, but pitifully inadequate compared to the enormity of the problem. The Province of Schleswig-Holstein, for instance, in northern Germany, has been invaded by more than 1,000,000 of these expellees, practically doubling the population of this primarily agricultural district. The TB death rate and the child mortality are tremendous, the former 1:45, according to British health authorities. And it is the same all over Germany, a problem for which a solution has not yet been found. Abject human misery in terms of 12,000,000 people.

Mr. Chairman and gentlemen, this country has a triple responsibility toward these people.

No. 1: We helped to seal their doom in Potsdam in 1945.

No. 2: As the occupation power, we are responsible for their welfare under the Geneva Convention.

No. 3: Unless conditions are rectified, this expellee problem may well constitute the dynamite cap for a future explosion endangering the peace of the world.

Where people who are poor, underfed, and desperate, live too close together, they are liable to engage in revolutionary, in warlike talk,

followed sooner or later by warlike acts. As we know, Soviet Russia and communism fed on hunger and despair.

Germany, what is left of it, has not enough work and bread for her own people. I do not doubt that, in due time, German inventiveness and ingenuity, which are still unbroken among these expellees, will enable a good many of them to build up new industries, to find work within the borders of the Reich, maybe in neighboring countries, maybe beyond the seas.

This Nation, for the three reasons cited above, should endeavor its utmost to allow a reasonable number of these expellees permanent entry into the United States. At the very least, the discriminatory clauses of the pending legislation, especially the vicious, un-American section 13, should be abolished, and DP's as well as expellees should be treated as equals under the law of the United States.

These people are beginning to get desperate and I believe we owe them something for the sake of our conscience. We fought the war to bring decency back into the world. However, we did not practice Christianity and decency as far as the expellees are concerned. We have failed morally.

Up to now we have also failed from the standpoint of an enlightened self-interest. All the majesty of American power, all of the billions of the American taxpayers' dollars poured into Germany under the Marshall plan will avail us nothing unless we learn the most important lesson of the hard taskmaster, history, that it is the intolerable pressure of too many people living in too confined a space which brings about aggression and warfare.

Let us siphon off some of this excess energy into our own country where it will pay off a hundredfold. These people from the east and southeast of Europe are superb pioneer material, a race of hard-working and independent human beings of whom we cannot have too many, even in our day and age.

The Hapsburg Emperors "exported" these farmers and artisans into what is now Hungary, Czechoslovakia, Yugoslavia, Rumania, and so forth, hundreds of years ago to settle the country and to serve as a bulwark against the eastern foes. The sons and grandsons have certainly retained the rugged characteristics of their pioneer fathers, as all those will testify who have seen the model villages, the clean communities, the expertly cultivated fields of these German settlers in happier days before the war.

That their prosperity, in many cases, should have caused the envy of the others is only human. This has happened to other races and peoples in the long course of history. And that this jealousy would find a way to express itself is also human.

We suggest that these expellees be not only given equal treatment with the DP's under our immigration laws, but that a selected number of them be given priority outside of the German-Austrian quota of 27,370, half of which is now set aside for these expellees, under the present law.

What is this number of 13,685 per year, compared to the staggering total of 12,000,000? Let us make a bold beginning by admitting 50,000 expellees a year for the next 5 years, expellees carefully screened and selected for their superior fitness in certain jobs which would not take work away from our own American people.

Among these self-reliant, vigorous, and hard-working people are excellent farmers and farm workers, on a par with their coracials who helped to settle the plains of Wisconsin, Illinois, Iowa, Minnesota, North and South Dakota, Missouri, Nebraska, Texas, and so forth, a generation and more ago. They are experts in husbandry, in mining; they are splendid artisans, especially cabinetmakers, clockmakers, and so forth.

From the Sudetenland come the glass blowers, the crystal workers whose products are famous the world over. With the help of these people, entire new industries could be built up in this country. The German know-how in chemistry and forestry is proverbial. Many of the expellees have a long and thorough tradition in these endeavors. And eastern Germany having been the birthplace of the sugar beet, I am sure that our beet-growing States could and would benefit from the knowledge of these expellees.

Mr. Chairman, gentlemen, we have tried to plead the case of these unfortunate 12,000,000 fellow beings. I hope, we have succeeded. The procedure can be worked out after the ice of discrimination, of prejudice and misunderstandings has been melted by the warmth of brotherly love and true compassion.

In conclusion, let me say once again that this is a matter of morality. But, much more important, it is a matter of enlightened self-interest and may well become a splendid investment in enriching our own Nation and in safeguarding world peace and the brotherhood of man.

I thank you.

The CHAIRMAN. Have you read S. 1705, now pending before this committee?

Mr. MEYER. Yes, sir.

The CHAIRMAN. Will you take S. 1705 and see where you can work into it any provision to take care of these people that you represent and for whom you speak and return it to this committee with your recommendations?

Mr. MYERS. Thank you, sir.

The CHAIRMAN. You have to keep in mind that while we would extend our succor and support to unfortunate people we must keep our own people strong and contented and self-sustaining.

Mr. MEYER. I understand that, sir.

The CHAIRMAN. We now have 4,000,000 unemployed in America, according to reports given out day before yesterday by an authentic source. They say that number will increase and an estimate has been given of 8,000,000 by the first of the year. We hope that that is a false conjecture. We cannot afford to bring into this country a number sufficient to displace those who are now sustaining themselves and their dependents in our economy.

We have just recently appropriated a vast sum of money and set up an authority for the construction of housing in America. There is a very decided shortage of housing and soldiers who fought in the last war and their dependents are without proper housing in many instances. To bring in a number from any group that would augment that situation would in my judgment be an erroneous act.

Therefore, into all this study there comes the thought that we should not create a greater unemployment than we have; we should not create a greater housing shortage than we have, and we should not

displace from housing and from employment those who now are sustaining the economy of this country.

At the same time, we have in mind trying to do something for those who have been displaced for one reason or another of which the group for which you speak is a very large segment. I want to say to you that the chairman of this committee is exceedingly sympathetic with you and with your group for which you speak. I am only trying to find a way whereby we can without disturbing our national economic security further than it has been disturbed, find a way for bringing in 12,000,000 people or any great percentage of the 12,000,000 people.

Mr. MYER. That is why I said, Senator, we should screen them carefully and select those who would not take away work from our own American people. I mean, there are many experts as I tried to point out in husbandry, there are plenty of farm workers and I have seen those farms myself in central and southeastern Europe. We could be proud of such people because I am reasonably sure that if you selected among them a high percentage of farmers and farm workers our own economy would profit.

The CHAIRMAN. There are two phases of our economic life in which there is a shortage of labor at the present time, there was when we wrote the present law and it was to try to meet those two phases that we framed the present law.

In other words, a percentage was to come in who had an agrarian background. Another percentage was to be taken in who had a domestic background. Those two phases are so short of labor in this country. It is impossible almost to get domestic help in the homes of America and our farms are crying for additional farm labor. The group that you represent, if I understand correctly, is composed to a large percentage of those who would adapt themselves to domestic work and those who would adapt themselves to agricultural pursuits. In both instances they would not displace anyone from housing and neither would they displace anyone from employment?

Mr. MEYER. Yes.

The CHAIRMAN. Another thing is that they would not be settled in the large already congested regions of our country, where they have been settling, even under the present law in which we tried to take care of this situation.

Another thought that I would like to leave with you is that evidence has come before this committee in the last few days that there are anywhere between 5,000 and 7,000 now standing by in the ports of embarkation in Europe to be brought over here under existing law. That is a matter that you must give consideration to because they are waiting now for space, shipping space, in which to come over here. From one day to another, it varies, between 5,000 and 7,000 people being fed and taken care of while waiting for shipping space. What could we do, assuming that we were to augment this number by taking care of a high percentage of your group? What could we do to bring them over here? That is a problem.

Mr. MEYER. Yes, sir.

The CHAIRMAN. Much criticism has come to this committee because we do not take care of displaced persons. The fact of the matter is that under existing law they are not being brought in here although they have been already screened, classified, and there have been com-

mitments already to take them over and they are not being brought over, because of lack of shipping space and because of other difficulties.

As long as we are bringing displaced persons into this country at the rate of between 12,000 and 16,000 a month, as we are doing at the present time, and they are going into congested centers, a high percentage of them at the present time, creating a further condition of lack of housing and lack of employment, the problem is not as easy to handle as we would like for it to be. However, I would like to have you and your associates take S. 1705, which is my own bill, and see if you can work into that a provision or provisions whereby we could take care of this group that you speak of and for which I have a profound sympathy, because of their condition and secondly because they are frugal, industrious people who would fill a much-needed place in this country.

Mr. ARENS. May I ask a question or two, Senator?

The CHAIRMAN. Yes.

Mr. ARENS. Mr. Meyer, do you have information respecting a percentage of these expellees who were in the occupied areas prior to December 22, 1945?

Mr. MEYER. That is very hard to say. The Poles, Russians, and Balkan nations started expelling them during the final months of the war. I should say it must have begun in the late winter of 1945. How many there were by the end of 1945 is hard to say. I have checked that once with the Quakers, you know, who are very much engaged in the relief work, but to find a break-down and to classify those expellees has not even been done to date properly.

Mr. ARENS. Thank you.

The CHAIRMAN. Thank you, sir.

We are informed that Mr. Otto R. Hauser of the American Relief for Germany is not present. Is Miss Marian Linke here?

STATEMENT OF MARIAN LINKE, PHILADELPHIA, PA.

Mr. ARENS. Miss Linke, would you kindly identify yourself by name and association?

Miss LINKE. Marian Linke, 903 Clinton Street, Philadelphia 7, Pa. I speak as an American citizen.

Mr. Chairman, it has been the traditional policy of America to give equal opportunity to all, regardless of race, creed, or national origin.

But in Public Law No. 774, known as the Displaced Persons Act of 1948, "persons of German ethnic origin" are expressly excluded from the benefits of that law, clearly a case of discrimination.

Mr. ARENS. May I just clarify the record on that?

Miss LINKE. Yes.

Mr. ARENS. The law takes the definition in the first instance of the constitution of the International Refugee Organization?

Miss LINKE. Yes.

Mr. ARENS. Then the situation that you are referring to stems from the constitution of the International Refugee Organization, does it not?

Miss LINKE. I understand that.

These persons of German ethnic origin, mostly women and children, fled before the invading armies or were driven out of their ancestral homelands into a dismembered, distintegrated Germany, a mass of

hungry, homeless humans. Of the estimated 20 million expellees, there are now approximately 12 million in the four zones of occupation. The 8 million unaccounted for have died from starvation and exposure during the expulsions since the cessation of hostilities.

A letter from Solveig Willenberg, an expellee, addressed to me, describes the horror of her experiences. In January 1945, the battle for the city of Ratibor in Silesia began and the occupation shifted six times between the contending armies. "And then," she writes, "began our greatest suffering. Everything which my father and mother owned had to be left behind. And I can never forget that dark winter night when my mother and I could take only what we wore on our bodies and a few pieces of bread and had to flee." Recently Miss Willenberg sent me snapshots of herself, her little brother, and two small boy cousins. And she wrote, "You will notice that everything we are wearing, you have sent to us in the boxes." This is typical of the experiences of many expellees. If they have friends in America who send food and clothing to these most wretched of refugees, they count themselves blest.

Americans were horrified to learn of the discrimination in Germany against 600,000 Jews, and today Americans are not less horrified to learn that we have a law discriminating against 12 million persons of German ethnic origin.

At the June meeting of the Philadelphia County Branch of the Women's International League for Peace and Freedom, of which I am a member, some of those present were astonished to hear the phrase "German ethnic origin" and were convinced of its official use only when a copy of the constitution of the International Refugee Organization was produced.

We are morally bound to correct this colossal inequity, and to amend Public Law No. 774 to include these innocent victims of war, uprooted from their homes to wander helplessly without any hope for the future. Those persons now barred because of their German ethnic origin should be given the same status as other DP's. We cannot afford to abandon those standards of justice and humanity which gave us the moral leadership of the world.

The CHAIRMAN. Thank you very much.

STATEMENT OF EDWARD O'REILLY CASSIDY, ANTIPARTITION LEAGUE

Mr. ARENS. Mr. Edward O'Reilly Cassidy. Mr. Cassidy, would you kindly identify yourself by name and the association with which you are connected?

Mr. CASSIDY. My name is Edward O'Reilly Cassidy. I live at 247 North Eighteenth Street, Philadelphia, Pa. I am a member of a large national organization, the American League for an Undivided Ireland, and, until quite recently, I was president of one of the councils of the American Association for the Recognition of the Irish Republic, 900 members now merged with the Anti-Partition League. I am very active in an anti-Communist capacity in a large CIO international union, the United Packing House Workers of America, and I would like to quote Mr. Philip Murray's remarks in reference to the "ethnic origin" clause in the displaced-persons law.

Mr. Murray stated on March 1, 1949, as follows:

> This is a new and dangerous concept in immigration which is completely undemocratic and un-American.

I myself am amazed to find in even important CIO leaders and down through the rank and file of union members—it would not be fair to identify the leaders—an ignorance of the difference between a displaced person and an expellee, and the fact that the expellees were excluded in the displaced-persons legislation.

In general, the same can be said for the members of the Anti-Partition League. For obvious reasons I will exclude the names of the leaders of that organization.

As a member of the Anti-Partition League, many of whose members are expellees, I am particularly interested in correcting the patent injustices of the displaced-persons law. I too, am an expellee from an occupation zone. I am an expellee from the British occupation zone of northern Ireland, and if my information is correct and if I may respectfully say so, the distinguished father of the distinguished chairman of this committee had a like honor. Am I correct, sir?

The CHAIRMAN. I think you are right.

Mr. CASSIDY. His patriotism caused him to be persona non grata, maxima non grata, to the then powers in that occupation zone.

My friends in labor and in the Anti-Partition of Ireland League are in complete sympathy with the views expressed by Mr. Otto Durholz and Mr. Charles Gearhart before your committee last week.

Finally, in the name of Christian charity and justice, my friends and I are amazed that the displaced-persons legislation has completely forgotten that most pressing of all causes, the cause of the expellees, and I would like to feel that this great Nation, my adopted country, has in regard to these expellees, lived up to its historic role of being the haven of rest and the harbor of repose of the poor, the distressed, and the downtrodden of every land.

Mr. ARENS. May I ask one or two questions, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. ARENS. Your testimony here is directed to the end of embracing in the displaced persons category the expellees?

Mr. CASSIDY. Correct.

Mr. ARENS. Are you under the impression that that is one of the objectives of the groups who have been expending vast sums of money in advocating changes in the law?

Mr. CASSIDY. Those groups which are expending vast sums of money, I do not know of any of them who show any primary interest in the cause of the expellees.

The CHAIRMAN. You got out of that hole nicely, if I may say.

Mr. ARENS. Mr. Cassidy, have you had occasion to keep up with the various bills in the Congress on the displaced-persons situation?

Mr. CASSIDY. Yes; I have made inquiries from those who are competent to analyze those bills.

Mr. ARENS. There are in the Senate, are there not, approximately 15 bills proposing changes to the displaced-persons law?

Mr. CASSIDY. So I understand.

Mr. ARENS. Do any of those bills embrace the expellees within the displaced persons category?

Mr. CASSIDY. I have not read those bills myself but I have made strict inquiries from those who have and who are capable of giving

me answers, and I am informed that none of those bills adequately cover the cause of the expellees.

Incidentally, I just recently had the great honor of having American citizenship conferred upon me, an honor which I deeply appreciate. I regard this opportunity of appearing before this distinguished committee as an honor second only to that of my gaining citizenship.

The CHAIRMAN. Thank you very much, Mr. Cassidy.

I think what we will do with you people who are here from remote parts of the country, we will have you come forward and make your statements and then the record will be complete as regards those who are present here. If there are others interested in this particular subject, wherever they may be, throughout the country, and if they have further facts and information than what has been given to this committee, the chairman of this committee is inclined to hear them when as, and if we can find an hour or two in which to hear them. I do want to make as complete a record as possible as regards this group for which the speakers have addressed themselves today, to give to the Congress of the United States all the facts pertaining to this group of human beings that need assistance at this time.

As I said this morning, I gave a copy of the bill to one of the witnesses who testified here with the hope that he and his councilors and those interested in the subject will get together and see if, without disturbing the makeup of the bill, they can find a way to work into that bill amendments that will take care of this group. The author of the bill, the chairman of this committee, would be very glad to have that assistance.

Those witnesses who are here may come forward at this time and we will be glad to have their statements for the record.

STATEMENT OF JOSEPH WOLF, AMERICAN AID SOCIETY FOR NEEDY AND DISPLACED PERSONS OF CENTRAL AND SOUTHEASTERN EUROPE

Mr. ARENS. Mr. Joseph Wolf. Would you kindly identify yourself by name and the organization with which you are affiliated?

Mr. WOLF. My name is Joseph Wolf, 2124 North Fourth Street, Philadelphia 22, Pa. I represent the American Aid Society for Needy and Displaced Persons of Central and Southeastern Europe.

The CHAIRMAN. You may proceed, sir.

Mr. WOLF. At the conclusion of the Potsdam Conference, the Big Three issued a communiqué which stated in part:

> The three Governments, having considered the question in all its aspects, recognize that the transfer to Germany of German populations or elements thereof, remaining in Poland, Czechoslovakia, and Hungary, will have to be undertaken. They agree that any transfers that take place should be effected in an orderly and humane manner.

There is no mention in the Potsdam agreement of the German minorities of Rumania or Yugoslavia. Nevertheless, the same fate has overtaken them in the same manner as all the people of German ethnic origin from the other three countries.

As far as Hungary is concerned, it is estimated that 550,000 German speaking people lived there before World War II. According to

the monthly report of the United States Military Government of March 31, 1947, 180,760 Swabians from Hungary had until then been admitted into the United States zone of Germany alone. This does not include any in the British or French zones of Germany or in Austria. It is estimated that at least 50,000 more were in Austria.

The German-speaking minority in Rumania was around 720,000. The oldest settlers, the Saxons, had settled there in the twelfth and thirteenth centuries in Transylvania (Siebenbürgen), then part of the Austro-Hungarian empire. This group numbered about 225,000 persons.

There were about 280,000 Swabians in the Rumanian Banat, some 80,000 in Bukovina, and nearly 100,000 in Bessarabia (now part of Soviet Russia).

In the fall of 1944, about 30,000 to 40,000 of the German minorities fled to Austria and Germany; 70,000 to 80,000 were deported to the Soviet Union, most of whom were returned to Germany, and since then have made their way into the American and British zones of Germany and Austria.

In Yugoslavia, the prewar German minorities totaled about 600,000. About 350,000 Swabians lived in the territories of Banat, Batschka, and Baranya. (Banat was split from Hungary after World War I, part of it going to Rumania and the other part to Yugoslavia.) About 180,000 of them lived in Croatia and Slovenia, which also were part of Hungary before World War I. The rest of the 40,000 to 60,000 Austrians lived in Styria and Carinthia. About 300,000 of these people are now scattered as refugees throughout Germany and Austria.

Most of these people are Catholics, except the Saxons. All of them are known now in Europe as Volksdeutsche. This name was given them by the Hitlerites with the help of the prewar pre-Nazi regimes of Horthy,[1] Antonescu,[2] and so forth. In some cases, they were organized as independent groups within the state, as for instance in Rumania. An authoritarian minority leadership was imposed upon them. Later on they were forced into the German Army and in some cases even in the SS.

It should be clearly understood that we are not pleading for any of these people who voluntarily served the Third Reich or any person with a war-crimes record. We are pleading for the tens of thousands of little people, who never had a decisive voice in the governments that ruled them. By and large, they were never a part of an irredendist movement. The greatest number of them were farmers and did not participate in politics.

All of them are labeled "Volksdeutsche" or persons of German ethnic origin and are, therefore, excluded from the care of the IRO. They are truly the most wretched victims of World War II.

Anyone familiar with the history, industriousness, family life, and character of these people will admit that they were a credit to whatever country they were living in—and surely will reflect only credit upon any country which will admit them for resettlement.

By having labeled them as Volksdeutsche they are branded as Nazis or former Nazis. This is one of the greatest myths of modern times.

[1] Admiral Nicholas Horthy, Regent of Hungary.
[2] Ion Antonescu.

Lord Halifax, who is chairman of the Refugee Defense Committee of Great Britain, had the following to say in this connection:

To consider that all persons of German ethnic origin are Volksdeutsche and, therefore, repatriable to Germany amounts to racial persecution and at the same time completely condones and accepts Hitler's racial theories and the principle of the "third Gau." Both the British and the United States Governments have permitted this arbitrary classification to be imposed in the name of the Potsdam Agreement and I am convinced that the British foreign office must regret our acquiescence in this at Potsdam.

We believe that this agreement has also been recognized as a most grievous mistake in our country. However, some amends can still be made, at least to the extent that these people be permitted to come to the United States on an equal basis with every other creed or national group.

Therefore, we most respectfully submit for your consideration the incorporation in your bill H. R. 309, line 7, page 1, after the word "above" the following—

and also those persons who have been deported or fled from their homelands into Germany, Austria, or Italy because of their religious beliefs, cultural traditions, or national origin even though they are not recognized by IRO as displaced persons.

Furthermore, we should like to suggest the deletion of the statement in section 3, page 4, lines 7, 8, and 9—

as such elements or groups were segregated or designated for the purpose of being cared for by the International Refugee Organization as of January 1, 1948.

Mr. ARENS. Mr. Wolf, may I make an inquiry? You say that it is your view that the persons of German ethnic origin, the expellees, should be accorded an equal basis or status with the displaced persons. Could you elaborate on that so that we may have a further expression of what you mean?

Mr. WOLF. Expellees and displaced persons amount to 700,000 and we should get our share of some of those that come to this country.

Mr. ARENS. Let us assume, just for the purpose of the record, that there are 700,000 of the persons who would normally be classified within the present definition of the displaced persons in the occupied areas. What is the aggregate number of persons in the expellee category for whom you are speaking?

Mr. WOLF. That is pretty hard to give.

Mr. ARENS. Let us assume on the basis of the testimony that has been submitted here that there are approximately 10,000,000. Is that a fair assumption?

Mr. WOLF. Not quite that many.

Mr. ARENS. Let us make it 5,000,000?

Mr. WOLF. Let us say 4,000,000 or 5,000,000.

Mr. ARENS. Do you want to make it 4,000,000?

Mr. WOLF. Four million.

Mr. ARENS. Is it your view here and I am not trying to put words in your mouth, I am only trying to elicit from you your views, that the aggregate number to be admitted under any displaced-persons legislation should be divided up between the displaced persons and the expellees in accordance with their respective numbers in the occupied areas?

Mr. WOLF. If it comes to the respective numbers of the occupied areas, that would not amount to 4,000,000. You would have to cut

that considerably, because we think it is between 400,000 and 600,000 in Germany and Austria; that is, the eastern countries alone. We are only taking care of the Swabians and these other groups that I mentioned.

Mr. ARENS. Irrespective of their numbers, may I ask you, is it your view here this morning that the aggregate number to be admitted into the United States should be divided in proportion to the number in each of these categories who are presently in the occupied areas?

Mr. WOLF. I presume so.

Mr. ARENS. Well, I did not quite understand what you meant by equality or equal basis here.

Mr. WOLF. By equal basis I meant, for instance, of the 10,000,000 or 12,000,000 from the eastern sections of Germany, Silesians and so forth. If they bring in 25 or 30 percent, our little number of a few people should have equal number of allowances to come in to this country.

Mr. ARENS. You mean proportionately?

Mr. WOLF. Proportionately.

Mr. ARENS. Which would mean, would it not, that the aggregate number of the expellees would exceed the aggregate number of displaced persons who would be brought into the country?

Mr. WOLF. That is correct.

Mr. ARENS. Is that your view?

Mr. WOLF. That is my view.

Mr. ARENS. Do you have any other statement to make?

Mr. WOLF. No.

STATEMENT OF FRANK HELLMAN, LEGISLATION ACTION COMMITTEE FOR THE RESETTLEMENT OF DANUBIAN-GERMAN REFUGEES

Mr. ARENS. Mr. Frank Hellman. Will you kindly identify yourself for the record?

Mr. HELLMAN. Frank Hellman, 7010 Lowendale Avenue, Philadelphia, Pa., and I represent a legislation action committee for the resettlement of Danubian-German refugees.

We are primarily interested in the same category of people that Mr. Wolf has spoken about, that is, the people who had been driven from their homelands in Czechoslovakia, Rumania, Hungary, and Yugoslavia. In the present legislation all people are to some extent being taken care of as the result of section 12, which is part of the present act. However, we think that the arrangements by which they are being taken care of are absolutely unfair for a number of reasons.

First of all, they are coming in together with all other expellees from eastern Germany and they are granted 50 percent of the German quota, which in the first place cuts the German quota in half, and in the second place, proportionately reduces the number of expellees to practically nothing, considering that there are perhaps maybe 600,000 displaced persons and there are altogether perhaps 10,000,000 to 12,000,000 expellees.

But, if our people come from the eastern countries there are approximately 500,000.

Now as far as the date is concerned in the present legislation, for instance, I believe it is December 1945. Most of our people would not be able to come under that provision at all for this reason. When the German armies marched out at the time they were driven back by the Allies, a lot of our people were evacuated and were taken into different countries. When the Russian armies came in, on the other hand, they took almost everyone between the ages of 14 and 22 and removed them to the Soviet Union. These people are still returning. In other words, a lot of them still have not returned either to their homes or to the occupied areas, so that a great number of them who had been removed from their homelands really came into the occupied territories mostly after the date under which they could be given consideration in the present legislation.

These people are also discriminated against in this way, since they are coming under the regular German quotas and not as displaced persons, because they are not covered, or at least they are not defined as displaced persons, as a result of the fact that the present law is based upon the definition borrowed from the International Refugee Organization.

It also means that their relatives here have to take care of their ocean fare, they have to take care of their trips from the point of debarkation to destination here in this country and they are also charged visa fees and charged head taxes which those who come in under the provisions, under the classification, of the displaced persons are not.

So, they are discriminated against, we feel, in this sense, and we certainly feel that they are just as much refugees and displaced persons since they cannot return to their homelands as those who are qualified as displaced persons under the interpretations of the International Refugee Organization.

Some of the bills pending now before this committee, as for instance, the McGrath-Neely bill, would propose the transfer of this section 12 to the regular immigration set-up.

We are opposed to this, because we think that by right all people are displaced persons and should be considered as such, and if they cannot be covered because of the definition in the present act or in the act already adopted by the House, we think that the number, which is now 27,000, should be proportionately increased. In other words, if the total number of displaced persons eligible to come into this country is increased 200,000 or 205,000, that this number should be proportionately increased also and that this section should stay in the present act, and furthermore, all the privileges granted to the displaced persons as far as financing their passage is concerned and everything else should be granted to our people as well.

We think also that there is another paragraph in some of the legislation pending before this committee and included in the House bill which makes it possible almost to include everyone of our people, and in this connection I would like to say this: The Germans living in these various eastern countries always represented a minority. If any responsibility is to be fixed for the bringing about of the war or the conditions that prevailed shortly prior, during, and perhaps shortly after the war, certainly they were not responsible, because they were the minority in these countries and had the least to say in how these countries were governed at the time.

Yet, however, section 12 here in H. R. 1344 has a paragraph in it which says:

> No visas shall be issued under the provisions of this act to any person who is or has been a member of or participated in, any movement which is or has been hostile to the United States or the form of government of the United States or who advocated or assisted in the persecution of any person because of race, religion, or national origin.

I would like to make this clear that certainly we are not pleading for anyone who may be responsible for such acts. It is a fact, however, that a lot of these people had been compelled to serve in the armies, in the armies of their own countries, and if they can be excluded under this provision, it means that automatically their whole families are excluded, because if the head of the family who might have served in the army cannot come, the family cannot come either.

On the other hand, if he has a father or mother that he may be partly responsible for, certainly they cannot come either unless they have other relatives, children, or brothers who may be able to take care of them when they come over.

There is another false conception that seems to prevail in the discussion around these bills and in relation to repatriation. Some people seem to have understood the Potsdam Agreement to mean that Germans in these countries, if they are removed to Germany, have been repatriated and the problem is settled. This is not so.

In Czechoslovakia, for instance, the German minority has resided there for over 600 years. In Banat and Carinthia people have resided there for 250 years, and in Transylvania, they have resided for 450 years. So that they have been deprived of their property, all their earthly belongings, and they have fled either into Germany, Austria, or Italy, or, if they have been removed to Germany or Russia or any other country, it means that they have been removed from what is actually their home. They were not temporary settlers there, they did not come there as invaders or conquerors, and now, as a result of the war, they have been driven from their homelands, and of course we feel it is no more than just that consideration be given them. We do not even think we are asking for charity. We think it is a matter of justice that these people should be taken care of to the same extent as everyone else.

We know, of course, all of them cannot come here but we know that all of them cannot remain in Germany, because the German economy cannot absorb, in addition to 8,000,000 to 10,000,000 people from the eastern territory which has been ceded to Poland those peoples of German ethnic origin who were driven out of eastern countries.

So that we feel that an equal share—and when I say an equal share, I mean proportionately—of our people should be included in the present legislation.

It has been proposed also that the number coming in under the act should be charged to the future quota of these countries. We are not vigorously opposed to that. I would merely like to make it clear for the record that these quotas were so terribly small in the prewar years that it would hardly help very much.

For instance, I think the Rumanian quota amounted to about three hundred and something a year so it means even if the numbers combined from Rumania, Yugoslavia, Czechoslovakia, and Hungary amounted to about 500 or 600 a year, it would certainly not solve the

problem and it would be necessary to do much more than that at least some extent to relieve that situation. Of course, we are also trying privately and through our organizations through various relief methods to aid the sick, the old, and orphans, and so on.

This is in the main, I think, are the proposals we would like to have incorporated in the present legislation.

Mr. ARENS. Thank you, very much.

Mr. HELLMAN. I would like to submit this publication, which has not been published by us, for the purpose of information for the committee. This describes the situation and the people involved.

(The document referred to was filed for the information of the subcommittee.)

Mr. ARENS. Thank you.

Mr. HELLMAN. Thank you, gentlemen.

STATEMENT OF PETER NICK YANKER, AMERICAN BANATER RELIEF SOCIETY

Mr. ARENS. Mr. Peter Yanker. Sir, would you kindly identify yourself?

Mr. YANKER. My name is Peter Nick Yanker and I am corresponding secretary of the American Banater Relief Society.

Mr. ARENS. Tell us about the society and what it does?

Mr. YANKER. When I came out of the United States Armed Forces in 1946, many people came to visit me, because I happened to be one of the men that was sent to Rumania with the American Mission to Bucharest, hoping that they would somehow find information about their relatives in Rumania and hoping that, because of my position which I was in, we might be able to help those people, both in Rumania as well as those that had been expelled out of Rumania, Yugoslavia, Hungary, and all of the rest of the expellees.

Because of that, I decided that we should start an organization such as the American Banater Relief Society, which is for the relief of people in southeastern Europe and since it has been doing considerable work in that respect; that is, in aiding with material help as well as moral help.

Mr. ARENS. Now, are these persons who are presently in southeastern Europe or persons who have been expelled from southeastern Europe and presently in the occupied areas?

Mr. YANKER. We got some help into Rumania but mainly, and I was coming to that, we were restricted for political reasons and we could not help those people behind the iron curtain, but in the occupied countries such as Austria and Germany we were able to do considerable help with the small organizations, so to say, that we have in New York, in comparison with some of the large Federal or other private agencies that have been helping.

I would like to say that there has really not been enough material help for those people, because it is now 3 years that we have been doing that and we cannot say that we have alleviated conditions, and as has been stated previously, constant streams of these expellees are coming out of Rumania, Yugoslavia, Hungary, and some of the other Balkan states, plus the fact that from Russia itself, from the coal mines, where these people have been sent, they are coming in thousands, returning, and they are in great need.

So that has created the condition where our organization itself cannot help, plus the fact that we have been excluded through the definitions of the International Refugee Organization which did not help at all.

We have been urging through letters and telegrams to respective Senators and Congressmen to try to bring those people into the United States.

The rest that I would have to say has been recorded by some of the other gentlemen and I would like to say that, as a veteran, I was very much disturbed that we could not get real help from the United States to bring over these people.

I tell you why I was disturbed. When I was inducted into the Army, we were fighting for certain ideals, religious freedom, freedom of speech, and all of these freedoms that have been so often defined. I realize that some of these people have been accused of being Nazis. It is actually true that a very small percentage have been Nazis, but you will find that in any country, you have found it even among Rumanian nationals as well as Yugoslav nationals that were collaborationists, but from the point of view humanity, from the point of view of extending humane treatment to all of the people of the world, we have not met the problem adequately.

I would like to state that we should first of all eliminate this misnomer that was given to them of Volksdeutsche which they really and truly are not, any more than a boy born over here is German or Jewish or some other origin because his ancestors were.

So that, I would like to say that if some work is done in the direction of bringing those people over, they should be brought over under the displaced persons category and not as Volksdeutsche. The name Volksdeutsche was actually given to those people by the Germans. Hitler, and was a name never used by those people at all.

That concludes my remarks.

STATEMENT OF ERIKA LEWIN AND JACOB WEINBLUM, NEW YORK, N. Y.

Mr. ARENS. Will you identify yourselves for the record, please?

Miss LEWIN. My name is Erika Lewin, 514 West One Hundred and Fourteenth Street, New York, N. Y.

Mr. WEINBLUM. My name is Jacob Weinblum, 55 West Forty-second Street, New York City.

Miss LEWIN. Mr Chairman, we take this opportunity to thank the Senate subcommittee for the permission to testify on behalf of the displaced persons in Shanghai. We are appealing for our parents, children, husbands, and wives who are trapped in Communist China. We do ask you to excuse us if our English is not as good as it might be, because we have been in this country 2 years only and we will do our best to make ourselves understood.

Mr. ARENS. May I ask where you came from?

Miss LEWIN. Shanghai. We lived there for the last 8 or 10 years.

Mr. ARENS. On what basis did you come to this country?

Mr. WEINBLUM. We came in on the German immigration quota.

Miss LEWIN. Shanghai has today approximately 1,000 central European refugees and about another 1,000 White Russians, and those 2,000 White Russians transported to the Philippine Islands.

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Most of the central European displaced persons are people who have their families in the United States already. Many of them are parents whose children were legally admitted under regular immigration quota, many are children whose parents are in this country or husbands and wives who have been separated this way.

These families were parted because of the current immigration quota regulations. For example, parents who were born in Poland, while their children were born in Germany. In this case, the children were permitted under the German quota, which is a very large one, and the parents had to stay behind in China, because the small Polish quota prevented their emigration. We do not believe that any native American can have any more appreciation of or longing for this country than do these refugees. They understand the true meaning of freedom because of their experienced lack of it.

Since 1933, we have been living in permanent fear of our lives under the persecution of the Nazi terror. This system under which we lived brought not only fear of life but a degraded society among us, because it forced a lack of trust between any of our countrymen. Thus, we know to a greater extent than most people what a dictatorship regime is and can do to a society. We cannot understand how anyone can intimate that there may be Communist sympathizers among us.

In 1939, our only choice to flee concentration camps and death was to go to far-away Shanghai. This was our only choice, because each and every foreign consulate in Germany closed its doors to us. Yes, we received sympathy from all nations, but when it came to lending a helping hand, there was no one home. Because we only received sympathy, 6,000,000 persons were murdered. We knew that the immigration laws could not be changed overnight; however, when one's life is in danger, it is difficult to understand many things.

Now that it is possible to do something for these unfortunate people who have suffered so very much and were trusting and hoping that humanity still existed in democratic nations of the world, it is still not too late to restore their faith. Not only their fate is involved, but we believe the fate of the people now undergoing similar circumstances in eastern Europe is concerned. Also, the fate of only 4,000 people is involved in this particular case. We are sure, however, that many more eyes are watching the outcome of the fate of victims of dictatorship.

We all considered Shanghai as a temporary residence until we would have the opportunity to migrate to countries where we could resettle once again. We were living in Shanghai for the last 10 years under the most terrible lack of sanitation and the poorest economic conditions. Most groups lived with 30 and 40 persons in one room, involving all the horrible conditions that that entails. The outbreak of the Second World War reduced our hopes once again and we were trapped in this country which was occupied by Hitler's ally. Thus we went from the frying pan practically into the fire.

The Japanese forced us to live in a ghetto under the most inhuman circumstances. We were ruled by a Japanese fuehrer, who called himself the King of the Shanghai Refugees. I need not go into the grisly details of what life was like under this "superman." In 1944, to add to our plight, consistent air bombardment struck our area daily, leaving us exposed without the benefit of a single air-raid shelter. We

only kept the struggle for life in the hope that one day we would be freed again. Finally the war was over, the Allies had won, and we believed that the time had finally come when we would be able in a short while to live once again.

With the opening of the foreign consulates in Shanghai, our people appealed for registration to emigrate to America. Patiently we waited until 1946 for the chance to leave Shanghai, in the hope that the promise of the American President and the leaders of the other Allied Nations that the refugee problem would be solved immediately would come true. Having this in mind, some of us left our families behind in the hope that we would be reunited again in the very near future. We gladly took this opportunity to come to this wonderful country and to be able to start a new life and to prepare a home for the parents and children that we expected shortly after. All our parents and relatives still in Shanghai are registered with the American consulate and have affidavits of support. We promise and we guarantee that our families will not be the slightest burden to the Government of the United States. All of us who came to this country were able to settle down, make a decent living, and as far as we know, are an asset to our communities rather than a burden. Now we have but one hope and that is to be reunited with our loved ones.

About 1 year ago, with the increase of the danger of civil war, we formed this committee and negotiated with many high authorities in the Government concerning this matter. We know that we have the support of the President of the United States and of many other respected high officials in Government. Early this year, Congressman Emanuel Celler introduced a new displaced persons bill containing an amendment which provides for the entry of 4,000 Shanghai DP's. This bill has been passed by the House and has been blocked for a month before this committee without any action being taken. We appeal to Senator McCarran, the chairman of this committee, to try to understand our position. Since he himself, as the son of Irish immigrants, he will know best why we, as legal residents and future citizens of this country are trying so hard to bring our loved ones here with us so that we all can be able to enjoy life again.

Through all these years of waiting, the displaced persons have been disappointed so very often, and now that the House has passed the bill, their last hope has flared up anew. The war is over 4 years now but our people in Shanghai are still suffering and still living as people without home and country far apart from their families. Most of the displaced persons in Shanghai live in the so-called Hongkew district, which is the district of the Chinese working classes. The Chinese as a rule do not like foreigners and will always take advantage whenever they can to show it to them. Since the DP's are the only foreigners in Shanghai unprotected by any consulate or government, they take most of the abuse without any recourse or action.

From recent letters, we learned that the Nationalist troops moving out of Shanghai looted refugee houses, leaving these people behind with just the clothes on their backs. Living conditions in Shanghai become harder every day, since none of our people there are given the opportunity to earn a living. In addition to this, their inflationary prices make it difficult for them to buy even the barest necessities. Therefore, we believe that now is the time of the displaced person's

greatest need for a home where they will be able to live as human beings again. As long as we were able, we supported our parents and children by sending them food and clothing. But now it is impossible to send anything. It is very difficult to send or receive a letter.

We appeal again to Senator McCarran and to the members of the subcommittee in whose hands the fate of this group lies. As we mentioned before, the claim that some of our people are Communists or Communist inspired is certainly an unsupported claim. We lived long enough under dictatorships to understand what hardship and deprivation such a regime does insure. We are sure that no displaced person will go into politics after all that we have gone through. All we want to ask for here is the right and permission to be reunited with our families and to put new faith into the lives which are old before their time. We just want to live together with our families as free people in a free country.

We, who are already here, are proud of having the opportunity of becoming good American citizens and what is more natural than to want the same opportunity of this promising future for our families as well as for ourselves? Therefore, we appeal to you again to pass this bill as soon as it is possible so that our hopes and our faith in the humane factors left in this world will not be lost for all time.

Mr. ARENS. You say that there are 4,000 refugees in Shanghai?

Miss LEWIN. Yes.

Mr. WEINBLUM. There are 2,000 central European refugees and about 1,000 White Russian refugees left because about 2,000 White Russians have been transferred to the Philippines for a temporary stay there. We do not represent the White Russian group, but since they do not have any representatives here, we represent them too, because we know their plight is as bad as that of the others.

Mr. ARENS. Were there not at one time 13,000 or 14,000?

Mr. WEINBLUM. That is right, in 1939 when the immigration to Shanghai started there were about 20,000 people from central Europe and another 50,000 or 60,000 others. About 5,000 of the central Europeans died during the war as the result of sickness, cholera, and so forth. When the war ended, quite a few thousand, 3,000, went back to the countries where they came from. Then 6,000 or 7,000 went to the United States. There was another few thousand which went to Australia and other countries. One year ago, when we formed this committee, there were about 5,000 central European refugees left there.

Mr. ARENS. I wonder if you would mind repeating that again so that we could have it accurately for the record. We started during the war period with approximately 20,000, you say?

Mr. WEINBLUM. At the beginning, approximately 20,000.

Mr. ARENS. Over what period of time did these people come into the Shanghai area?

Mr. WEINBLUM. Between 1938 to the middle of 1940.

Mr. ARENS. 1938 to 1940 there were approximately 20,000 persons?

Mr. WEINBLUM. That is right.

Mr. ARENS. Where did they come from?

Mr. WEINBLUM. Germany, Austria, Poland, and so on, but many of those people have been German citizens and citizens of other countries, countries with small quotas.

Mr. ARENS. What group are they from, the group which fled from the Hitler regime in 1940?

Mr. WEINBLUM. Especially in 1938 and 1939, most of them were arrested and put in concentration camps.

Mr. ARENS. Would you start on the first group deducted from this 20,000?

Mr. WEINBLUM. Between 4,000 and 5,000 who died during that time.

Mr. ARENS. They perished?

Mr. WEINBLUM. From 1939 until 1945.

Mr. ARENS. This 4,000 or 5,000 then will be deducted from th 20,000?

Mr. WEINBLUM. Yes.

Mr. ARENS. How did they die?

Mr. WEINBLUM. From disease, hunger, the food conditions over there which were terrible. We did not have any food, and especially during the war, when we were put into the ghetto, we did not have any chance to leave that ghetto and the only way that we could get food then was to have the Chinese people get it and they certainly made a business of it.

Mr. ARENS. Who was in control?

Mr. WEINBLUM. The Japanese. Shanghai was Japanese-occupied since 1937, I think.

Mr. ARENS. Now we start with the 20,000 and then the group that died because of the disease.

Mr. WEINBLUM. When the war ended I think 6,000 or 7,000 went to the United States.

Mr. ARENS. How did they get here?

Miss LEWIN. Legal quotas.

Mr. WEINBLUM. Under the regular quotas, mostly under the German quota.

Mr. ARENS. Then they were persons who were born in Germany?

Mr. WEINBLUM. There is about 1,000 people who went to Australia.

Mr. ARENS. Excuse me for just a moment. First of all 4,000 or 5,000 perished, 6,000 or 7,000 went to the United States, which means roughly 10,000 of the 20,000?

Mr. WEINBLUM. Yes; 1,000 or 1,500 went to Australia. About 2,000 went back to Europe.

Mr. ARENS. That gives us about 15,000 all together, roughly speaking. Then the remaining 5,000, I invite your attention to them, please.

Mr. WEINBLUM. Last year, when the civil war drew close to Shanghai and Israel was established, Israel opened the doors for all who desired and all who wanted to come and told them they could come. With the help of the International Refugee Organization and the other organizations, about 4,000 recently went there.

Mr. ARENS. That leaves approximately 1,000?

Mr. WEINBLUM. That is right.

Mr. ARENS. And this 1,000 are all in or around Shanghai area?

Mr. WEINBLUM. That is correct.

Mr. ARENS. Did not some of them go to the Philippines?

Mr. WEINBLUM. That is the White Russian group which do not have anything to do actually with the central European group.

Mr. ARENS. This 20,000 was exclusively the central European group?

Mr. WEINBLUM. That is right.

Mr. ARENS. This 1,000 that you speak of now remain in Shanghai?

Mr. WEINBLUM. That is right.

Miss LEWIN. And they all have members of their family here, each one of them, children or parents or wives.

Mr. ARENS. Could you speak about the other group which apparently is not embraced in the 20,000 to start with? What is the number of them and who are they?

Mr. WEINBLUM. Those are the White Russians who fled Russia when the Soviet took over in 1939. Some of them went to Manchuria and others went to Shanghai. Most of them had quite a good business there and had established a good living over there.

Mr. ARENS. In Shanghai?

Mr. WEINBLUM. In Shanghai.

Mr. ARENS. How many were in Shanghai or fled to Shanghai?

Mr. WEINBLUM. I believe 30,000 or 40,000.

Mr. ARENS. This is in addition to the 20,000 that you started with on this other group?

Mr. WEINBLUM. Yes.

Mr. ARENS. What has happened to that 30,000 or 40,000 White Russian group which fled when the Communists took over?

Mr. WEINBLUM. I only know last year when we started this committee there was about 7,000 or 8,000 left in Shanghai. Where the others went to, I could not say. Quite a few thousand went back to Russia. About 20,000 or 25,000 were shipped back to Russia in 1947.

Mr. ARENS. There are approximately 7,000 to 8,000 of the refugees from Russia itself?

Mr. WEINBLUM. That was last year.

Mr. ARENS. Where did this Philippine group come from?

Mr. WEINBLUM. The White Russians.

Mr. ARENS. How many of the White Russians?

Mr. WEINBLUM. Two thousand or three thousand went to the Philippines for a temporary stay of 6 months. What happened after that, we could not learn anything about them. They just took their chance of escaping Shanghai and going there to the Philippines.

Mr. ARENS. You apparently were in the group of 6,000 or 7,000 that came to the United States under the German quota?

Mr. WEINBLUM. Yes.

Mr. ARENS. When did you come in?

Mr. WEINBLUM. 1947.

Mr. ARENS. May I just ask you this question, Why is it that this 1,000 remaining, if they fled from Germany, are not coming here?

Miss LEWIN. Because they were born in other countries. My father was born when this part of Poland was German and he never was Polish and he never had a Polish pass, cannot even speak Polish, but in 1924, it became Polish and that is the reason that most of our parents are in that situation.

Mr. ARENS. Of the 1,000 in this first group that we are talking about, are most of them persons who would not be chargeable to the German quota?

Mr. WEINBLUM. That is right.

Miss LEWIN. Yes.

Mr. ARENS. They would be chargeable to the quotas of eastern European countries?

Mr. WEINBLUM. That is right.

Mr. ARENS. Of the 1,000, what number, if you know, were actually born in Shanghai?

Miss LEWIN. No one except babies.

Mr. WEINBLUM. There were a few children born in Shanghai and most of them are here or elsewhere. Very few of them were born in Shanghai. I do not think they will come under the Chinese quota, because they are not old enough. Most of the people there are people who have families here. You have the situation where the husband was born in Poland and the wife was born in Germany, and the wife came over and her husband stayed behind.

Mr. ARENS. Are any of these persons in the 1,000 persons who fled to Shanghai since 1940?

Miss LEWIN. No; then the war was on and there was no chance.

Mr. WEINBLUM. You could go to Shanghai without any visa before 1940 and all you had to have was a ship ticket. That was the only place you could go without anything. I had 7 days' time within which to leave Germany. On the 22d of May 1939 I was ordered to leave Germany by the end of the month. Fortunately enough, I found a ship going to China and my father was already in Shanghai. All of our family came out that way and the same thing happened to many other people.

Mr. ARENS. Miss Lewin, you had the same experience?

Miss LEWIN. I only came in in the end of 1940 to Shanghai.

Mr. ARENS. Did you come from Germany?

Miss LEWIN. Yes.

Mr. ARENS. Did you come directly from Berlin to Shanghai?

Miss LEWIN. Yes, sir.

Mr. ARENS. Was your family with you?

Miss LEWIN. Yes.

Mr. ARENS. Part of your family is in this group of 1,000 presently in Shanghai?

Miss LEWIN. My mother came under the German quota. She did not want to leave my father but when the Communists came nearer and nearer, my mother had lost her right arm in Shanghai, and as a result, she was very helpless, and because of her diabetic condition, she was unable to get any insulin there and my father decided to send my mother here. Now, she is a very sick woman and suffers terribly and we do not hear anything from my father who is there. Furthermore, she needs help which prevents me from going to work which I would be able to do if my father were here.

Mr. ARENS. Are these 1,000 persons that we are speaking about now in this first category within the city limite of Shanghai?

Mr. WEINBLUM. They are all in the so-called Hongkew section, that is part of Shanghai.

Mr. ARENS. Is that a ghetto?

Miss LEWIN. It is like Brooklyn and New York.

Mr. WEINBLUM. It used to be the ghetto but it is just a section now.

Mr. ARENS. Do these people have free access to the city?

Mr. WEINBLUM. Now, yes. Today, I do not know. But when we left, yes.

Mr. ARENS. What is the military situation in Shanghai at the present time?

Mr. WEINBLUM. We know only one thing, we received one letter after the Communists took Shanghai and that said that when the Nationalists' group left Shanghai they looted everything they could get, especially the refugee houses which were not protected.

Mr. ARENS. Does the Communist government now permit people to leave Shanghai?

Mr. WEINBLUM. For the time, yes, but we are afraid it will not last long and we have asked them to do something about it.

Mr. ARENS. Has your father, or persons in this category, have they made any efforts to leave Shanghai?

Miss LEWIN. They cannot go anywhere.

Mr. WEINBLUM. They could go to Israel. We are proud to have Israel as a Jewish state, certainly, but on the other hand we are here. My family, we are here. My sister gave birth to a baby last month and my brother expects to get married shortly. My father and mother are old people, what would they do in Israel or anywhere else in the world?

Mr. ARENS. Could they have made application, or if they did it today, made application to go to any place in the world, the United States, the Philippines, or Israel, or any other place, could they be released from Shanghai to be put on the boat?

Mr. WEINBLUM. Yes.

Miss LEWIN. As I understand, the American consulate is working in Shanghai on these cases. I have a cousin there and she is willing to part from her husband now. She has a baby and wants to take the first chance. She is German quota and her husband is Polish quota and she is trying to get her visa.

Mr. ARENS. To come to the United States?

Miss LEWIN. Yes.

Mr. ARENS. How about the Philippines, could any of them be admitted to the Philippines?

Mr. WEINBLUM. The Philippines took a group, mostly White Russians, who were in the greatest danger on account of the Communists, and gave them permisison to stay, I think, for 6 months.

Mr. ARENS. Are the Communists persecuting people in this category?

Miss LEWIN. We would not know that. I had one letter from my father but it would not be safe for him to write about that.

Mr. ARENS. When did the Communists take over Shanghai?

Mr. WEINBLUM. May the 28th.

Mr. ARENS. Getting over to the White Russian category, are those persons permitted exits from Shanghai?

Mr. WEINBLUM. For the time being, there is no law that would not allow them to leave if there is a possibility to leave.

Mr. ARENS. I mean right now.

Mr. WEINBLUM. For the time being, there is no possibility to leave whatever. The only chance that we are hoping for is an immigration ship for Americans would go to Shanghai.

Mr. ARENS. If what?

Mr. WEINBLUM. If a ship would go to Shanghai to take them.

Mr. ARENS. Are there also in addition to the category of 1,000 and the White Russian group of 7,000 or 8,000, other categories of refugees in Shanghai?

Mr. WEINBLUM. No. The White Rusisans in Shanghai, they do not number that much anymore, maybe 1,500.

Mr. ARENS. The White Russians in the second category run about 1,500 now?

Mr. WEINBLUM. Yes.

Mr. ARENS. The refugees from Germany run approximately 1,000?

Miss LEWIN. Yes.

Mr. ARENS. Now my question is, Is there another category?

Mr. WEINBLUM. No; that is all, only the two classes.

Mr. ARENS. Are there American citizens in Shanghai who are tied up?

Mr. WEINBLUM. I believe there are 300 or 400 citizens of America in Shanghai.

Mr. ARENS. Are there any other statements that you would care to make at this time?

Miss LEWIN. We just want to plead again and again that we do have a chance to get our parents here, because that is the only way and the last chance now that the Congress is in session that there will be for action. I had a telephone call with my father on the 12th of July. The first question he asked me even before he asked how we were, he asked what the status of the bill was, whether there was anything out yet. He said, "We do want to leave so badly and come to you." That is the first thing he said. They are all waiting and hoping so much for this bill to come out.

Mr. WEINBLUM. We tried last year and we have contacted Senator Neely and many other Senators and Congressmen in an effort to get a special bill for these people there, but the only thing we were able to get was the amendment to the Celler bill.

Mr. ARENS. Thank you very much.

(Whereupon, at 1 p. m., the subcommittee recessed subject to the call of the Chair.)

DISPLACED PERSONS

THURSDAY, AUGUST 11, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT ON THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10:15 a. m., pursuant to call, in room 142 of the Senate Office Building, Mr. Richard Arens, staff director of the special subcommittee, presiding.

Present: Messrs. Richard Arens and Thomas Davis, investigator.

Mr. ARENS. Gentleman, the subcommittee is committed in other sessions at this time, but they have asked us to receive, on their behalf, for the record the testimony of Mr. Otto Hauser, who is president of the American Relief for Germany, and the testimony of Mr. Bernard H. Hofmann, who is secretary for Relief in Germany.

The two gentlemen are present at this time. Mr. Hauser, would you kindly express yourself on the issue at hand?

STATEMENTS OF OTTO R. HAUSER, NATIONAL PRESIDENT, AND BERNARD H. HOFMANN, SECRETARY, AMERICAN RELIEF FOR GERMANY, INC.

Mr. HAUSER. I am Otto R. Hauser, the national president for American Relief for Germany, Inc., a member of CRALO [illegible],[1] a volunteer relief agency licensed to operate in Germany, having branches in 36 American cities.

As a relief organization having supplied relief to the needy in Germany for the past 3½ years, we are, naturally, concerned in what is in our opinion the gravest problem of relief and rehabilitation which the German people are facing, and that is the 12,000,000, possibly more or possibly less, Volksdeutsche and German nationals who have been displaced from their former homesteads and homelands, and are crowded into the truncated Germany, reduced not only in area by the cutting off of the northeastern Provinces, now occupied by Poland and Russia, but reduced also by the bombardment of their cities, destroying 60 percent of the living or housing units in the cities of Germany, and we ask the question: How can 12,000,000 people crowded into this living space of Germany be absorbed into the German economy?

Mr. ARENS. Mr. Hauser, at this point, may I ask you a few questions?

Mr. HAUSER. Yes.

[1] Council of Relief Agencies for Operation in Germany.

Mr. ARENS. Have you personally been to this area of Germany and Austria where the German expellees are located?

Mr. HAUSER. Yes, sir.

Mr. ARENS. Do you have information respecting the number of German expellees who were forced into Germany and Austria prior to December 22, 1945, which is the cut-off date, as you probably know, in the present law?

Mr. HAUSER. The question is hard to answer.

Mr. ARENS. Could you give us any information which would be helpful in the consideration of the time element? When did the movement first start and at what rate of flow? Was it over any given period of time? We would like to have that information if you can make it available.

Mr. HAUSER. The real mass movement of displaced persons into Germany?

Mr. ARENS. By those people you mean expellees; do you not?

Mr. HAUSER. Yes.

Mr. ARENS. We are speaking of German expellees.

Mr. HAUSER. That is right. As far as I am informed, the real mass movement began in the late fall of 1945. The real mass movement took place in 1946.

Mr. ARENS. Well now, the expulsion of persons of German ethnic origin from the eastern European countries was pursuant to the Potsdam agreement of August 1945?

Mr. HAUSER. That is right.

Mr. ARENS. Do you know whether or not there had been any mass expulsions prior to the Potsdam agreement of August 1945?

Mr. HAUSER. Before 1945?

Mr. ARENS. Before August 1945.

Mr. HAUSER. My conversation with expellees whom I met in railroad stations and in expellee camps, on the streets, in temporary sleeping quarters in the greater cities of the western zones convinced me that hundreds of thousands had been on their way since 1939, 1940, and 1941. I have met, for instance, a family of Volga Germans expelled from Russia, a woman with seven children temporarily housed in a so-called bunker, a subterranean air-raid shelter, the mother of these children telling the story of having been on her way since 1941 and finally receiving housing consisting of a cell 9 by 12 in a bunker into which never a ray of sunshine penetrated, cared for by the help rendered through voluntary relief agencies.

Mr. ARENS. Who runs the camps for the German expellees over there now?

Mr. HAUSER. Now?

Mr. ARENS. The Army ran some of them when we were there a year ago.

Mr. HAUSER. When I was there in 1947, these camps were operated by the military government.

Mr. ARENS. The expellee camps?

Mr. HAUSER. I can speak, for instance, of an expellee camp which housed 1,100 Yugoslav farmers of German ethnic origin in Züffenhausen in the area of Stuttgart.

These 1,100 Yugoslav farmers had been on their way since 1941 and found refuge and temporary settlement in a former prisoners' camp. They had been in this prisoners' camp about a year and 2 months

when I saw them in the spring of 1947. In that period of time they had turned what had been a desolation, the barracks windblown, the soil hard as rocks, they had turned this camp into a very garden, an example of what these people are capable and willing to do if given a chance.

These farmers had been in Yugoslavia, the sons of their forefathers that built the civilization of the former Hungary for 500 years. When speaking to these people, their leader, the burgomaster of the village from which they had been expelled, pulled out of his pocket a map and pointed to the map of South America, and his colleagues, the leaders of the various departments of the camps, watching him with eager eyes, followed as his pencil pointed to Venezuela when he pointed out that their only hope is to be resettled somewhere in the world where they could start all over clearing land and doing all of the pioneer work which their grandfathers and great-grandfathers had done when they moved out of the southern part of Germany into Hungary.

It is my firm opinion that these farmers, the agricultural element among the expellees, would be an economic asset to any country that they would come to.

Mr. ARENS. What percentage of expellees are in the category we generally speak of as being agriculturalists. Do you have any information on that?

Mr. HAUSER. The larger number of them.

Mr. HOFMANN. The last figures given 8 weeks ago; it was 47 percent; 47 percent of the so-called expellees are agricultural workers.

Mr. ARENS. What is the source of that figure? Could you tell me, please?

Mr. HOFFMANN. The source of that figure is a report given by Mr. Werner G. Middlemann.

Mr. HAUSER. Mr. Middlemann is in Frankfurt, Germany, charged with the particular problem of expellees or refugees.

Mr. HOFMANN. Also German newspaper reports have indicated that the percentage of agricultural workers is between 44 and 50 percent. This was probably a break-down of the newspaper reports.

Mr. HAUSER. I would have drawn my conclusion from the fact that the large number of people who were expelled from the northeastern German Provinces, the Grain Belt of Germany, are surely farmers. Then also there are those who had been expelled from the industrial areas of, let us say, Poland. We have a lot of textile workers who come from Lodz, Poland, quite a large city in Poland. We find that these textile workers found their way into the British zone, and there are quite a large number of these now in Wilhelmshaven.

Mr. DAVIS. Mr. Hauser, what was the year and the time of year when the conquering armies moved into Czechoslovakia and Yugoslavia and surrounding countries and started the movement of expellees on their way?

Mr. HAUSER. 1939.

Mr. DAVIS. Then how about toward the end of the war?

Mr. HAUSER. The end of 1944.

Mr. DAVIS. Yes, and in 1945?

Mr. HAUSER. Well, that is when the mass movement of people fleeing from the Balkan States really set in, the end of 1945 going through 1946.

Mr. DAVIS. When the Russian armies moved in in the early part of 1945, and immediately after the end of hostilities—did they not, as the army moved in—did not the expellees commence their movement out?

Mr. HAUSER. Yes, sir.

Mr. DAVIS. Then there must have been great numbers of them who were driven into Germany just at the end of the war in the early part and fall of 1945?

Mr. HAUSER. That is true.

Mr. DAVIS. Is there any way to estimate how many of them there might have been who started in during those times?

Mr. HAUSER. Between 2,000,000 and 3,000,000.

Mr. ARENS. Does your organization have facilities set up and financial resources available to assist in the transportation of these expellees to the United States?

Mr. HAUSER. We do not engage in that. May I add here that I am very glad to learn that a bill has been introduced by Senator McCarran to provide a temporary loan by the Reconstruction Finance Corporation for the purpose of transportation of expellees; that he includes in the provision of his bill particularly those who come under section 12 of the Displaced Persons Act.

I have tried, when I alluded to specific cases of expellees, the agriculturalists, those farmers I met in the camps, in one of the camps, the textile workers who are Poles of German extraction, I tried to bring out the fact that the caliber of the expellee is such as to make them rather desirable as immigrants into the United States. In other words, they are not left-overs.

The expellees we can choose from, and we can choose those whom we need in this country such as farm hands and domestic help. These expellees can be absorbed into the German economy to the extent to which German industry is permitted to live and to operate.

At the present moment, not entirely as a result of dismantling and continued dismantling, there are approximately 1,500,000 unemployed in Germany. We are informed that, of the 12,000,000 expellees, 7,500,000 are in the western zones; and that, of the 7,500,000, about 2,000,000 are employed. To provide employment for the expellees is the one major possibility of solving the problem, emigration being only secondary. Emigration, however, should be made possible to these human beings on the same basis as it is made possible to all others, regardless of ethnic origin. We are of the opinion that the Displaced Persons Act, accepting the International Refugee Organization definition of displaced persons, excludes persons of German ethnic origin who have been or may be transferred to Germany from other countries or who have fled from or into Germany or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied armies.

I am just quoting that. An amendment to the Displaced Persons Act correcting this discrimination to the effect that "displaced person" shall mean any person who otherwise complies with the requirements of annex 1 of the constitution of the IRO who solely because of his ethnic origin has been excluded from the concern of the IRO would correct what we consider to be a discrimination.

It would not be necessary then to have persons of German ethnic origin expelled from Poland, the Balkan States, and the Baltic States

charged to the immigration quota of Germany as is now provided under section 12 of the Displaced Persons Act. The expellee should not be charged to the German immigration quota, inasmuch as they are citizens of the country from which they are expelled or were expelled.

Mr. ARENS. How many of them have been admitted to that section 12; do you know?

Mr. HOFFMAN. We have the latest corrected State Department figures here.

Mr. HAUSER. The number of expellees of German ethnic origin to whom visas have been issued up to June 1949 is 336, according to the statement of the Visa Division of the State Department. The Displaced Persons Act became law in June 1948 and not until April 1949 were any visas issued.

Mr. ARENS. As of when?

Mr. HOFFMAN. Up to July 1, 1949.

Mr. HAUSER. We consider this not only discriminatory against the expellees themselves, but discriminatory against us, American citizens, who as relatives or friends of these unfortunate people are willing and ready to bear the expense of their transportation to this country, to take them into our homes without displacing anyone, and to find suitable employment for them without taking anyone else's job or employment. The CRALOG agencies are ready to assist in the problem of selecting eligible and qualified expellees. Expellees naturally have to comply with all regulations of immigration such as health, security, and loyalty. Thirty-three millions of German extraction demand the same rights under the immigration laws of the United States as are enjoyed by Americans of any other extraction.

Mr. ARENS. Gentlemen, we appreciate very much your testifying today and this testimony will be incorporated in the record.

(Thereupon, at 11:15 a. m., the subcommittee recessed subject to the call of the chair.)

DISPLACED PERSONS

WEDNESDAY, AUGUST 17, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 4:30 p. m., pursuant to call, in room F–82, the Capital, Senator Pat McCarran, chairman, presiding.

Present: Senators McCarran, Langer, Donnell, and Jenner.

Also Present: Mr. Richard Arens, staff director of the special subcommittee.

The CHAIRMAN. The committee will come to order.

Congressman Celler has requested the opportunity to come before this committee. In order to accord him that privilege, we have held the meeting at this hour. We regret the lateness of the day, but it cannot be helped. We have to utilize every hour there is in every day, in order to get along here.

I note Congressman Gossett is here, too.

Very well, Congressman Celler, you may proceed if you have a statement you wish to make.

STATEMENT OF HON. EMANUEL CELLER, A REPRESENTATIVE FROM THE STATE OF NEW YORK

Representative CELLER. Senator McCarran, Senator Langer, Senator Donnell, and Senator Jenner, I am very grateful to all of you for this opportunity of expressing myself on the subject, particularly of H. R. 4567, which has been deemed and called the Celler bill, in connection with displaced persons. That bill passed the House by a very substantial vote on June 2 last. Naturally, it goes over to this side of the Congress and I am hopeful that it will receive favorable consideration here.

The President has asked action on the bill, as a good, loyal Democrat. In speaking to the chairman, who is a good, loyal Democrat, I do not think it would be mal apropos to refer to the fact that our Democratic platform urged the passage of a bill not dissimilar to the one that the House passed. In truth and in fact, that platform with the President's urgent approval, provided for the admission of 400,000 displaced persons. The Celler bill, H. R. 4567, is in the nature of a compromise, envisaging the coming into this country of 339,000 displaced persons.

There has been a great ground swell of public opinion, I believe, in favor of the bill that I sponsored. As proof positive of that, there already has been set up displaced-persons commissions in 31

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States and it has spread throughout the length and breadth of the land. There is a great demand, through the instrumentalities of these displaced-persons commissions, addressed to the United States Displaced Persons Commissioners, to bring more and more of these DP's into our country. They are called "DP's" and somebody has properly said that the letters DP stand for delayed pilgrims.

I view them as sort of a dauntless people. They represent the survival of the fittest. They have gone through the travail and the sufferings that only Hitler's and Stalin's sadism were capable of. They are hale and they are hearty. They are stanch, they are brave, and they are strong. I use those words advisedly, because I journeyed down to New Orleans and saw a boatload of them land at New Orleans only a short time ago. They were all, in the main, family men and women. They were just like you and I, no different.

If you were to put them in a room alongside an equivalent number of Americans you might take from any part of the country, you could not tell the difference. They represented all shades of religion. They were Jews, they were Catholics, and they were Protestants. There were all manner and kinds of callings amongst them. Some were farmers, some were machinists, some were die makers, tool makers, plumbers, carpenters, domestics, doctors, and nurses.

I went into their bunks to see what they did with them. They were as neat as a pin. The beds were made up, and the quarters were spotlessly clean. I was told by the captain of the ship that he did not have the slightest degree of trouble with them on the voyage over. The captain said that they were patient. There were great delays while they waited in queues for long periods of time for their meals, yet there was not a bit of complaint. I saw them get off the gangplank onto the dock, and I was proud of them. I knew that they would soon be assimilated in our land and would make good, substantial citizens.

Approximately 900 were going to a score of different States. Many of them were going into the South to such States as Mississippi, Louisiana, Texas, and Arkansas. Many of them were going to the Middle West to such States as Wisconsin, Iowa, and Kansas. Many of them were going to the far West and to States such as California. Of that boatload that landed in New Orleans, there were practically none that went to the metropolitan areas, such as New York, Boston, or Philadelphia.

Now, H. R. 4567, in my humble opinion, removes what I deem to be the unworkable and unfair provisions of the Displaced Persons Act that is now operative. That act provides for the admission into this country, over a 2-year period, of 205,000 and my bill sets the number up to 339,000.

I think we must view this situation as an emergency matter. We are maintaining the displaced person's camps in Italy, Austria, and Germany, at an expense to the American taxpayers of $73,000,000 per year. I think that burden should be removed from the backs of the taxpayers of the Nation. I am quite convinced that if we take our fair share, other nations will step up the amount that they have heretofore taken.

President Truman told me not so long ago that he had made a pledge—and he made it conditionally, of course, upon the action of Congress—that we could take in 400,000. That was in pursuance of

the pledge he made when he made his speeches in support of the Democratic platform. He made that pledge at Potsdam.

He was assured by representatives of the various nations that if we did, that they would, in turn, take their fair share of these displaced persons so as to dissipate the problem that now is most vexatious, the problem of maintaining these camps under the auspices of the International Refugee Organization.

Now, all who come under my bill, or all who come under the present bill, would not add one single immigrant to the number of immigrants that could come in legally under the quota system. All who come in are taxed against present and future quotas, so that, in the long run, the number that enter do not increase the number of immigrants. We simply anticipate their entrance.

My bill has the support of all religious denominations such as Federal Council of Churches of Christ in America, the Lutheran Conference, the Jewish Joint Distribution Committee, the Quakers, the Catholic Rural Life Conference, and similar organizations. It has the wholehearted support of the American Federation of Labor, the CIO, and the Railroad Brotherhoods. A little later I will read to you extracts from communications received from William Green, head of the A. F. of L., and Philip Murray of the CIO.

Now, 339,000 DP's would be admissible under my bill during the 3-year period beginning July 1, 1948. We step up by 100,000 the number of DP's to enter these camps and save the expense that I have indicated.

In addition, there is permitted the entrance of 18,000 Polish soldiers now in England. Fifteen thousand would be permitted entrance into this country from behind the iron curtain. That provision was advocated by the Department of State so as to encourage anti-Communists who abominate communism, and who are now behind the iron curtain, to come from behind the iron curtain and be given refuge here. Both the Department of State and the War Department expect to recruit many intelligence agents from that group of 15,000.

In addition, we take 4,000 Shanghai refugees, mostly White Russians, who were temporarily given shelter in the Philippine Islands by the Philippine Government. The International Refugee Organization induced the Philippine Government to take these unfortunate White Russians, all anti-Communists, before the Communist Chinese armies entered Shanghai. We take, in addition, 2,000 orphans. We step up the number of orphans we will take from 3,000, under the present bill, to 5,000.

That makes, in all, 139,000, superimposed under the 205,000 permissible under the present act.

My bill advances the cut-off date from December 22, 1945, to January 1, 1949. It is difficult for me to comprehend why December 22, 1945, was the date taken. I argued against it, you may remember, Senator Donnell, while we were in conference. We argued that it would be discriminatory on a racial and religious basis, and it was found out to be exactly so. By December 22, 1945, the shooting had only stopped. People were running hither and thither all over Europe. They found no perament abode. They did not know where they could rest their weary heads. There were no records to speak of at that time.

I urged with all the power within me that the cut-off date be advanced to April 21, 1947, when the accounts were closed, but I argued in vain, and as a result of the insistence, I believe, of Senator Revercomb, the date of December 22, 1945, was taken.

Senator DONNELL. I joined in the view that December 22, 1945, was the proper date, too.

Representative CELLER. I hesitated to say that, Senator, but I think it was a woeful error, if you will forgive my saying so. It has created a great deal of difficulty and unworkability. It has prevented many anti-Communists from availing themselves of the beneficent provisions of the act. That has been eloquently testified to by representatives of the Displaced Persons Commission—and Mr. Ugo Carusi, who is here, will bear me out—in the following statement:

> If I recall the figures correctly, by changing the date to April 21, 1947, the previous date, we shall bring into eligibility at least 95,000 people. That is based on the canvass of 620,000 out of 770,000. Out of the 95,000, 75,000 are Jewish and the majority of the remainder are Catholic.
>
> If we moved the date to January 1, 1949, those found eligible, in addition, including the 95,000, would be 135,000, of whom 81,000 are Jewish and the majority of the balance are Catholics.

Now, it has been stated that the present act is not discriminatory of certain people. I challenge that statement, and I say that it is discriminatory, unjustly so. I hope that the opportunity now presented to the distinguished Senators on this side of the Capitol, will be availed of so as to rip out the statute that element of discrimination.

In addition, there have been given certain preferences by the present act which I think are unfair. For example, there is a preference given to those in the Baltic nations plus those in certain territories, so-called, annexed de facto to the extent of 40 percent of the quota. That sort of revises the racial theories. I think we should abominate racial theories on the score that one race is better than another race. Hitler tried to have that theory prevail, and we know into what doldrums he brought the German people. He spoke of the superior race, the Aryans, and he said that they were the Herrenvolk, the master race, and he said that all the others were the Sklavenvolk, the slave race.

I do not think we should put into our statutes, directly or indirectly— and we have done this indirectly—anything that would even border on so-called racial superiority. There is nothing superior to the Balts over any other people. They are no better and no worse than others. Then there was another preference, to the extent of 30 percent, for agriculturalists. I will come to that in a moment, and I will dilate a bit further on the Baltic preference subsequently.

My bill rips out the 40 percent preference to the Balts. It keeps a preference for farmers, the agriculturalists, but it gives preference to farmers as it gives preference to all others who are in demand in this country. There is no priority in the preferences, as is the case in the bill now operative. My bill would say that farmers shall have preference together with plumbers and carpenters and automobile mechanics and machinists and saddlemakers and household workers and domestice workers and construction workers and clothing workers and seamstresses and doctors and nurses and so forth. That is the fair way to handle that situation.

In addition, my bill provides for some relief to the Volksdeutsche. The Volksdeutsche problem is a difficult problem to comprehend. The

Volksdeutsche have been really criticized for their conduct during the war by the International Refugee Organization. The IRO has said that their conduct was bad. I do not want to confound the innocent with the guilty. There are some good Volksdeutsche; there are some bad Volksdeutsche.

In any event, my bill extends until July 1, 1952, the program for the admission of persons of German ethnic origin. It provides that 50 percent of the German quota shall be used until 1952 for the entrance of these Germans of ethnic origin. When I say Germans of ethnic origin, I mean those who may be Hungarians or Norwegians or Ukranians or Latvians or Bulgarians who have German blood. When those countries were freed, the natives of those countries felt that those natives of German origin, who, in some instances, hated Hitler, should be ousted; and they were ousted. They went back to Germany and have created a great deal of economic difficulty because of their presence.

I am just reminded that Senator Langer was the originator of that amendment in the original bill. He offered his amendment on the floor, and it was accepted.

Senator LANGER. That was section 12.

Representative CELLER. Yes. I extend that provision for an additional 2 years.

My bill provides for the advancement of $5,000,000 by the Reconstruction Finance Corporation for defraying the expenses incurred by various religious and eleemosynary organizations in transporting the DP's from their port of entry in the United States to inland territories.

The IRO pays for the transportation of the DP's to our ports of entry, but many of these organizations are without funds to defray the expenses of transportation from our ports of entry to the inland points. The IRO, to repeat, pays the expense of transportation across the ocean to the ports of entry, but many of these organizations are without funds to take care of some of these DP's from the ports of entry like New York, Boston, and New Orleans, and San Francisco, to the points of destination inland. Five million dollars is made available to various organizations such as the Quakers and Council of the Churches of Christ, and other organizations who are unable to obtain funds for this purpose.

Now, my bill continues the very strong restrictions and provisions for the exclusion of Communists and Fascists and those who are believers in the totalitarian system. No person is to be admitted, under the act, who is or has been a member of, or who has participated in, any movement which is or has been hostile to the United States or the form of government of the United States. There are guaranties of good mental, physical, and character qualifications.

There have been charges that many of these DP's are Communists. I deny that charge. I deny that with all the power within me. They have fled communism. They will not go back to Communist-dictated lands. They refuse to be repatriated, because if they were repatriated, they would be purged. They would suffer dire penalties.

There was eloquent testimony taken before the House Judiciary Committee on several occasions by men like former Secretary of State Marshall, former Secretary of War Patterson, Gen. Mark Clark, who did not appear but sent in a communication, Colonel Sage, who was the aide of General Marshall, General Hildring; communications from

Averell Harriman and former Justice Owen J. Roberts, all to the effect that the charges that these DP's were Communists were baseless.

Now, assurances are being received by the Displaced Persons Commission in a rather goodly amount. It is rather amazing to learn that assurances from all over the country, not from limited sections but from all over the country, through these 31 displaced persons' commissions, have been coming into the Displaced Persons Commission at the rate of about 9,650 a week involving 5,000 families. That is, there is a tremendous, growing demand for these displaced persons. You can read papers throughout the length and breadth of the land containing editorials advocating the passage of this bill, Mr. Chairman, and they are looking toward you and your conferees on this committee, I think, for some action relative to this bill.

Now, the IRO goes out of business on June 30, 1950. There will no longer be any organization called the IRO or any kindred United Nations Organization to take care of these displaced persons. I shudder to think of what is going to happen if the problem is not dissipated by then. If these persons are going to remain in the displaced persons' camps, the Germans, who are just now setting up their government of western Germany, will force them out of the camps. They will not have the wherewithal to defray the expenses of maintaining them, feeding them, housing them, and clothing them, and they will be pariahs of the German society.

I can assure you—and I have been in Germany—that nazism has not been uprooted in Germany to any appreciable degree. You have seen what happened recently with the riots in western Germany. One newspaper had the temerity to allow to be printed and did print a letter saying that the Jews in Germany should again meet the fate that they met under Hitler and that they should be forced again into concentration camps and the crematories. The editor of that paper had his knuckles cracked by the military government in western Germany, but that letter which the editor had the temerity to print caused riots in western Germany. I can well understand why that would cause and create riots. It is typical of the fact that we have not yet uprooted out of Germany that tremendous antipathy on racial grounds fostered by Hitler.

Now, can you imagine what would happen if we do not take suitable action to dissipate this DP problem and force all of these DP's back into the German economy? I shudder to think what will happen. We will have to keep our armies there to keep peace and it will cost far more than $73,000 a year.

There will be confusion worse confounded.

Now, the statement has been made that the United States—and I want you to mark this well, gentlemen—has provided for more refugees than all the other countries combined. I want to take exception to that statement. As Al Smith used to say, Senator, let's look at the record. The facts are as follows, covering the displaced persons:

For the period from the end of World War II to April 30, 1949—and I could not get the figures beyond that—21 percent or 112,300, have gone to Israel. The United States has taken 64,600, including, as of that date, April 30, 1949, the President's directive which provided for approximately 30,000 or 35,000. We have only taken, including that directive, 64,600.

Now, that does not mean that, under the Displaced Persons Act, 64,000 people have come in. Up to date only 52,000 have been taken in. But, to go back, as of April 30, 1949, Israel took 21 percent of the total or 112,000. The United Kingdom took 18 percent, or 99,000. We took 12 percent or 64,600, including those under the President's directive. Canada took 12 percent or 63,500. Australia took 7 percent or 38,700. Belgium took 7 percent or 35,200. France took 6 percent or 34,700. Argentina took 5 percent or 28,600. Brazil took 3 percent or 9,000. Venezuela took 3 percent or 14,200. Other countries took 6 percent or 30,000. Now, the number that the other countries took will be much higher as of today.

In addition, mark you well this: In addition to the 99,000 that Britain took—and that would be over 100,000 as of today—they took 150,000 Polish soldiers from Africa and other places. I think that ought to be a sufficient answer to the statement that was made that the United States has taken more than all the other countries combined.

The CHAIRMAN. Mr. Celler, in view of the fact that you have challenged that statement, I want to say now that I repeat it so that you may know that it is not receded from in the least. I repeat it privately and publicly and I will prove it by more figures than you have.

Now, let me read you the last ones. You have heard of Mr. Brekenridge Long, have you not?

Representative CELLER. I have heard of him and I know his proclivities. I was one of those who was most vociferous in objecting to Mr. Brekenridge Long remaining in the Department of State.

The CHAIRMAN. Then you have heard of him?

Representative CELLER. I have heard of him and I give no credence to his statements.

The CHAIRMAN. Here is what he says. You will not give credence to any statement excepting your own, and that is all right.

Representative CELLER. I will give credence to anybody.

The CHAIRMAN. "We have taken into this country"—meaning the United States of America—"since the beginning of the Hitler regime and the persecution of the Jews, until today, approximately 580,000 refugees."

Representative CELLER. Where are the figures for that? I would like to see the figures.

Mr. ARENS. May I ask a question at this time?

The CHAIRMAN. Yes.

Representative CELLER. He is just drawing the figures out of thin air.

The CHAIRMAN. I want to say that that is only one statement sustaining my position.

Representative CELLER. I would like to have Mr. Brekenridge Long here, and I would like to ask him some questions as to where he gets those figures.

The CHAIRMAN. There is no trouble in getting those figures, Mr. Celler; no trouble at all.

Representative CELLER. Senator, you and I are not going to quarrel.

The CHAIRMAN. No, indeed; but you shot your answer right at me and I am going to answer.

When you address a statement to me, I am going to answer.

Representative CELLER. We may disagree, but we are not going to be disagreeable.

The CHAIRMAN. You shot something directly at me, and I want to come right back with these figures.

Representative CELLER. I did not say that you said it at all. I did not know whether the shoe fit you at all, but I said that it was stated.

The CHAIRMAN. That is all right.

Mr. ARENS. May I ask a question?

The CHAIRMAN. Certainly.

Mr. ARENS. Do you know who is the president of the Citizen's Committee on Displaced Persons?

Representative CELLER. I am not sure whether it is Earl Harrison, or not.

Mr. ARENS. He is formerly a Commissioner of Immigration and Naturalization Service.

Representative CELLER. Yes.

Mr. ARENS. Do you feel he is an authority on the subject?

Representative CELLER. Yes.

Mr. ARENS. Would you take issue with the statement he submitted to the fact that the number of refugees actually admitted to the United States during the 10-year period of 1934 to 1943, amounted to somewhere between 200,000 and 300,000?

Representative CELLER. I would like to question Earl Harrison, whom I have great respect for, as to where he got those figures. I say that from the beginning of the war, from 1937 to 1943 or 1944, only about 25,000 refugees came in altogether.

Mr. ARENS. Do you have any confidence in the statistics of the Immigration and Naturalization Service?

Representative CELLER. Yes, certainly.

Mr. ARENS. Would you take issue with the statement they have submitted that the number of refugees admitted, during the fiscal years 1934 to 1943 amounted to 279,091 immigrants and 228,068 nonimmigrants?

Representative CELLER. That does not militate against my statement. That does not say how many immigrants and refugees these other nations took during those years. I gave figures on the number of refugees admitted during the period from the end of World War II to April 30, 1949. You are going way back. My figures still stand.

What date did you give at the beginning?

Mr. ARENS. The period of from 1934 to 1943.

Representative CELLER. I am not speaking of 1934. I spoke of the period from the end of World War II to April 30, 1949. You did not listen to my statement.

Mr. ARENS. But you took issue with the Senator's statement that the United States had received or provided for the reception of more refugees and displaced persons.

Representative CELLER. I limited myself to the figures from the end of World War II to April 30, 1949.

Senator JENNER. Does your bill take into consideration the fact that there are about 900,000 refugees or displaced persons as a result of the war between the Jews and the Arabs?

Representative CELLER. No.

Senator JENNER. Does your bill take into consideration the 10,000,000 refugees in Pakistan?

Representative CELLER. No.

Senator JENNER. Does your bill take into consideration the 800,000 to 900,000 refugees from Greece as a result of the war?

Representative CELLER. No.

Senator JENNER. Your bill does not take into consideration any of these new displaced persons?

Representative CELLER. Senator, this is a limited bill to dissipate the emergency arising out of the maintenance of these camps.

Senator JENNER. Your bill does not anticipate these new displaced persons who have come about in the last several years.

Representative CELLER. No, it is limited to the displaced persons camps, with few exceptions. It does not take in Greece or Pakistan.

The CHAIRMAN. There has just been a call for a vote, and we will have to leave. We will have another bill coming up right after this one and another vote. I would like to go on with this, if I can find time tomorrow.

I want to make this statement now before I go, and repeat what I said:

The United States has taken in more displaced persons than all the rest of the nations of the world combined.

Representative CELLER. I wish you would state the dates. Anyhow, I will speak to that point when we return, Senator.

The CHAIRMAN. Mr. Arens will notify you of the hour when we will meet, if that is agreeable to you, Congressman Celler. I want to hear you through on this, and I want to hear your answer to some questions, which I think you will be glad to answer.

Representative CELLER. Thank you very much.

The CHAIRMAN. We will stand adjourned.

(Whereupon, at 5 p. m., the committee recessed, to reconvene at the call of the Chair.)

DISPLACED PERSONS

THURSDAY, AUGUST 18, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 3:30 p. m., in room F–82, the Capitol, Senator Pat McCarran (chairman) presiding.

Present: Senators McCarran and Jenner.

Also present: Mr. Richard Arens, staff director of the special subcommittee.

The CHAIRMAN. The hearing will come to order, gentlemen, please. You may proceed, Congressman Celler.

STATEMENTS OF HON. EMANUEL CELLER, A REPRESENTATIVE FROM THE STATE OF NEW YORK; UGO CARUSI, CHAIRMAN, DISPLACED PERSONS COMMISSION; AND HARRY N. ROSENFIELD, COMMISSIONER, DISPLACED PERSONS COMMISSION

Representative CELLER. You will recall, Mr. Chairman, that we ended yesterday on what I might call a discordant note. When we recessed we were in the midst of a discussion with respect to the number of refugees received by our country and other countries of the world, during which a question arose as to whether we had taken more than any, or as many as all the other nations combined. Now, I am of the opinion that this discussion is most salutary, although you and I must differ. We must remember what Jefferson said:

> Only on the anvil of discussion the truth may be forged.

I think we want to get the truth. The figures that I am going to relate are taken from the reports of the Immigration and Naturalization Service, the International Refugee Organization, the State Department, and the Displaced Persons Commission. I had given some figures on the resettlement of displaced perons from the end of the war through April 1949. These figures had come to me from IRO and the State Department. I am going into the matter further, and I have some very interesting figures to present.

There was no official classification of immigrants on the basis of refugee status until the immigration of displaced persons under the President's directive of December 22, 1945, the first of whom arrived in this country in May 1946. Therefore, the only positive statistics relating specifically to refugee immigration to this country are a total of 106,066.

I will repeat: The only positive statistics relating specifically to refugee immigration to this country are a total of 106,066.

I refer specifically to the Immigration and Naturalization Service Monthly Review for September 1948, and unpublished data, together with unpublished data of the Displaced Persons Commission. These refugees came here, or are en route, under the President's program and under the Displaced Persons Act up until the end of last week.

Now, during the fiscal years 1934 to 1943, the years mentioned by Mr. Arens, 1934 to 1943, inclusive, the total net immigration, all immigration, to the United States, from all countries of the world was 232,865, that is, the excess of immigrant aliens over departing aliens. Another figure is the total number of persons to acquire permanent residence in the United States during that period who were born in any of the 18 countries occupied or dominated by the Axis at any time: Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, the Netherlands, Norway, Poland, Rumania, and Yugoslavia. That number was 279,092.

If everyone of those persons were a refugee—and I am certain that a large number, especially from Belgium, Denmark, France, Greece, Italy, the Netherlands, and Norway, were not—that number is the largest which can be used by anybody as a figure representing refugee immigration to this country during those years. Let us take that figure and add to it the 106,066 known refugees and displaced persons, and we get a total of 385,157 admitted to the United States.

How does that figure compare with what other countries have taken of the United Nations displaced persons alone? They have taken over 555,800. These countries have taken that great number only since July 1, 1947, to date.

If we were to add to that 555,800 the 133,762 poles which England took from the fighting forces in Italy and north Africa, and the 70,000 civilian refugees which England admitted during the war, the figure would go over 750,000. That does not include the thousands of refugees who fled to what was then Palestine, the West Indies, the Scandinavian countries, Central and South America, and elsewhere throughout the world immediately before, during, and after the war. I have no way of knowing how many of them there were, but we are familiar with that great migration, and certainly, as it relates to Palestine and the Scandinavian countries, there is no question that a large number of refugees fled there and are still there.

However, still excluding all of these last-mentioned refugees, because we have no actual figures on them, we do have a showing that more than 750,000—759,000, to be more precise—which equals more than the figures that Mr. Harrison gave, or Mr. Breckenridge Long combined—went to countries other than the United States, and the United States received, under any consideration, an outside maximum of 385,157, about one-third of the total, an incomplete total as it relates to other countries, and an overestimation as it relates to the United States, if everybody who came here under quotas of all the countries I have named was a refugee—and they were not.

Reference has been made to the fact that, in addition to the quota immigrants, 228,609 nonimmigrants came from the 18 named European countries during the fiscal years 1934 through 1943. The inference is, I suppose, that they are still here.

The fact is that during the same period 221,784 aliens departed from the United States for permanent residence in those same countries, of whom 66,683 were persons who had been in the United States a year or longer, and 155,101 were nonimmigrants here for a shorter period. I can reduce the potential maximum of refugees from among these groups by stating the fact that many persons who are charged as immigrants are people who were included in the nonimmigrant class, but later changed their status to permanent residents under the appropriate laws, and, therefore, they may well have been counted at least twice.

I have a very significant wire here that came to me unsolicited from Philadelphia, Pa. Apparently, there may have been some news dispatches concerning our differences as to numbers yesterday, and Mr. Earl G. Harrison, former Commissioner of Immigration, sent me this wire. It is dated August 18, and reads as follows:

Understand discussion yesterday regarding certain figures I gave some years ago regarding number of refugees admitted to this country. I made perfectly clear that my figures were only estimates as there was no provision in the law for the admission of refugees as such. My figures actually carefully prepared estimates were given to offset erroneous impression created by Breckenridge Long who clearly used figures showing number of visas issued rather than immigrants admitted. Those admitted came under regular immigration quotas and not as result of any special action on our part. Present DP situation a totally new and different postwar problem. Truth is United States has admitted fewer DP's than any other major nation. Senator McCarran has been given altogether false impression of our "generosity" in helping solve present DP problem.

The telegram is signed by Earl G. Harrison.

Now, Mr. Arens gave yesterday some figures which are found in the Department of Justice, Immigration and Naturalization Service Monthly Review of February 1944, volume 1, No. 8. He gave you the statistics from this document.

The CHAIRMAN. Who is this, please?

Representative CELLER. Mr. Arens, I think, read these figures. Under the caption of "Number of immigrants and nonimmigration aliens, exclusive of Government officials and returning resident aliens, admitted to the United States from Axis-occupied or Axis-dominated countries, fiscal years 1934 to 1943," we have the following figures:

Total, 507,159—immigrants, 279,191; nonimmigrants, 228,068.

Mr. Arens correctly read the figures during those years of immigrants in the number of 279,091 and nonimmigrants in the number of 228,068, but Mr. Arens did not read the explanation which accompanied those figures on the prior page, which I am happy to read. It is a statement of Mr. Earl Harrison as of 1944, and I will read it. It is very significant.

Much misunderstanding has arisen as a result of testimony before a congressional committee which was considering the number of refugees admitted into the United States during the past decade from European countries which are now Axis-occupied or dominated. The misunderstanding has been somewhat dissipated by subsequent explanation and correction. As is generally known, the State Department concerns itself with records of visas authorized and issued; records of persons admitted into the United States are kept by the Immigration and Naturalization Service. Although the immigration laws make no distinction between refugees and other immigrants and, therefore, no exact statistical information on the subject is available, the following table is useful in clarifying the situation.

Then the table I have read follows:

The table shows the number of immigrant and nonimmigrant aliens who were admitted into the United States between July 1, 1933, and June 30, 1943, from European countries which are now Axis-occupied or Axis-dominated.

Two factors should be considered in interpreting these statistics: (1) The number of countries shown on the list could not be considered to have been Axis-occupied or dominated until 1940.

(2) The large majority of the nonimmigrants admitted during the period covered by the table have now left the United States.

In this connection, it may be of interest to note that during the period in question, July 1, 1933, to June 30, 1943, emigration from the United States to Axis-occupied or dominated countries totaled 221,784—immigrant aliens, 66,683, and nonimmigrant aliens, 155,101—

making the 221,784.

Now, the statement of Mr. Harrison is in answer to Mr. Breckenridge Long's false conclusions. The Lord help us if we have to rely on statistics presented in that fashion. I do not think statistics should be presented in that fashion when not given with the explanation from that record.

Now, Senator Jenner, you called attention to millions of refugees in the Near East and the Far East, the Arabs, the Greeks, the Pakistanis, and the Hindustanis. I am very much interested in those and I am sure you are from the purely humanitarian standpoint. Do you intend to offer a bill to aid the refugees in those countries?

Senator JENNER. No. This problem has become very acute, as I understand it. As a matter of fact, the Greek proposition is paramount right at this time. As I understand it, about one-tenth of the people are now classed as refugees as a result of this war. I wondered whether there was any contemplation in this basic legislation to include the people of these areas as displaced persons, or whether we were going to confine it to one place, western Europe.

Representative CELLER. To use common parlance, we cannot cover the waterfront. We cannot help everybody. This legislation is primarily to dissipate the problem of the DP camps, to close those camps up as quickly as possible and to give surcease from travail and suffering to those who have survived the Hitler sadism and who are in the camps. That is all.

Senator JENNER. On that point, I understand that the number coming into the camps and coming into these areas is increasing each month.

Representative CELLER. That is utterly fallacious and I will come to that in a minute, Senator.

Now, the House Judiciary Subcommittee can't take a trip to Europe to make a study, a further study, of the so-called Volksdeutsche, whom we mentioned before. There are about 10,000,000 of them in Germany. They are unwanted in Germany. A great deal of difficulty is being created because of their presence and great animosity has developed. We are going to study that problem, but that also has no relation to the DP problem which is the difficulty stemming from the presence of the DP's in these camps in Germany and the persons outside these camps who are DP's.

Now, getting back to the years of 1933 through 1944, it is interesting to note some of the immigrants that came into this country. I am reading from Refugees in America, by Maurice R. Davie, a Yale University professor, a book recently issued. He speaks of the selec-

tive immigration and of how we have profited by those who came in. He shows that—

most of the refugees that came in those years have gone beyond the elementary school level. Nearly half, 44.3 percent, had attended schools equivalent to the American college level, or have done graduate work.

A somewhat higher percentage of the Christian than of the Jewish group were university people.

All other evidence also points to the high quality of the refugee group. For example, James G. McDonald, former High Commissioner of Refugees under the League of Nations, described the exiles from Germany as being among "the political and intellectual leaders under the German Republic—Democrats, Moderate Socialists, Pacifists, liberal professors, journalists, Catholic priests, and Protestant pastors."

So selective was the immigration that Hitler's Germany, Mussolini's Italy, and Francos' Spain, became practically intellectual deserts.

As a further indication of the outstanding quality of the group, it should be noted that 12 were Nobel prize winners, and that at least 103 of them have attained the distinction of being listed in Who's Who in America and 220 in American Men of Science despite the short time they have been here. The number so listed is twice as large as would be expected if the same ratio to general population characteristics of Americans were to be applied to them.

The CHAIRMAN. From what are you quoting?

Representative CELLER. I am quoting from Prof. Maurice R. Davie and his book published by Harper & Bros., entitled "Refugees in America."

The CHAIRMAN. At what page?

Representaive CELLER. I am quoting from page 44. You might look at pages 202 and 203 and see the great number of atomic scientists who came from Germany and who aided the United States war effort, particularly in the development of atomic energy.

The CHAIRMAN. You consider the author a competent and capable and eminent author; do you not?

Representative CELLER. Certainly.

The CHAIRMAN. Would you mind reading the first sentence on page 27 of that book?

Representative CELLER. The first sentence on page 27?

The CHAIRMAN. Yes.

Representative CELLER (reading):

It, therefore, seems reasonable to conclude (1) that approximately 250,000 refugees had been admitted up to June 30, 1944, for permanent residence; (2) that approximately 200,000 refugees were admitted for temporary stay; and (3) that of the latter approximately 15,000 were still here at the close of the fiscal year 1944.

Well, that shows, Mr. Chairman, that the figures that you gave are quite erroneous; that is, I should say, the figures that Mr. Adens gave, because of those temporarily admitted, only 15,000 are still here.

Now, I could go on and read more of the value of those immigrants that came in during that period, but time will not permit. Now, how widespread has been the distribution of these DP's that have come into this country? It is interesting to note that there have arrived, as of July 29, 1949, 52,792 of these DP's. They have gone all over our country. I would like to read the numbers in some of the States: California has 1,086; Connecticut has 1,576; Indiana, your State, Senator Jenner, has 604; Iowa has 429; Louisiana has 1,193; Michigan has 1,804; Mississippi has 732; Missouri has 326; Ohio has 1,710; Virginia has 449; New Jersey has 2,800; Nebraska has 204. They cover

almost every State of the Union, showing that there has been a considerable demand throughout the length and breadth of the Nation for these DP's.

Mr. ARENS. May I ask you a question on that settlement?

The CHAIRMAN. Will it interfere with your presentation? Would it interfere with the context of your statement if you were to answer a question right now?

Representative CELLER. No, go ahead.

Mr. ARENS. On your settlement of displaced persons, what percentage of the displaced persons who have been admitted into the United States have settled in cities of 100,000 population or more?

Representative CELLER. I have that. If you will just be patient, I will give it to you. I am going to come to that.

The CHAIRMAN. Would you care to turn to that now?

Representative CELLER. I will give you that information. These refugees or displaced persons go to rural as well as urban areas: 55 percent of them have settled in large cities, cities having a population of 100,000 or over. As of 1940, the last Federal census, 22 percent had settled in other urban places, small towns and villages; 23 percent had gone to utterly rural areas. The proportion of those who go to rural areas is growing daily. I think the members of the Displaced Persons Commission can verify that. What is the situation, Mr. Carusi? Are the numbers that are going to rural areas increasing?

Mr. CARUSI. Yes; constantly. As a matter of fact, our figures on the numbers that have gone to large cities are inaccurate to this extent: Many of the farm groups have the DP's arrive at a large city and parcel them out into the area, but in our statistics it looks as though those DP's wind up in the large cities, whereas they really go into the smaller areas.

For example, all of the Ukranian farmers who have gone to Maryland are listed as having arrived at Baltimore, so that those statistics are not completely accurate.

Representative CELLER. Now, it is quite natural, is it not, Mr. Carusi, that many of the DP's have relatives in the larger cities and that, therefore, they gravitate to the cities?

Mr. CARUSI. The great bulk of our first assurances were from friends and relatives whose homes were in the large cities, so our statistics on the city feature showed a very high return on that score. That situation has constantly been reducing, because now the assurances we are getting are from total strangers asking for the DP's by occupation.

Representative CELLER. And they are mostly going to rural areas now?

Mr. CARUSI. Yes; in very large numbers.

Mr. ARENS. What is the percentage of the nonaliens population of the United States in the cities of 100,000 population, or over?

Representative CELLER. I do not know what relation that has to this subject. I do not have the figures for that, but I do not see what the relevancy is.

The CHAIRMAN. It is not for you to say what the relevance is.

Representative CELLER. Pardon me?

The CHAIRMAN. It is not for you to say what the relevance is. If you can answer the question, answer it.

Representative CELLER. I cannot answer it, but I do not see the relevance.

Mr. ARENS. Do you have information with respect to the concentration in the large urban areas, that is, the extent to which the population of the country is concentrated in the large urban areas?

Representative CELLER. There is always a large number of aliens in the large cities. We have always had that. Maybe that is a good thing for the Nation, because they bring new skills and they bring new techniques. They bring in new processes which provide great employment to others. I am not concerned about that at this moment.

Now, let us see what the public prints are saying about the coming of these aliens to the various States. I see my great friend Ed Gossett here. Let us see what the Fort Worth Morning Star-Telegram says about this situation:

This hardheaded approach to formulation of a program of mutual benefit to the State and the DP's is an example and a reproach to nations, including the United States, which have dawdled at the task of resettling the hundreds of thousands of refugees still in the displaced persons' camps of Europe.

Congress now has before it a bill which would commit the United States to doing a more adequate share of the job than the meager law passed by the last Congress provided. It is a measure which speedily should be enacted.

The San Diego Journal said the following:

One of the saddest legislative flops in recent congressional history has been the discriminatory law on admission of displaced persons to the United States.

The President's Commission has reported that, in 7 months, only 2,500 DP's have been admitted under an act that was supposed to let in 205,000 within 2 years.

The joker in the law all along has been that most of the DP's had to be skilled in farm work, non-Catholic, non-Jewish, and meet rigid guaranties of jobs and housing.

It has been a dishonest law, and an unworkable law, and a shameful law.

What does the Decatur, Ill., Review say? I am just picking these newspaper editorials at random:

The trouble seems to be that the law, as enacted by the last Congress, was rendered so inflexible by special restrictions that the machinery of screening and approving the applicants is barely functioning.

What does the Berwyn, Ill., Beacon say?

New legislation to remove the cumbersome and discriminatory features of the act and to increase the number of DP's that may enter is awaited. The climate in and of this Congress gives every indication of being favorable.

What do we get in Indianapolis, Ind., Senator, from your State of Indiana? We have in the News and editorial headed "The pattern we set":

In keeping with the Christmas spirit—

And this is as of December 25, 1948—

it is none too early for Americans to back the Presidential request that amendment of the Displaced Persons Act be made an early order of business in the new Congress.

Gov. Thomas E. Dewey has called for a law "more flexible and less restrictive." Republican and Democratic legislators want the change. It is not a matter of politics; it is a matter of justice and humanity.

The amendments needed would:

1. Change the cut-off date from December 22, 1945, to April 21, 1947, because the earlier date serves no purpose other than deliberately keeping out Jewish refugees.

2. Eliminate the unworkable job and housing restrictions. New York alone offers employment to 50,000.

3. Increase the number to be admitted from 205,000 to 400,000. Due to the enormity of the problem (there are still 1,000,000 DP's in Europe) and the size and richness of our country it is only equitable.

4. Eliminate mortgaging of future quotas. Since 1930 only 22 percent of the total immigration visas permitted by this country have been used.

5. Merge the argricultural perference with those for other skills. Other occupations have expressed great need for the skills and helping hands of the DP's.

6. In addition to screening out those opposed to our form of government, screen out those who conselled or assisted in racial or religious persecution.

In the 18-month fight to get a fair bill through Congress this cause won the support of nearly 200 national welfare, religious, civic, and labor organizations. They now have rallied their forces anew for amendments to right the injustices and inadequacies of the legislation that emerged. Congress should and will heed.

What does the Indianapolis News later say?

Approval by Governor Schricker of Indiana's plan for clearing applications for displaced persons draws on the results and continues the policy suggested in a study made during the previous administration. Governor Schricker's personal interest in offering a new stock in life to the victims of totalitarian cruelty is well known.

Interested Indiana labor, farm, church, and business groups now have a central official agency through which to work with Washington, as required by the 1948 act. In view of the fact that the severe requirements of the act for certifying applications of displaced persons in Europe have defeated the hope that 205,000 displaced persons would be admitted to this country during 2 years, Indiana is on schedule in doing its full share.

To similar effect is an excerpt from the Goodland (Kans.) News. To similar effect is the Louisville Courier-Journal; the Baton Rouge (La.) Advocate; the Albion (Mich.) Recorder; the Benson (Minn.) News; the St. Paul (Minn.) Pioneer Press; and the Jackson (Miss.) Clarion. The St. Louis (Mo.) Globe-Democrat, says the following:

This is the sort of proposal that should have been passed by the last Congress. The admission of 400,000 helpless casualties of war and persecution will not cause a ripple in our economy. It would advance the prestige of the United States and in some extent carry forward the tradition of liberty's beckoning mecca on American shores. The bill deserves prompt action.

To the same effect is the St. Louis (Mo.) Post-Dispatch; the Missoula (Mont.) Missoulian; the Missoula (Mont.) Sentinel; the Abilene (Kans.) Reflect-Chronicle; the Omaha (Nebr.) Morning World-Herald, which states:

On the whole, Americans need not feel particularly generous or charitable in opening the door to these people. In most instances they are the sort of men and women who will give as much to the Nation in service and skills as they recieve from it in income.

So far America seems to be getting the better of the bargain.

To similar effect is the Williston (N. Dak.) Herald; and the Turtle Lake (N. Dak.) Journal. I would read those in detail if Senator Langer were here, but he is not. Quite a number of these editorials are from those newspapers. The Toledo (Ohio) Times, makes a similar statement, as does the Youngstown (Ohio) Vindicator, and the Memphis (Tenn.) Commercial Appeal. I could go on and read many of the editorials appearing in other newspapers, but I need not belabor that situation any further.

Now, there have been some cases where dissatisfaction has resulted in some towns and some States. There have been difficulties. Upon investigation, it was found that some of those who sponsor these

refugees were treating them like peons. They were treating them more like semislaves and the DP's rebelled, and rightly so. But that situation is now growing better daily. Testimony might be given of a case here and a case there, involving difficulty and dissatisfaction. I might answer that by saying that one swallow doesn't make a summer, nor do 3 or 10.

Our population as of January 1, 1948, was about 148,000,000. By the passage of my bill, admitting 339,000 DP's over a 3-year period, we add to our population a little less than one-fourth of 1 percent of our population over 3-year period. The increase is less than the total allowable immigration quotas for all nations for those 3 years. The allowable quotas would be three times 150,000 or 450,000, roughly.

Now, mind you, not a single refugee comes in that is not charged to a quota. We do not expand the quotas. We mortgage the future quotas. Now, to say that the United States cannot absorb this group of less than one-fourth of 1 percent of our population is to place a very small premium upon our domocratic vitality, our economic strength, or the force and impelling significance of our national ideals.

What has been said to the effect that the coming of these refugees will deprive American workmen of jobs? What is the effect on labor? Under the present law, the present DP law, as of June 30, 1949, a total of 19,522 displaced persons' families had entered the United States. That represents an addition to the labor force of less than 0.003 of one percent.

The completion of the program, with the issuance of 205,000 visas by June 30, 1950, will result in a total addition to the labor force of about 100,000. The number is probably less than 100,000 because you must remember that these DP's are not all men who work. There are women and there are children. There may be a few who are too old to work. But if you take 50 percent of the total number, we have about 100,000, so that the addition to our labor force is about 100,000. That is over a period of 2 years under the present law. That is less than two-tenths of 1 percent of the labor force.

Under the Celler bill, if we step it up to 339,000, making it roughly 300,000, say, we would add to our labor force 150,000 in 3 years. That is less than four-fifteenths of 1 percent of our total labor force.

I think those who are best qualified to pass on the subject of the effect on labor are men like William Green, president of the American Federation of Labor, and Philip Murray, president of the CIO. Under date of March 1, 1949, Mr. William Green wrote the following letter to the Chairman of the Displaced Persons Commission. The letter has been made a matter of public record, and that is why I have a copy. The letter is as follows:

> This will acknowledge receipt of your letter of February 25, 1949, in which you refer to my testimony before Congress, on displaced persons legislation. You ask whether, in the light of the present unforseeable conditions in the United States, the American Federation of Labor continues to support the entry of 400,000 displaced persons into the United States.
>
> In answer to your inquiry, I wish to advise that the position of the American Federation of Labor remains unchanged. It is our firm belief that the United States should admit 100,000 displaced persons a year for 4 years. We feel that this would be both morally and economically sound, and certainly should not have any adverse effect on our economy.

Mr. Philip Murray, under date of February 28, 1949, in a communication to Mr. Carusi, Chairman of the Displaced Persons Commission, among other things, said:

> The Congress of Industrial Organizations, at its tenth constitutional convention in November 1948, passed a resolution which endorsed the concepts which subsequently have been incorporated into the McGrath-Neely bill (S. 311) and the Celler bill (H. R. 1344).
>
> We do not think that the alleged economic maladjustments, whether prolonged or corrected, have any bearing upon the question of the admission of displaced persons. Therefore, we endorse wholeheartedly the McGrath-Neely and Celler bills which will permit the entry of 400,000 displaced persons into the United States without the restrictions contained in the Displaced Persons Act of 1948.

Now, let us go into the matter of the DP camp populations in Germany. It has been stated that the population in the camps has not materially decreased, and that there are between 700,000 and 800,000 persons in DP camps now. It is argued in some quarters that the camps keep filling as others leave. That is your question, I will say to the distinguished Senator from Indiana.

Senator JENNER. Yes.

Representative CELLER. My comment is that that is not the proper appraisal. It is not so. Those in Germany, Austria, and Italy receiving care and maintenance in camps, in approximate terms, as of September 30, 1947, just after the IRO began, were 640,000. In camps as of September 30, 1948, the number had dropped from 640,000 to 537,611. That was a month before the first boat sailed under the DP Act. Now, remember that from September 30, 1947, to September 30, 1948, the number dropped in camps from 640,000 to approximately 537,000.

On June 30, 1949, the number dropped to 383,100. That is the latest IRO figure.

Senator JENNER. What was that figure again?

Representative CELLER. Three hundred eighty-three thousand and one hundred in camps as of June 30, 1949, the latest IRO figure. The numbers have since decreased. The above figures are for all of the western zones of Germany, Austria, and for Italy.

The figures for the United States zones of Germany, where, as you know, most of the displaced persons have been, are even more illuminating. These are the figures, then, for western Germany: As of April 30, 1947, there were 353,000; as of December 31, 1947, there were 322,000; as of June 30, 1948, there were 288,000; as of December 31, 1948, there were 248,000; as of June 30, 1949, there were 186,000. Thus, there has been a consistent and steady decline.

Now, I want to strike a word of caution with reference to the evaluation of those figures. They do not mean that there are only 186,000 DP's left. That figure refers only to the United States zone in Germany, and only to those in camps. It is estimated that there were some 627,000 DP's in Germany, Austria, and Italy, on June 30, 1949, both in and out of camps.

It must be remembered that a large number of these DP's, in endeavoring to be self-sufficient, seek work and assignments to jobs in the German economy outside the camps. Of that group, 302,000 were in the United States zone of Germany. As of January 1, 1947, there were in camps 794,735, of which there are only 383,000 left. On January 1, 1947, out of camps, there were 242,669, making a total of all DP's, as of January 1, 1947, of 1,039,404.

Now, left in camp and out of camps today are 794,735. Of that group of 794,735, 627,000 are in and out of camps. In camps, there are 383,000, but there has been a steady decline in the number of refugees in the camps.

Now, on the subject of discrimination, it has been said that the 30 percent agricultural preference and these 40-percent Baltic preferences are just and not discriminatory. Apart from creating serious administrative handicaps in administering the program, these provisions are discriminatory on their face. The 40-percent provision is a discrimination against all groups other than those from the de facto annexed areas. To say that 40 percent must come from the specific areas makes one come to the inescapable conclusion that there is discrimination.

The 30-percent preference for agriculturists also discriminates against groups of displaced persons who do not have such agricultural skills. We need in our diverse economy all kinds of skills. We need unskilled workers as well as skilled workers. We need other than farmers. We need, for example, sheepherders. You need them in your State, Senator. I want to help you get those sheepherders, and I did everything in my power to pass the first bill. You have another bill and I want to get you those sheepherders, because you desperately need them in your State.

I do not know whether you know, Senator, that there are 5,000 sheepherders among the DP's, not counting the members of their families. They are Hertzeleans, that is, Ukrainians, and they come apparently from the Hertzelean Mountains. We do not need to go to Spain for them. We have them right in the DP camps. I want to join with you in trying to get those sheepherders.

The CHAIRMAN. Do you know whether the western open-range sheep culturists have ever tried those people?

Representative CELLER. What did you say, sir?

The CHAIRMAN. Do you know whether the open-range sheep culturists have ever tried the people you make mention of?

Representative CELLER. That I cannot say.

The CHAIRMAN. Well, I can say that they have.

Representative CELLER. And they do not fit?

The CHAIRMAN. They do not understand the game at all. That is not saying anything against them, but they just do not understand it at all. Those people do not understand it. We raise sheep in the open public domain where there are 3,000, 4,000, or 5,000 sheep in a herd, with one man taking charge of them in isolation for maybe a week or 10 days at a time.

Representative CELLER. Well, you are an expert on it. I accept your views on that.

The CHAIRMAN. On the other hand, those from the Pyrenees Mountains have been tried out for probably the last 40 or 50 years and they have proven themselves to be adapted to that particular line of vocation; hence, we seek to get them.

Representative CELLER. I think that your State should have them, and I will work with might and main, as chairman of the Judiciary Committee on the other side of the Capitol, to get them for you.

The CHAIRMAN. Let me give you another instance. I think we could probably pick up 5,000, 6,000, or perhaps 10,000 sheep herders from Mexico. Now, we have tried the Mexican sheep herders. They do not know our way of work. They do not like it. They do not take

to it. Hence, we do not use them, excepting in isolated cases, very isolated, in Arizona and in New Mexico, along the border.

In the States of Montana, Idaho, Oregon, Utah, Nevada, northern Arizona, northern New Mexico, Colorado, you have a different country. The Mexicans do not understand it and they do not like it. They do not take to it. They will work for a week or 10 days, and then they will be gone.

Now, our people who have this sheep culture as a part of agriculture in that great region, and who use the open public domain pay for the open public domain and try to get the line of labor that they have tried out and that they know and they understand. Hence we try to get the Basques. The Basques come from the Pyrenees. They are herdsmen by birth and know the work from the ground up.

Representative CELLER. I would be the last man to gainsay what you say in that regard. You should have them. Likewise those people in those States where there is a dire need for plasterers, carpenters, painters—and we need them in New York State—should have them, and we can get the plasterers, the carpenters, and the painters.

In those States where there are outstanding shortages of machinists, tool and die-makers, sheet-metal workers, millwrights, and pattern makers—and those classifications can be found amongst the DP's—those States should have them. They should be encouraged to get them from the DP's.

The CHAIRMAN. Congressman, let me draw your attention to the fact that when the present bill was drafted, as today, there were two great vocations in this country that were short in labor.

One is farm labor. I do not think there is a farm in all the country that is not today seeking farm labor. We bring in from Mexico each year, for seasonal work, in the neighborhood of 200,000 people. They are coming and going across the border all the time.

We bring in from the islands in the Gulf region a similar number to harvest the crops in the Southern States.

Now, there is evidence of a shortage of farm labor. If there are in the displaced persons' camps or in the displaced persons' groups anywhere those who have an agrarian background and who understand farm work, there are farmers ready to take them and will furnish them places of vocation, they and their families.

They would not displace anyone in any sense of the word, because the labor is there, the opportunity is there. They will not put anybody out of a house, because it is in the rural areas that there is more housing for that line of labor. So that when the committee was writing the bill that is now the law, they took those things into consideration.

Today, you can hardly get a domestic in any home in this country. Try and get one. So we turn to another line where there is an immediate opportunity for employment and where there would be no displacing of anyone from housing and where there would be no displacing of anyone from a job.

Those two vocations, then, were selected, as preferential. In other words, the Displaced Persons Commission should try to seek to fill places where they will not put anyone out of a job, and where the industry of the country demands labor. Now, you say that those two qualifications have discriminated against the Jews and against the Catholics, but the figures will not bear you out.

Representative CELLER. The Celler bill retains the provisions as to jobs and housing.

While you are looking up the figures, let me say, with reference to the 30 percent given priority in the preference, that I think all other sections should be treated alike, and that there should be no priority in the preferences. Give preference to the tailors and give preference to the nurses whom we desperately need and to the doctors whom we desperately need, and also to the diemakers, the plasterers, the plumbers, and so forth, all of whom we desperately need.

The CHAIRMAN. There is nothing to prevent them from having a preference. The 30 percent and the 40 percent do not militate against them.

Representative CELLER. Yes; they do.

The CHAIRMAN. The fact is, Congressman Celler, that the records show that the highest percentage of those who have come in have been of the Jewish faith, the next highest percentage have been those of the Catholic faith, and the next highest percentage have been of the Protestant faith.

Representative CELLER. The trouble is that there have not been enough farmers applying to fill the 30 percent. Do you know that?

The CHAIRMAN. I beg your pardon?

Representative CELLER. The number of applications and assurances given for farmers do not reach the 30 percent.

The CHAIRMAN. I would not go along with that at all.

Representative CELLER. I will ask the members of the Displaced Persons Commission. Am I right in that, Mr. Carusi?

Mr. CARUSI. Yes.

The CHAIRMAN. Sixty-five percent, I am advised, are of farm background, according to the agricultural statistics.

Representative CELLER. Mr. Carusi, will you answer that question? Have you had sufficient assurances for farmers to cover the 30 percent preference?

Mr. CARUSI. No; we have not.

Representative CELLER. Did you hear that, Senator? The answer was, "No."

The CHAIRMAN. That is not the way he answered questions of this committee when he appeared before us.

Mr. CARUSI. Oh, yes. That was not asked. What I did say was this: You asked me a number of questions. They were all very well couched.

The CHAIRMAN. I beg your pardon. I want that last statement repeated.

Mr. CARUSI. I said your questions were all very well couched. They were right down the line and I answered "Yes" or "No."

Representative CELLER. Did the Senator ask you those questions, or did Mr. Arens?

Mr. CARUSI. Mr. Arens.

The CHAIRMAN. He says that they were all pretty well couched.

Mr. CARUSI. I did say that. They were. I have dealt with Mr. Arens. He asked me whether or not there were enough farmers among the displaced persons so that 30 percent of the people coming in would be farmers and I said "Yes." That is true. What I am saying now is that the people of the United States have not asked for them in that

proportion, and, of course, you cannot bring anybody into the United States unless somebody asks for them.

The CHAIRMAN. Is it not true that you stated that you had no trouble finding commitments?

Mr. CARUSI. That is true, but not in the percentages. We have enough assurances, but not in this percentage. Soon, if this law is not changed, we will have to stop processing a lot of cases so as to bring these percentages into balance.

Senator JENNER. What percentage of the displaced persons now in and out of camps in the displaced persons area of Italy, Austria, and western Germany are agricultural workers?

Mr. CARUSI. I do not have those figures.

Mr. ARENS. Between 60 and 65 percent. We have evidence on that.

The CHAIRMAN. The figures that we have indicate 60 to 65 percent.

Mr. ROSENFIELD. May I say that as of July 31, the IRO reported that 20 percent of the people who were obtaining care and maintenance were farmers?

Senator JENNER. Are those the ones in camps?

Mr. ROSENFIELD. That includes both those who are the farmers, as well as their families. Now, that is a IRO figure and I can give you the actual figures if you want them.

There were 113,000 DP's, of whom at least 60 percent were eligible under the present law. Let's round the figure out. Assuming that over 66 percent were eligible, that gives you 75,000 people who are eligible under the 30-percent preference which is a total of 20 percent of all those receiving care and maintenance.

Senator JENNER. When you say "receiving care and maintenance," do you include those outside the camps?

Mr. ROSENFIELD. Those are in camps.

Senator JENNER. In other words, you only have about 300,000 in camps?

Mr. ROSENFIELD. That is correct.

Senator JENNER. And you have about 600,000 out of camps?

Mr. ROSENFIELD. No, sir; less than 300,000 out of camps.

Senator JENNER. About 600,000 altogether?

Mr. ROSENFIELD. Yes, sir. As of June 30, there were 363,000 in camps and 243,000 out of camps. Of those in camps, 113,000 were farmers, at least 60 percent of whom were eligible under the provisions of the act. We have taken a very liberal figure, 66 percent.

Now, the IRO has no figures on those out of camps, but they believe there are not many farmers. Assuming that the percentage is the same, it is still 20 percent. A significant factor, Senator Jenner, is that the 20-percent figure was true on July 31, 1949. On September 30, 1948, it was 27 percent. Other nations have been pulling out of this pool. We are not the only ones that are after these people.

So the simple fact remains, as Mr. Carusi said, that if you use all of this group of 113,000, of course, there would be 30 percent, but the assurances have not been coming in in the proportion to meet them.

Senator JENNER. Thank you.

Representative CELLER. Now, the 1945 date line, I think, arbitrarily cut off at least 130,000 to 135,000 people who would have been eligible under a January 1, 1949, date line. January 1, 1949, is the cut-off date fixed in my bill. The 130,000 to 135,000 includes about 81,000 Jews and the majority of the rest are Catholic. The discrimination against

Jews was even more pronounced when the act was under consideration since many persons of that faith left in the interim for other countries, especially Israel. The combination of the 1945 date line, plus the 40-percent ratio restriction to the Balts and those in the annexed areas, plus the 30-percent agricultural minimum, clearly weave a pattern of discrimination that might well earn for this law the unhappy title of America's first Nuremberg law.

The deductions of the arrivals by religious affiliations are misleading. The facts clearly show that the Jewish groups, being ready to move first, had earlier arrivals. The continuing drop in the percent of Jews in the total of those to whom visas had been issued shows a more accurate picture, as does the rise of the Protestant percentage.

I will give you the results on the basis of religious denominations. As of December 31, 1948, the total number of visas issued to those of Jewish faith amounted to 40 percent, the total number of visas issued to those of Protestant faith amounted to 24 percent, and the total number of visas issued to those of Catholic faith amounted to 36 percent. As of January 31, 1949, visas issued to Jews amounted to 40 percent; visas issued to Protestants amounted to 24 percent, and visas issued to Catholics amounted to 36 percent.

Mr. ARENS. May I interrupt you there to ask a question?

Representative CELLER. Will you just let me finish, please?

As of February 20, 1949, visas issued to Jews amounted to 40 percent, to Protestants amounting to 23 percent, and to Catholics amounted to 37 percent. They went down 1 percent in the case of Protestants, and went up 1 percent in the case of Catholics. As of March 31, 1949, the visas issued to Jews dropped from 40 to 33 percent, the visas issued to Protestants rose from 23 to 25 percent. The visas issued to Catholics rose from 37 to 42 percent.

As of April 15, 1949, the visas issued to Jews dropped from 33 to 31 percent. The visas issued to Protestants rose from 25 to 26 percent. The visas issued to Catholics rose from 42 to 43 percent. As of May 31, 1949, the visas issued to Jews declined from 31 to 30 percent. The visas issued to Protestants rose from 26 to 27 percent. The visas issued to Catholics remained at 43 percent. As of June 15, 1949, the visas issued to Jews dropped to 29 percent. The visas issued to Protestants remained at 27 percent, and the visas issued to Catholics rose to 44 percent. As of July 31, 1949, the latest figures, the visas issued to Jews amounted to 29 percent, the visas issued to Protestants amounted to 27 percent, and the visas issued to Catholics also remained at 44 percent.

To recapitulate, as of December 31, 1948, the visas issued to Jews amounted to 40 percent, and had dropped by July 31, 1949, to 29 percent. As of December 31, 1948, the visas issued to Protestants amounted to 24 percent, whereas as of July 31, 1949, the visas issued to Protestants amounted to 27 percent. As of December 31, 1948, the visas issued to Catholics amounted to 36 percent, whereas as of July 31, 1949, the visas issued to Catholics amounted to 44 percent.

What is your question, Mr. Arens?

Mr. ARENS. I have a number of questions to ask you, but I will only ask you one question at this time, Mr. Congressman.

Do not the Protestant figures include also the Orthodox?

Representative CELLER. Yes; I think they do include some of the Greek Orthodox. However, I am not sure. Do the Catholic figures include the Orthodox?

Mr. ARENS. No; it is the Protestants that include the Orthodox. They are divided about 50–50, are they not?

Representative CELLER. You are right.

Mr. ARENS. So your Protestants would only number about one-half of what you have in your figures there?

Representative CELLER. I think you are correct.

Mr. ARENS. In other words, your 27 percent would be about half of 27 percent for Protestants?

Representative CELLER. That is right.

Now, a lot of statements have been made about those who are illegally in this country and I think it is important to dwell on that. We have been given some very fanciful figures ranging from 1,000,000 to 4,000,000, all sorts of figures, as to the number of those who are illegally in this country. It is interesting to note that Tom Clark——

Has he been confirmed as yet?

Senator JENNER. Yes; just now.

Representative CELLER. Tom Clark, now Justice of the Supreme Court, formerly Attorney General, in testifying before our Judiciary Committee, said the following:

> There are about 15,000 a month coming in, but again there are about 15,000 going out; but if you eliminate them the immigration officials tell me that at the outside it would not be more than 2,000 a year of illegal entries into the United States.

Mr. Gossett, our good friend, then said:

> You mean 2,000 a month?

Mr. Clark then said:

> No, a year. I know there have been statements in some newspapers to the effect that I have set that figure on a weekly basis, some on a monthly basis, but I want to correct it here and now and say it is a year, and I will say that while the Commissioner is here with some of his assistants.

Mr. ARENS. Do you not know that there are at least 20,000 a month coming in illegally on the Mexican border alone?

Representative CELLER. The "wetbacks," whom Congressman Gossett will tell you about, come in and go out. I would not know whether they number 20,000 a month. Probably Congressman Gossett can tell us more about that. I am repeating what the Justice of the Supreme Court stated to us before our committee, namely, that there are only 2,000 illegal entries a year.

If you were to go up to Detroit, you will find people crossing the borders all day long. They go to some work in Detroit; they come in and they go out. That is the situation prevailing at many points of our contiguous territories, between Mexico and the United States, and between Canada and the United States. Now it is absolutely impossible to determine the number of aliens who are illegally in this country, just as it is impossible to determine how many people jumped the red light if they were not caught up with.

It is possible, however, to determine that all estimates as to the number of aliens illegally in this country are grossly exaggerated. During the Senate debate on Senator Revercomb's displaced-persons

bill, it was estimated that around 100,000 aliens came in as refugees during the war and remained in this country illegally.

Subsequently, in order to legalize the residence of this category of aliens, the Congress has granted a quota of 15,000 under the provisions of section 4 of the Displaced Persons Act of 1948. If they are here, they can legalize their stay here by making application. The Department of Justice is now just as surprised as the Congress that only slightly over 5,000 such aliens tried to avail themselves of this possibility. It is obvious, therefore, that the number of refugees illegally in this country constitute about 5 percent of the estimates made last year.

It is also a fact that the law enforcement with respect to all categories of aliens who are illegally in this country has been much more efficient, since the termination of the war permits resumption of deportations and voluntary departures. The figures submitted by the Department of Justice show the following number of aliens deported: In 1945, 11,270 aliens were deported; in 1946, 14,375 aliens were deported; in 1947, 18,663 aliens were deported; in 1948, 20,371 aliens were deported.

The same source—the Department of Justice—indicates the following number of aliens who have departed voluntarily after proceedings against them were started: In 1945, 69,000 aliens departed voluntarily; in 1946, 101,945 aliens departed voluntarily; in 1947, 195,880 aliens departed voluntarily; in 1948, 197,184 aliens departed voluntarily.

The CHAIRMAN. What are you reading from, Congressman Celler?

Representative CELLER. I am reading from my own statement figures given me by the Department of Justice.

The CHAIRMAN. Do you know that Congress has just this year—and the year is not up as yet—deferred nearly in excess of 3,000?

Representative CELLER. Of what, sir?

The CHAIRMAN. In excess of 3,000 have been deferred by congressional action.

Representative CELLER. Are you speaking of suspensions of deportation?

The CHAIRMAN. Yes.

Representative CELLER. I am aware of that, but in 1948 approximately 197,000 aliens departed voluntarily while about 20,000 went out by force.

The CHAIRMAN. There are not any that leave voluntarily, because they come pleading for deferment.

Representative CELLER. They would like to stay here, of course. I do not blame them, do you?

The CHAIRMAN. No.

Representative CELLER. If I were in that position, I would move heaven and earth to stay here in this great land of ours.

Now there is only one other point I would like to make. I am not going to try your patience any longer. You have been very patient with me and I appreciate that. I wanted to dwell on the subject as long as I have, because that is very important. I believe that the House, having acted favorably on the Celler bill by a very substantial vote, is entitled to have consideration of this bill by this distinguished committee and by your distinguished members, and I hope that you will report the bill or a similar bill favorably, so that

the Senate, in the words of common parlance, can get a whack at it so that they can register their views. I maintain that there is a very healthy public opinion for this bill. Using the terms I used yesterday, there is a great ground swell of demand for it.

The CHAIRMAN. There is $875,000 worth of ground swell.

Representative CELLER. $875,000; what do you mean?

The CHAIRMAN. According to the records of the Senate and the committee, that is the largest ground swell in the way of lobbying that has occurred in the Senate in its entire history. That is really a ground swell.

Representative CELLER. If the cause is righteous and just——

The CHAIRMAN. It does not need $875,000 if it is a righteous and just cause.

Representative CELLER. Sometimes you do need more than that, Senator, to bring over the message. You need more than that sometimes. This is a vast country. Sometimes we live in an ivory tower and we do not know what is happening in the rest of the country. We know what is happening in our own bailiwick but we do not know what is happening elsewhere.

Between you and me, I liken our activities to a five-ring circus. We are in one ring, and we do not know often what is happening in the other rings. We have to be informed. I do not want to do away with lobbyists. They are very essential. They acquaint us sometimes. I do want to do away with the vicious lobbyist. I do want to do away with the selfish lobbyist. You have lobbyists on both sides. If that much money has been spent by those who advocate this liberal legislation I would like to know what has been spent by those on the other side. I do not know that the figures are.

I have one final word on the unworkability of this act. On March 4, 1949, the Displaced Persons Commission submitted to the Committee on the Judiciary, House of Representatives, a memorandum incorporated into the transcript of hearings held on H. R. 1344. The law contains, among other factors, the situation with respect to the cut-off date of December 22, 1945. As to that, the Commission which Mr. Ugo Carusi presides over and of which Mr. Rosenfield is a member, had this to say:

> The present date line has had a serious deterrent effect upon effective and expeditious administration—

and they ought to know whereof they speak, as they are administering the act—

> because of the necessity for the search for documents to prove conformity with an artificial date line. Amendments of the act to provide a more realistic and nondiscriminatory date line would speed up the flow of displaced persons to the United States.

Referring to other restrictions of the present law, the Commission's opinion is as follows:

> The first proviso of section 3 (a) requires that no less than 40 percent of visas issued under the act shall be available exclusively to displaced persons whose place of origin or country of nationality has been de facto annexed by a foreign power. The Commission has experienced two difficulties with this provision.
>
> First, it has been a most serious administrative burden which has retarded admissions under the act. The law requires assurances before anyone may even be considered for admission. Suppose we cannot get assurance covering these people? The effect of this would be to shrink the whole program.

For example, if only 40,000 displaced persons from these areas were found eligible for entry into the United States, then only 60,000 others would be granted visas. Thus, instead of admitting 205,000 people, we would be limited only to 100,000, although another 100,000 were ready and otherwise eligible.

Of the first 2,500 visas issued under this program, only 33 percent were from de facto areas.

In order to achieve even this percentage, the Commission was required by the law deliberately to hold back thousands of assurances until there could be enough appropriate assurances even to approach the statutory ratio for de facto annexed areas.

With that, I conclude my statement, Senators. I repeat that I probably have been unduly long, but I think it has been essential. I am grateful for the opportunity to present this.

The CHAIRMAN. Congressman, do you know that it has been stated before this committee by the Displaced Persons Commission that the law would be fulfilled in 19 months in place of 24 months under the existing laws?

Representative CELLER. I wonder if that is so.

The CHAIRMAN. That statement was made by Mr. Carusi before our committee.

Representative CELLER. If the Commission can get 40 percent of those from amongst the Balts. If they cannot, then you cannot do that.

The CHAIRMAN. It has been stated by the Displaced Persons Commission before our committee that there are 7,000 already graded, screened, and ready for transportation standing at the port of embarkation in Europe waiting to be brought over here under the existing laws.

Representative CELLER. That does not militate against my contention of unworkability, injustice, and discriminatory features, Senator.

The CHAIRMAN. Do you know that we are bringing the DP's here just about as fast as we can get shipping space to bring them in?

Representative CELLER. That is fine.

The CHAIRMAN. Do you know that we will have carried out the object and the purpose of the existing laws within 19 months, when it was contemplated that it would take 24 months? Do you realize that?

Representative CELLER. No. I want to wait and see whether that is so. I do not think that it will be.

The CHAIRMAN. If we are bringing the DP's in at the rate of anywhere from 12,000 to 16,000 a month, and if we will accomplish the object and the purpose of the present law in 19 months, as against 24 months, why should we enact a different law now?

Representative CELLER. Because of the effect it will have upon other nations who are being encouraged to take more than they have taken heretofore. They look to the United States for leadership in this regard and the United States has not assumed the proper leadership. It has the strength of numbers. It has the strength of wealth. It has the strength of economic stability. Yet it has not fulfilled its proper functions.

I said yesterday that the President told me that at Pottsdam an agreement had been made whereby we were to take 400,000 DP's, on the basis of which other nations had agreed to take their fair share. Now they are taking more than their fair share, and we have been derelict in that regard.

Two hundred thousand is, to my mind, insufficient. It is a mere piddling amount when it comes to the vast numbers who are in these camps. The maintenance of the camps places a burden on us of $73,000,000 a year. I want to lift that burden from the backs of the American taxpayers.

The CHAIRMAN. Congressman, under your bill, you would take 18,000 Poles from the British Isles, would you not?

Representative CELLER. Let me tell you about that.

The CHAIRMAN. Will you answer that question?

Representative CELLER. Yes; but let me make an explanation. Listen, Senator——

The CHAIRMAN. I am listening; go ahead.

Representative CELLER. I was just speaking rhetorically there. I would be perfectly happy if you would strike that from the bill. I will tell you why that was put in. We do things over in the House as you do in the Senate sometimes. We argue over these things. We slap each other on the back. I needed votes for that bill. I agreed to put that provision in there. A Representative from Connecticut offered the amendment. I got a lot of support for the bill.

I know that you indulge in those practices just as well as I do. I do not care if you strike that provision out.

On principle, it has no place in the bill.

The CHAIRMAN. It has no place in the bill, you say?

Representative CELLER. No; on principle.

Senator JENNER. We are taking care of them over there anyhow. It is just a question of whether we take care of them over there or here. We have spent about $50,000,000,000 in England in the last 6 years, so it is about as broad as it is long.

Representative CELLER. That is like a story of a meeting between an Englishman and American where in the Englishman said, "Do you think there will always be an England?" to which the American replied, "Yes, if we can afford it."

Senator JENNER. As long as we can finance it, there will be one.

Representative CELLER. I would like to have the privilege of returning here after the 19 months are up and seeing what the results are, Senator.

The CHAIRMAN. There will be no trouble with that at all because they say they will have it all accomplished in 19 months. That is Mr. Carusi's estimate of it.

Representative CELLER. I do not want a fulfillment under these conditions where we are discriminating in the way I have indicated. I do not like that. I do not think you like it either down in your heart.

The CHAIRMAN. Now, Congressman, how can you say, from the figures you read this afternoon that we are discriminating against certain religions?

You have read those percentages here this afternoon, and they show that the percentages run in favor of the Catholics and Jews, whom you say this present law discriminates against. What is the use in arguing against your own figures?

Representative CELLER. I still say that, on the basis of these figures, there is discrimination. I cannot get away from that.

The CHAIRMAN. Would you have the Jews and Catholics make up 100 percent of the group?

Representative CELLER. The dateline of December 22, 1945, was established when there were no records. There was no way then of getting the records. The camps were still open; they had not been closed, and were not closed until April 1947. They were still coming in.

Then you summarily and arbitrarily say: This is the date, not even taking the date when the camps were closed.

The CHAIRMAN. Congressman, the President said that was the date in his Executive order, and he brought in nearly 43,000 under that Executive order.

Representative CELLER. The President issued the Executive order, but he did not fix the date. He did not say in that Executive order that you should take that date as far as the displaced persons were concerned. You ask him and see what he says. He told me—that is, the President told me—that he wants my bill which provides for January 1, 1949, and not December 22, 1945.

The CHAIRMAN. Well, now, I went down to the White House the other day. He did not tell me anything. What were you going to say about this?

Representative CELLER. Did you ask him?

The CHAIRMAN. No.

Representative CELLER. How do you know what was in his mind?

The CHAIRMAN. We will have to close the meeting at this time, but I would like to proceed with this matter tomorrow. However, we have another meeting of the Judiciary Committee tomorrow, at which testimony will be presented by quite a number of outside witnesses.

You might come over tomorrow and be with us and sit around the table and honor us with your presence when we have the Greek contingent coming before us. They are going to tell us about displaced persons.

We have had the *Volksdeutsche* before us. I wish you could have been here then. You would have heard more about Volksdeutsche then than you have ever dreamed of. There are 12 million of them now in the economy of Germany.

So we are going to hear about Greeks tomorrow, about 750,000 of them.

Then we are going to hear about the White Russians that are in China.

We are also going to hear about the five or six million displaced persons in India.

I would like to have you come around and listen to testimony about displaced persons. You do not know anything yet; you have not heard anything yet.

Representative CELLER. They are not related to the problem we are considering, I believe.

The CHAIRMAN. It is all related.

Senator JENNER. They are all displaced persons.

The CHAIRMAN. And they are all garment workers, they are machinists, they are toolmakers, they are farmers, and they are sheepherders. They are a little of everything.

I believe we will have to defer the continuation of this matter until next week sometime.

(Whereupon, at 5:15 p. m., the committee recessed, subject to the call of the Chair.)

DISPLACED PERSONS

FRIDAY, AUGUST 19, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 10:35 a. m., in room 424, Senate Office Building, Senator Pat McCarran (chairman) presiding.

Present: Senators McCarran, Langer, and Jenner.

Also present: Mr. Richard Arens, staff director of the special subcommittee.

The CHAIRMAN. The committee will come to order.

The committee meets this morning for the purpose of listening to testimony as to the displaced persons who may be in Greece and who seek refuge in America under any displaced-person law that may come into existence in this country. This committee has been holding hearings now for weeks on this subject. We now get into the subject of displaced persons in Greece.

I regret that there are not more members of the committee present, but the many duties of the respective members of the committee make it impossible for us to be in all places.

Mr. I. A. Lougaris will come forward, if you please. Will you kindly state your name, your place of residence, and your business or occupation, if any.

STATEMENT OF I. A. LOUGARIS, THE ORDER OF AHEPA

Mr. LOUGARIS. My name is I. A. Lougaris. I am an attorney at law, residing in Reno, Nev., since March 1, 1920. I am a member, a very active member, of the Order of Ahepa, an organization created in 1925, consisting of American citizens of Greek extraction, the purpose of which is loyalty to our Government and to see to it that every person of Greek extraction becomes a law-abiding citizen of the United States of America.

Mr. Chairman, we have a bill in which we attempt to convince the committee and the Congress of the United States of the necessity of bringing to the United States of America 50,000 orphans made homeless by virtue of the civil war which has been going on in Greece and by virtue of the suffering which Greece endured in the last war.

The CHAIRMAN. You say 50,000 orphans?

Mr. LOUGARIS. Orphans, yes. These children also will be adopted by families who have blood relationship to them and they will not be left as a burden on our Government for their support.

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The CHAIRMAN. That is, they will not become a burden on the Government.

Mr. LOUGARIS. That is right.

I believe, Mr. Chairman, that should the committee deem it advisable to amend the displaced-person bill to include some of these refugees, those people who come to America will be good citizens of the United States. I have had the opportunity of being the district governor of the Order of Ahepa, consisting of California and Nevada, and I also have had the honor of being national executive committeeman of the American Legion department of my State for 10 years, and now I hold office as a member of the national constitution and bylaws committee of the American Legion. I travel extensively, not only in the Pacific Coast States but all over the United States. I have seen and talked to many Americans and also to many Americans of Greek descent. I have concluded, Mr. Chairman, that all of them are very sympathetic toward our cause.

The CHAIRMAN. What is the approximate age of these children, these orphans, if you know?

Mr. LOUGARIS. I do not know, Mr. Chairman. We have Mr. Xanthaky [1] here, who is more familiar with the conditions in Greece, and I would like him to answer those questions. All I wish to emphasize to the committee, Mr. Chairman, is that we Greeks in America have made very good citizens. For instance, during the war of 1917 and 1918, there were only 500,000 Greeks in America. Over 75,000 Greeks were with the American forces during that war. Some gave the supreme sacrifice; some were disabled, as I am, and some have returned to their former occupations. None of those boys who were discharged from our forces during our war received anything but an honorable discharge. We have made very good citizens of this country. If I had the slightest doubt in my mind that some of those children would not become just as good citizens as I have been and many thousand others, I would never plead for them before this committee, sir. You have known me all those years in Nevada and I do hope and pray that your committee will consider the case of those unfortunate ones.

I thank you.

Mr. ARENS. May I ask a question or two, please?

The CHAIRMAN. Yes.

Mr. ARENS. Mr. Lougaris, approximately how many persons in Grece at the present time are displaced from their habitual residence in Greece?

Mr. LOUGARIS. About 500,000.

Mr. ARENS. Does that include the orphans of whom you speak?

Mr. LOUGARIS. Yes.

Mr. ARENS. Could you tell us when this displacement started, approximately what time it started?

Mr. LOUGARIS. I cannot answer that question. I have to have Mr. Xanthaky, who is familiar with those particular details, answer those questions which you have.

The CHAIRMAN. Thank you. I am glad to see you here.

Mr. LOUGARIS. Thank you.

[1] For the statement of George Xanthasky, see p. 225.

STATEMENT OF HON. THOMAS N. CHRISTIE, THE ORDER OF AHEPA

The CHAIRMAN. Who is next?

Mr. ARENS. Senator Thomas N. Christie.

The CHAIRMAN. Senator, I am glad to see you.

Mr. ARENS. Did I use the right title there?

Mr. CHRISTIE. I am representative, a State representative.

The CHAIRMAN. Will you state your name and place of residence and your business or occupation?

Mr. CHRISTIE. My name is Thomas N. Christie, State representative, State of Minnesota. My business is insurance. I have lived in the State of Minnesota for the last thirty-some-odd years.

The CHAIRMAN. What town in Minnesota?

Mr. CHRISTIE. Minneapolis.

I came to this country when I was 15 years of age and I came from Greece, and I happen to be a member of the Order of Ahepa. I was attending the national convention in Miami, Fla. At that convention, a resolution was adopted, and Mr. Xanthaky will present that to this committee. I was appointed one of the members of the committee to appear before this honorable body this morning to plead for the cause of the displaced persons of Greece. I would like to confirm what Mr. Lougaris has said as to the necessity of this legislation. There is no need for me to elaborate as to the contribution of the Greek people to our democracy. I would like to state to this committee that the people of Greece who have emigrated to this country have made a great contribution to America. They became law-abiding citizens and made successful businessmen out of themselves. They have contributed a great deal.

I know, if this legislation passes, the people of this country of Greek extraction will assume the responsibility to house and provide shelter for those who may enter this country.

The CHAIRMAN. Is there a separate bill existing somewhere to cover this group, this Greek contingent?

(Discussion off the record.)

Mr. CHRISTIE. The members of the organization which I represent feel that an amendment to the present displaced-person bill should be adopted to take care of those displaced persons, due to the fact of the civil war. I know the Unied States Government has spent a tremendous amount of money to secure the independence and the freedom of those people who have contributed so much in this war to stamp our communism. As a member of the legislature, I have thought along those lines during the session of legsilature and I have passed a resolution through the House and the Senate of the State of Minnesota which applies somewhat to war orphans. I know the Congress of the United States was memorialized to that effect. That is aside from the pending legislation. I would like to plead with this committee that they should consider this. I think it is a just and fair appeal for those people who are suffering, who are displaced on account of the civil war, on account of fighting and shedding their blood for the liberty and freedom which we enjoy in this country. I know the United States Government and the United States people have always been generous along those lines; and, in this particular case, I believe the Greek question is a special question. It is not an over-all picture. It is a question which involves all the democratic people of the world.

I consider it a great privilege and an honor to appear before this committee, Mr. Chairman, and I want to thank you for this opportunity.

Senator JENNER. What number of displaced persons do you estimate there are now?

Mr. CHRISTIE. The original number was more than seven-hundred-thousand-and-some-odd persons.

Senator JENNER. What do you mean by "the original"?

Mr. CHRISTIE. The number involved in Greece was about 700,000 but——

Senator JENNER. At what time?

Mr. CHRISTIE. They have returned to their homes since the tide of the war has progressed to final conclusion. So, there are about five-hundred-thousand-some-odd displaced. They are taken care of by the Government and through aid from the United States, but their homes have been destroyed; their land has not been cultivated. They have no means of rehabilitating themselves, and it would take a tremendous number of dollars and time to rehabilitate those people. They have no home to go to.

The CHAIRMAN. You heard the testimony of Mr. Lougaris. I though he dwelt entirely on orphans, 50,000 orphans.

Mr. CHRISTIE. I am not of that opinion. I don't have the number of the orphans, but there is a record which Mr. Xanthaky has. There is a certain number of orphans involved in this, but there is a great number of adults involved as well. I assure this committee from my observation, particularly in the Middle West where I reside, the people not only of Greek extraction, but the people of other nationalities are so sympathetic to the Greek cause that I assure you that the people of the United States as a whole would approve of such legislation.

The CHAIRMAN. I take it that, while you are advocating that the United States take these displaced persons who are now displaced in Greece, you would extend the same idea to other races and other peoples displaced anywhere in the world.

Mr. CHRISTIE. That is provided in the bill. I think the bill itself provides that it should be increased from 250,000 to 400,000.

The CHAIRMAN. I am speaking now, regardless of the numbers.

Mr. CHRISTIE. No; I would not agree to that, because I feel that the Greek question is a special question. It is separate entirely from other nationalities, because of the sacrifices which we have made for the last 8 or 10 years and that we will continue to make democracy live.

Mr. ARENS. Mr. Christie, do you have the information on the dates and specific information, or is that information to be submitted by Mr. Xanthaky?

Mr. CHRISTIE. Mr. Xanthaky will submit that information. I haven't got it, sir. In fact, I haven't had the privilege to visit Greece, but he has. He has made repeated visits to Greece and he has spent much of his time there, because of the Greek war relief and the health centers that he has supervised.

The CHAIRMAN. Of the 500,000 displaced persons, how many do you think we should take into this country? Have you come to an estimate on that?

Mr. CHRISTIE. We have agreed upon a number of 50,000 for the next 2 years.

Senator JENNER. That is 50,000 heads of families?

Mr. CHRISTIE. No; 50,000 people, including orphans or adults.

Senator JENNER. Including orphans and adults.

Mr. CHRISTIE. That is right, sir.

The CHAIRMAN. You have no figure now which would enlighten the committee as to the number of orphans?

Mr. CHRISTIE. I have not, but Mr. Xanthaky will supply you with that information.

The CHAIRMAN. All right. Any further questions, Senator?

Thank you very much.

Mr. CHRISTIE. Thank you, gentlemen.

The CHAIRMAN. The resolution which you submitted will be placed in the record.

(The resolution referred to was marked "Christie exhibit 1" and is as follows:)

CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND THE IMMIGRATION LAWS WHEREBY AMERICAN FAMILIES MAY ADOPT WAR ORPHANS OF ALLIED COUNTRIES OF EUROPE OF WORLD WAR II

Whereas the present immigration law forbids American families to adopt orphans of the devastated countries of Europe who have so gallantly defended freedom and democracy against fascism and nazism; and

Whereas the aftermath of war and the ruthless oppression has caused misery and starvation among the gallant peoples of Europe; and

Whereas throughout those countries due to the war millions of orphaned children under 10 years of age are unclothed, undernourished, insecure, and will perish from lack of nutrition and medical assistance; and

Whereas American families who are financially independent and who are blood relatives or relatives by marriage of such war orphans and who are eager and willing to adopt such war orphans of those Allied countries and bring them to America so that they may have an opportunity to live and grow up as American citizens in our democratic country and adapt themselves to the democratic way of life as we know it; and

Whereas urgency of such legislation is demonstrated by the humanitarian and helpful attitude taken by the United States of America: Now, therefore, be it

Resolved, That the house of representatives, the senate concurring, memorialize the Congress of the United States to amend the present immigration laws whereby such adoption may be possible.

JOHN A. HARTLE,
Speaker of the House of Representatives.
C. ELMER ANDERSON,
President of the Senate.

Adopted by the house of representatives, the 9th day of February 1949.

G. H. LEAHY,
Chief Clerk, House of Representatives.

Adopted by the senate, the 17th day of February 1949.

H. Y. TORREY,
Secretary of the Senate.

Approved February 21, 1949.

LUTHER YOUNGDAHL,
Governor of the State of Minnesota.

Filed February 21, 1949.

MIKE HOLM,
Secretary of the State of Minnesota.

STATEMENT OF GEORGE XANTHAKY, THE ORDER OF AHEPA

The CHAIRMAN. Is Mr. Xanthaky here?

Will you kindly state your name, your place of residence and your business or occupation?

Mr. XANTHAKY. George Xanthaky, Long Beach, N. Y. I am the executive vice president of the Greek War Relief Association.

The CHAIRMAN. Give us an idea of what that association consists of, its numbers, where it is located, and so forth.

Mr. XANTHAKY. Yes, sir. The Greek War Relief Association was founded the day after the Italian invasion of Greece in 1940. It was incorporated by a group of Greek-Americans. However, its membership includes Americans of every racial strain in every part of the United States. The organization, during the war, was instrumental through the United States Government in securing food, clothing, and medical supplies for Greece valued at about $150,000,000. It operated the transblockade operation to Greece, for the United States Government, and subsequent to the war, upon its liberation, the organization engaged in an emergency relief program immediately. In 1945 we concentrated all of our energies in Greece on the improvement of the public health service of the country, particularly in the rural areas. Right now we are building in the country areas all over Greece a number of hospitals and health centers and we hope we can supply the people of the country with hospital and medical facilities on a standard that is a little better than the country has now, although not as good as we have in this country.

We tried to be realistic and to so adjust our program to the economy of the country, but to supply the people, however, with certain basic minimum medical facilities. We have actually built 10 hospitals. We have four more in construction now. The organization hopes to continue as long as the country is in need of this service. The organization is not only Greek. A very large number of Americans are on its board of directors—Mr. Aldrich, Mr. Sloan Colt, Judge Learned Hand, and a number of other people. They have been the principal contributors to our work. The Greek-Americans in the United States number, I should say, about a million people, and they constitute a very small part of our population. They have given generously, but Americans of other extractions, men like Mr. Rockefeller, also have very generously given.

The CHAIRMAN. You may make any statement you see fit in furtherance of the matter for which you appear.

Mr. XANTHAKY. Thank you.

Also, Mr. Chairman, I am a member of the Order of Ahepa, which, as my colleagues have explained, is an organization of Greek-Americans. The convention in Miami adopted a resolution asking your committee to take favorable action on this problem. I wonder if I might leave with you for the record a copy of the letter and resolution.

The CHAIRMAN. It may be placed in the record.

(The resolution and letter were marked "Xanthaky exhibits 1 and 2," and are as follows:)

XANTHAKY EXHIBIT 1

ORDER OF AHEPA,
Miami, Fla., August 16, 1949.

Hon. PAT MCCARRAN,
Chairman, Judiciary Committee, United States Senate,
Washington, D. C.

DEAR SENATOR MCCARRAN: On behalf of the Order of Ahepa may I thank you and the members of your committee for giving us an opportunity to state the refugee problem in Greece and its relation to the displaced-persons legislation which is now pending before your committee.

As you no doubt know, the order which I have the honor to head represents every American of Greek extraction in our country. Because of the extent, the

intensity, and importance of the present Greek struggle against the Communists it is only natural that our convention, here in Miami, should be tremendously concerned with the plight of the hundreds of thousands of Greek orphans and men and women who are victims of Communist aggression. These unfortunate people, 5 years after the liberation of Greece, are totally displaced from their homes, and exist as poverty-stricken refugees.

I had hoped to be able to appear before your committee in response to its kind invitation for me to testify; however, our convention is still in session and I find it absolutely impossible for me to leave. The men who will testify before your committee on the subject were selected by the convention at today's meeting. I know that they will present all of the facts which we feel justify an amendment to the present law.

May I take this opportunity to transmit to your committee a copy of a resolution unanimously adopted today by the convention, urging the favorable action of the Congress of the United States on an amendment to the displaced-persons law so as to permit 50,000 of these unfortunate Greek refugees to enter the United States during the next 2 years.

Sincerely yours,

WILLIAM HELIS,
Supreme President.

XANTHAKY EXHIBIT 2

RESOLUTION

Whereas the Communist-inspired civil war and the present Communist-inspired agression and insurrection against the recognized Government of Greece have resulted in the displacement from the homes of more than 550,000 Greek men, women, and children; and

Whereas, as a result of the aforesaid Communist war against the Greek people, over 1,000 villages, particularly in northern Greece, have been burned and destroyed, and the problem of resettling the persons who have been displaced presents an almost unsurmountable task; and

Whereas these displaced persons in Greece, constituting almost 10 percent of the total population of the country, are living in tents, shacks, cantonments and under the most difficult, crude, and shocking conditions, and constitute a major economic problem and a special tactical and morale problem to the Greek Army in the prosecution of the war against the Communists: Now, therefore, be it

Resolved, That the order of Ahepa and its auxiliaries in national convention assembled in the city of Miami on August 16, 1949, does hereby urge the Senate and the House of Representatives to take immediate and favorable action on an amendment to the Displaced Persons Act of 1948 so as to permit at least 50,000 Greek orphans, and other refugees in Greece who have been driven from their homes as a result of the Communist war, to enter the United States during the next 2 years under the provisions of the Displaced Persons Act and without regard to the existing quota of limitations on Greek immigration.

Attest:

PETER L. BELL,
Supreme Secretary, Order of Ahepa.

Mr. XANTHAKY. With respect to the problem itself, Mr. Chairman, we feel that the situation in Greece is peculiar to that country and that there is a very special problem in Greece with respect to the United States. We don't feel that the Greek people are any better than any other people in the world, but we do feel that America has a very special interest in Greece for many, many reasons. As I have said, the situation which exists in Greece is peculiar to that country.

The refugee problem actually began in Greece in 1944, immediately following the liberation of the country. You will recall that about the month of November, the Communists in Greece got together and civil war started in the country. I went to Greece in January of 1945, about 2 months after the trouble began and the devastation in Greece

caused by the Communists was greater than the devastation caused by the invading or occupying armies. That was in 1945. Literally thousands of people were displaced from their homes then.

Because of the destruction during the occupation you had a double problem. These people, living in crude and rude places enduring the war, were driven from those homes, and many of them sought refuge in the capital city of Greece and in other cities in Greece. That was the beginning of the problem.

All during the period from 1945 down to the beginning of 1947, there was constant Communist activity in Greece and guerrilla fighting, particularly in the mountain areas. The people who have been affected by this problem and have been displaced from their homes, I would say 95 percent of them, sir, are agricultural workers, people who lived in the villages out in the country, people who lived in the mountains and who were chiefly shepherds. They are farm people and mountain people. They are not urban residents. As the civil war and the Communist activity in Greece intensified, their number grew steadily.

In the next year, December of 1948, the official estimate of the Greek Government and the United States Government was that there were 700,000 people displaced in northern Greece chiefly. I would like to explain one thing here. That resulted from two forces, particularly. First, the Communists were continually coming down and raiding the villages, and these people had to get out. It was a question of preserving their lives. But when the American military mission went to Greece, they surveyed the strategic and tactical problem in the country and they advised the Greek general staff to try to clear the whole area of northern Greece of its own inhabitants, because of the peculiar nature of the terrain.

Senator LANGER. What inhabitants?

Mr. XANTHAKY. The Greeks. The Greeks who lived in the area were very often being killed by their own troops, and the poor resident was faced with being chased by the Communists on the one hand and his own army which was trying to rout out the Communists. The Communists were mobile, and very often the Greek troops themselves were injuring their own people. They thought the only sensible thing to do in order to rid the country of communism as a permanent thing was to engage in a full-scale military operation and clear the area of the people who were normally living there. That was done, and that is why in January of this year, 700,000 people were displaced, and that constitutes 10 percent of the population of Greece.

Mr. ARENS. May I ask a question right there, Senator?

The CHAIRMAN. Yes.

Mr. ARENS. Of the 700,000 persons concerning whom you speak, what percentage or what number were initially displaced in World War II by the Italian invasion?

Mr. XANTHAKY. I would estimate that the invasion of Greece and the military action in Greece displaced about 250,000 of the people in the country, so that on liberation, there were 250,000 people displaced as a direct result of the second war and German and Italian military action.

Mr. ARENS. I understand there are approximately 500,000 people displaced now who have not been resettled.

Mr. XANTHAKY. Yes, sir; that is the residual problem.

Mr. ARENS. Of the 500,000 presently displaced, what percentage or what number were initially displaced by the Italian invasion?

Mr. XANTHAKY. It would be an estimate. It would be anybody's guess. I should imagine that about 100,000 of the original 250,000 are still displaced.

Mr. ARENS. Who were initially displaced by the Italians?

Mr. XANTHAKY. That is right.

Mr. ARENS. Do you have in mind the dates on which the Italian invasion started in Italy and when it was over?

Mr. XANTHAKY. Yes. The invasion of Greece took place in October of 1940 and the military action in the country, in terms of actual warfare, according to my recollection, ended around April 20, 1941. That was when the island of Crete was finally taken. Subsequent to that, of course, you had the occupation of Greece by three different occupying forces, not one. The Germans occupied one part of the country. They occupied all of the important strategic areas of the country. The Italians occupied another section and the Bulgarians were in the northern part. They too caused a displacement of the people.

Mr. ARENS. To recapitulate, just to get the figures clear in the record, from approximately October 1940 until April 1941, there were 100,000 persons displaced who are even now displaced.

Mr. XANTHAKY. Yes; 250,000, of which 100,000 are still displaced.

Mr. ARENS. That is right; yes. The other 400,000 have been displaced as a result of the internal Communist guerrilla operations or war.

Mr. XANTHAKY. Yes; with one exception, sir; that we of Greek extraction don't think it is purely internal. We feel that it is a deliberate attempt on the part of the Communist-controlled countries to the north of Greece to destroy Greece as a democracy.

Mr. ARENS. I agree with you. I wasn't trying to change the facts. That group would be distinguished from this first group as to the cause of their displacement?

Mr. XANTHAKY. Yes.

Mr. ARENS. About 400,000 who are now displaced were displaced because of this military operation of the Communists in Greece.

Mr. XANTHAKY. That is right; yes.

Mr. ARENS. May I ask you this: Where are these people located at the present time?

Mr. XANTHAKY. They are located chiefly in northern Greece around Salonika and in the cities of northern Greece. That is the bulk of them. They are living, however, in the crudest, rudest, most difficult, and miserable conditions that you can possibly envisage. Greece, as I say, was destroyed. A good part of it was destroyed during the war and the Communists have done a good job since. What the Government has had to do is to take the small Greek family, take their home, and say even though you have six people living in a house that has a room that might be 15 by 20 feet square, you are going to have to take two more people in, because these people are going to die if you don't. They are being billeted with families that are already terribly overcrowded. On American standards the situation is nothing short of shocking.

Mr. ARENS. Are they all together in one area?

Mr. XANTHAKY. No. They have been scattered all through that area. They are living in cantonments. They are living in public buildings that were formerly used for every type of purpose. A very substantial number of them are living in tents. They have tried the best they could to take particular care of the children, and they have created children's cities where the inhabitants are nothing but children. Those children are living in tents, the girls being separated from the boys.

Mr. ARENS. Does the Government have a record, to use just a hypothetical case, that John Doe is a refugee, and this is his number and this is his identity?

Mr. XANTHAKY. Yes. They have improved their record-keeping system very, very substantially since the American mission went to Greece.

Mr. ARENS. Who has these records?

Mr. XANTHAKY. I should say that the Greek Ministry of Social Welfare and possibly the American mission itself has them, because many of the figures that I have used I have gotten from American mission statistical reports. The figures at best, even the official figures, aren't good according to American standards. They just didn't have the statistical facilities.

Mr. ARENS. Do the statistics disclose or identify the group which was displaced in the Italian operation, as distinguished from the group which was displaced in the Communist operations?

Mr. XANTHAKY. I would doubt it very much. I would doubt that. It may, but I doubt it.

Mr. ARENS. Does IRO operate in Greece?

Mr. XANTHAKY. No; it does not.

Mr. ARENS. The displaced persons in Greece are beyond the purview of a displaced person as defined in the constitution of the International Refugee Organization.

Mr. XANTHAKY. That is right, sir; and what we are seeking here is an amendment to the definition of displaced persons so as to include the particular people we have in mind.

Mr. ARENS. Just one other question. Are there certain camps or settlements which could be identified as a camp or settlement in which the displaced persons are located?

Mr. XANTHAKY. Yes; definitely.

Mr. ARENS. What percentage of the 500,000 are in camps and settlements, as distinguished from those who just may be roaming around in the streets or whatever they may be doing?

Mr. XANTHAKY. I would say on the outside 100,000, the outside figure would be 100,000 taken care of in camps. Mind you, sir, the people who are living in those camps are infinitely better off in terms of housing, food, clothing, and everything else than the people who are billeted with families or placed in other places of housing.

Mr. ARENS. For what percentage of these 500,000, on the basis of your observation and study of the question, is there hope that they could be resettled in the Greek Nation, back to their old homes or their old communities?

Mr. XANTHAKY. I would think that over the period of the next 5 years the outside number of people who could be settled in terms of their normal prior existence out of the 500,000 would be 400,000.

Mr. ARENS. Leaving approximately 100,000 at the end of the 5-year period.

Mr. XANTHAKY. As a residual problem, that would have to be dealt with some way or the other. For those 400,000 people, however, to go back, you would practically have to rebuild all of northern Greece in the area in which this Communist war is going on, because by actual statistics which the Greek General Staff released about 2 months ago I believe the amount of destruction in northern Greece, homes destroyed, villages plundered, cattle stolen and things like that, was greater during this Communist civil war than it was during the Italian and German invasions.

Mr. ARENS. May I ask you, are people while we are talking now, presently, being displaced in the operations that are going on over there, or have the persons who were displaced pretty well formed the entire bulk of the group?

Mr. XANTHAKY. I would say they constitute the great bulk, and the people who aren't displaced are people who just never are going to move. You just can't get them out.

Mr. ARENS. How many, if any, have been resettled outside of Greece, taken by other countries of the world?

Mr. XANTHAKY. I don't think very many of them have. I know that Australia has made an offer to take 3,000 Greeks and that there has been some Greek immigration, but very, very small in number, to other countries.

Mr. ARENS. There have been some who came here under our quotas.

Mr. XANTHAKY. Yes; but you will recall that the Greek Government quota is about 307, I believe, and the quota naturaly is oversubscribed for the next 25 years.

Mr. ARENS. There is a 12,000 backlog on it now.

Mr. XANTHAKY. It is a terrible thing and it is a great administrative problem to the American Government in Greece. The Embassy and all the consulates are just besieged. We are not asking you for help for those people. We are asking for help for these unfortunates who haven't got the means and money to come to America, who haven't got families who can take care of them in Greece.

Mr. ARENS. Of this 500,000 who are presently displaced and haven't been taken care of in some way or another, what is the number who are in the orphan category that the preceding witness spoke about?

Mr. XANTHAKY. I can give you those figures. The figures which I have, sir, are from an official report of the Greek Government and I am sure the American mission has that report and can verify them.

This is on December 30, 1948. The situation has slightly improved since then. The total number of indigent orphans and half-orphans—I may explain, Mr. Chairman, that in Greece there is a peculiar family relationship. If my mother were to die, I am an orphan in Greece; or if my father were to die, I would be an orphan. Both parents don't have to die for you to be considered an orphan. The family responsibility, outside the immediate parents, begins the moment one of the parents dies. This obligation has a direct bearing on the desire of Americans of Greek extraction to take care of these children.

The CHAIRMAN. You mean when one of the parents dies, the child is considered a full orphan?

Mr. XANTHAKY. He is considered an orphan. They don't distinguish between a full- and a half-orphan, but we have the statistics as

to full- and half-orphans and I am going to give them to you. The number of indigent orphans and half-orphans: Male, 162,000; female, 138,000. That is under the age of 18. It is based on the age of 18. Those were full-orphans and half-orphans.

Mr. ARENS. That is about 300,000 altogether.

Mr. XANTHAKY. Yes, the number of full-orphans is 30,000; males, 16,200; females, 13,800. The number of half-orphans total 270,000. We have broken down those without mother and those without father. The ones without fathers, which are the real problem, of course, are 113,000 male and 96,000 female.

Mr. ARENS. May I ask you, on your 30,000 full-orphans, are they virtually located in some area that could be circumscribed?

Mr. XANTHAKY. No. Only they are not, sir. They are scattered all over the northern part of Greece. One of the things that we tried to do during our period of emergency relief after the war was to get these children put into homes, into individual homes. There are no institutions. The institutional facilities for orphans in Greece can take care of 10,000 orphans. They are filled. What we tried to do was to get a home adoption plan in Greece and we gave the Greek family a modest allowance per month to take care of the Greek orphans that will be taken into that home.

Mr. ARENS. Did they adopt them and make them a part of the family or just take care of them?

Mr. XANTHAKY. They weren't adopted. They were just placed with the family. The great problem, of course, arises out of the fact that so many Greek men were killed during the war and during the occupation.

Mr. ARENS. Of your 270,000 orphans who are missing just one parent, are they the ones that are in the areas that you spoke about a little while ago?

Mr. XANTHAKY. Some of them are. The problem is so great in terms of the total number of people, the total population percentage-wise, that the Government just hasn't been able to cope with it.

Mr. ARENS. But the Government has records indicating where the orphans are and who they are.

Mr. XANTHAKY. Yes; they have that.

The CHAIRMAN. You spoke a few minutes ago of their inability to get over here. How would you expect to bring them over and pay their transportation?

Mr. XANTHAKY. I would expect that these people are treated as displaced people within the meaning of the act, and that their transportation and everything else be provided for, as provided for other displaced people.

Mr. ARENS. The others are provided for by IRO.

Mr. XANTHAKY. Yes; and we would expect IRO to take care of these people.

Mr. ARENS. But the Greeks are beyond the purview of IRO, are they not?

Mr. XANTHAKY. If the amendment which we would like you to consider favorably were acted upon favorably, this particular group of people—and we have attempted to define it very, very closely in the draft of the bill which we have for you, sir—would be within the purview of IRO, handled by them. But the problem of administration

of this particular group is, I think, very, very much simpler than any other group of people in the world.

Mr. ARENS. I don't understand why you feel that IRO could pay the expense. Under the Constitution of the International Refugee Organization, the definition of a DP or refugee as contained in that constitution does not embrace people such as the Greeks, who are displaced within their own country, other than certain groups in Germany.

Mr. XANTHAKY. I don't have the definition of refugee here, but the amendment which we propose I think takes care of it and would put them within the definition.

Mr. ARENS. Yes; but that would only change our law. It wouldn't change the constitution of the International Refugee Organization.

Mr. XANTHAKY. Senator McCarran, I want to be perfectly frank in this matter. We are paying the majority share of the cost of the IRO right now. It may be that the IRO would refuse to accept Greece as a member and deal with these particular people as refugees within the meaning of the act.

Mr. ARENS. They haven't done anything yet for you?

Mr. XANTHAKY. They haven't done anything for us and we would be paying the lion's share of the cost anyway as a Nation.

The CHAIRMAN. What I understand you to desire of the committee is to approve an amendment to the Constitution of the IRO.

Mr. XANTHAKY. No.

The CHAIRMAN. We wouldn't have any authority to consider that.

Mr. XANTHAKY. We would ask the committee to amend the Displaced Persons Act of 1948 so as to bring these Greeks within the term "eligible displaced persons" under our law, not the Constitution of the IRO.

Mr. ARENS. Which would make them eligible to come to this country but which would not make them eligible for transportation payment by the IRO, because they are not included within the Constitution of the International Refugee Organization.

Mr. XANTHAKY. Then I would say we urge that their transportation to America be taken care of by the Government of the United States, with the people who adopt them, here assuming the full liability of transportation from the point of entry to the point of their ultimate destination.

Mr. ARENS. May I ask you at this point what are the financial resources of the group that you represent from the standpoint of the burden or reliability to assist at least in the payment of transportation costs and resettlement of Greeks?

Mr. XANTHAKY. I would say that as a minority group, the Greek-Americans are responsible and good American citizens. Financially, I think, there isn't any one minority group in the country that has shown a greater aptitude for free enterprise. I believe that there are over 100,000 independently owned businesses in the United States that are owned and operated by Greek-Americans. They have been reasonably successful in their private business. They are prepared and able to take care of these people here in America. They won't be a burden on the American taxpayer. They will be adopted, if they are orphans, into the family. In the definition which we have proposed we would limit at least 50 percent of these orphans and regular refugees to people within the third degree of consanguinity.

We want to adopt them. We want to assume the liability and expense of taking care of the Greeks, and we don't think that Senator McCarran or Senator Eastland or any other man in this country should be asked or any American taxpayer of non-Greek extraction should be asked to take care of my brother's children when my brother has been killed in Greece and I can take care of them here. We want to relieve the American taxpayer, at least to some extent, of that burden and we are able to do it.

Mr. ARENS. To get more precise and right to the point, you would feel, would you, not trying to put words in your mouth, that even though provision were not made for payment of transportation costs for the Greeks, particularly the orphans concerning whom you speak, that adequate financial resources would be available either through individuals or through your organization for the payment of transportation costs.

Mr. XANTHAKY. I would say that it would be a hardship and that it would be assumed. I would hope it could be done the other way. I think that the problem is a large one. As individuals, it becomes a great problem to advance out of their capital a certain amount of money. I think out of their income they can take care of these people and absorb them. If a man, let us say, who owns a small florist shop in Worcester, Mass., and has three or four children, had an orphan niece or nephew, he would say, "I am prepared to take care of that child for the rest of its life as a child and to bring him up as a good American citizen." It is awfully hard to ask him to dip into his limited capital and pay, let us say, $1,000 or $500 or $700 to bring the child over here. I would hope that that expense could be borne, at least in part, by our Government, to the extent, let us say, that it contributes to the IRO. But in the ultimate, let us say, if the Greeks in this country had to make a choice of paying the transportation or not having these children, they would pay it, even if they had to go out and borrow the money to do it.

Mr. ARENS. Could I ask you one further question? What is the essence of your bill? I understand you have a bill.

Mr. XANTHAKY. We drafted something. You will pardon us. It is an amateur effort, of course. What we hoped was to define an "eligible displaced person" that it—

shall also mean a native of Greece who has fled or moved from his former habitual residence as a victim of the Nazi or Fascist regimes or of regimes which took part on their side in the Second World War—

because you had Bulgarians there—

or as a result of the civil war which followed the liberation of Greece after World War II, or any subsequent aggressor or insurrection against the recognized Government of Greece—

which is what is going on now—

and who on the effective date has qualified under the American immigration laws.

We don't expect people to come in here who are diseased or mentally incompetent or anything like that.

The CHAIRMAN. How many do you think it would bring in? How many would you have us bring in under that?

Mr. XANTHAKY. We would hope, sir, that we would be permitted to bring in 50,000 over that 2-year period.

Mr. ARENS. Would those be orphans or would it be orphans and families?

Mr. XANTHAKY. I think it would be both, specifically.

Mr. ARENS. Under the present law, the orphans come in nonquota. Did you want your orphans as part of the 50,000?

Mr. XANTHAKY. As part of the 50,000. We would expect them to come in as part of the 50,000. We have also urged that a half orphan be on the same basis as a full orphan, that the half orphan be as eligible as the full orphan, because of this peculiar problem in Greece.

Mr. ARENS. May I ask you this one further question: When you speak of Greece, my geography is pretty poor. Is it just the nation we call Greece or are there certain islands?

Mr. XANTHAKY. I think you mentioned Crete. Crete is one of the islands of Greece. It is a Greek island and part of the Greek nation. Geographically, the Dodecanese Islands were returned to Greece after World War II by action of the Four Great Powers, and those are the only islands that it has gotten that were not a part of the Greek State before the war.

Mr. ARENS. If your proposed bill just says Greece, does that embrace the people in these adjacent islands who are under the Government of Greece?

Mr. XANTHAKY. That is right, yes.

The CHAIRMAN. What is the population of Greece?

Mr. XANTHAKY. The best estimate here is about 7,000,000 now.

Senator JENNER. When were you last in Greece?

Mr. XANTHAKY. I was in Greece last in June of last year, and I am going over to Greece now, in August, next week. I was over in June of last year.

Mr. ARENS. Does our Government send money over for relief purposes in Greece other than the military aid?

Mr. XANTHAKY. Yes. I wonder, Mr. Chairman, if I might explain the economic benefit to America and to Greece in this particular instance.

The CHAIRMAN. All right.

Mr. XANTHAKY. Greece today exists wholly and solely because of American financial assistance. Without it, there would be no Greek nation. It couldn't feed itself, it couldn't clothe itself, it couldn't conduct the war that it is conducting without American assistance. A very, very substantial part of the dollar contribution which we are making to Greece was intended to go and does go for the economic recovery of the country. We had hoped to be able out of the total sum to give more toward the economic recovery than we are now, because they are fighting a war. A very substantial part of the money which we are sending over to Greece ultimately finds itself being spent to care for these refugees and we think that that is a drain on the American taxpayer. Whatever degree we can relieve it, to that extent we relieve that drain.

Senator JENNER. Do you have any figures to show what has been given in the way of financial assistance by all nations, including this Nation, since 1945? I am speaking of UNRRA, American aid, and so forth. Do you have any figures to show the total amount of aid that other nations sent to Greece?

Mr. XANTHAKY. If you let me think for a moment I think I can get pretty nearly to the amount, because I was connected with the organi-

zation. I should think it would amount to about $750,000,000 to $800,000,000 total amount of money placed into Greece since the end of the war for all purposes, including present military purposes.

Senator JENNER. That includes UNRRA?

Mr. XANTHAKY. Yes. My recollection is that the total UNRRA appropriation to Greece came to about $360,000,000 during the period of UNRRA operation.

Senator JENNER. The Greek-Turkish loan passed when? Two years ago?

Mr. XANTHAKY. Yes.

Senator JENNER. About $600,000,000 has gone in under that, hasn't there?

Mr. XANTHAKY. No, not that much. I don't think that much has gone in.

Senator JENNER. What was it, $400,000,000? No, that was Greece and Turkey.

Mr. XANTHAKY. The total was $400,000,000. I think $300,000,000 was allocated to Greece. Out of the $300,000,000, unfortunately, at least 50 percent went for military expenditure, and that is one of the great tragedies of the situation there, that so much money that might have gone to the building up of the economic structure of the country and the relief of these people and to give them work has been spent to fight the Communists.

Senator JENNER. What kind of internal government have they in Greece now?

Mr. XANTHAKY. They have, I would say, a right of center government.

Senator JENNER. Some of the reports we read indicate that corruption is rather rampant.

Mr. XANTHAKY. I really don't think so. I think we as Americans have one standard of government and public office. The people in the Balkans and the Middle East and in other parts of the world have another standard. It is very difficult for us to expect the people of Greece to be the same as the people of America. I would say that the government is a reasonably honest government and that its greatest problem is the problem of creating an efficient administrative mechanism. The difficulty here is that the Germans and the Italians killed the youth and the able-bodied men of the country. They killed off the intellectuals of the country and Greece was stripped of its manpower. You put back the reins of government in the hands of people who were old and who have been made doubly old as a result of the terrible horrors of occupation.

Mr. ARENS. What is the prospect in Greece of defeating the Communists, running them out and settling them down so there will be no more refugees?

Mr. XANTHAKY. I should say if you sealed the Albanian and Yugoslav border, you would practically solve the Communist problem in Greece overnight.

Mr. ARENS. What the prospect of doing that?

Mr. XANTHAKY. I would say that at the moment the military action in Greece appears to be successful, but that whether the Communists to the north will continue to behave themselves, is a problem that only the Lord can foresee.

Senator JENNER. Do you know the size of the Greek Army at this time, the approximate size of it?

Mr. XANTHAKY. I should imagine that it is about 250,000 men.

Senator JENNER. Do you know the estimated number of guerrillas engaging in this warfare in the northern part of Greece?

Mr. XANTHAKY. I have heard all kinds of reports, ranging originally from 25,000 to 50,000, to the present reports of around 15,000 to 20,000. It is a fluid thing, though. They go back to Albania and Yugoslavia and Bulgaria, then new ones come in. It is all so fluid, it is awfully hard to say.

Mr. ARENS. Do the Greeks do that or do the Yugoslavs and Albanians?

Mr. XANTHAKY. I would say out of the total population of 7,000,000 people, if 1 percent of the Greek people are Communists, then we are not living in America. The Greek is an individualist. I think they have shown that through 2,500 years of history. They are that way in this country. They just don't want to be herded or shepherded together and regimented. That is one of the difficulties of the country since its existence. Every man is a leader in Greece. Every man wants to be the head of the Army. They are not Communists. The trouble has come from a very, very highly organized, militant, well-disciplined minority of Communists, who have capitalized on the chaos and misery of the Greek people since occupation.

Senator JENNER. What about this proposition? The Greek Army consists of about 250,000 men and we have been over there almost 2 years now, with the great bulk of our Greek aid, I presume, going into a military venture. Why is it that an army of 250,000 men, after it has had 2 years of military assistance from this country, and equipment and a military mission from this country, can't subdue or overcome 15,000 or 20,000 Communists, particularly when they are confined to the extreme northern border?

Mr. XANTHAKY. I would hate to venture a statement as an expert on military matters.

Senator JENNER. You have been there, and I wondered what your opinion was.

Mr. XANTHAKY. I do know one thing: The terrain of Greece is very much like the terrain of the Rockies, Senator, except that it is not as high. It is the most difficult country in the world to fight in. That was one reason the Greeks were able to beat the Italians. To get from here 3 miles away you may have to go 20 miles on muleback on the side of a mountain on a path that is about a foot and a half wide. They get up into the top of the mountains and dig in, and you just can't get them out. You have to blast them out. Then they are mobile. They can move. Twenty or thirty men can hold a mountain peak against a regular regiment. When they are just about finished, they can leave and slip out. It is terribly difficult country to fight in.

Mr. ARENS. What percentage of the area of Greece is under Communist control and domination?

Mr. XANTHAKY. I would say that the only part that is really under Communist domination at all is the northwestern section up near the Albanian border now, where the military action is being concentrated. The very great good that has come out of American military assistance in Greece is that all of southern Greece has been cleared. You can travel anywhere you want in southern Greece today, whereas a

year ago today you couldn't go 15 miles outside of Athens without a military escort. They have cleared the situation up as far north as Thessaly. As I say, if you could only seal off that border so that once you have cleaned them out they stay out, Greece's problem would be solved.

The CHAIRMAN. I think maybe I have asked you this question before: How many of these displaced persons do you think the United States should take?

Mr. XANTHAKY. I feel, Senator, that we should and could take upward of 50,000 of them in the next 2 years. I think they would make a contribution to the life of this country. The Greeks have been industrious—I am talking now as a general rule—industrious, hard-working, decent people who have assimilated into the life of whatever community they have gone into. There is no minority problem in Greece. That is one of the few good things. The Greeks are 98½ percent of Greek ethnic origin.

The problem of Greek minorities in Europe was settled in 1922, when, as a result of Turkish action in Asia Minor, they took 1,200,000 Greeks who lived in Turkey and physically moved them back to Greece. They have a common religion. I would say that 95 percent of the people of Greece are of the Greek Orthodox faith. We have a very small Roman Catholic population in Greece and an even smaller Jewish population. The Jews have practically been wiped out in Greece. They did have about 70,000 Jews who lived in the area of Salonika. I think about 60,000 were sent to concentration camps and killed.

Mr. ARENS. Who did that?

Mr. XANTHAKY. The Germans, not the Italians. I don't think there are 10,000 Jews in Greece today. In Greece they were Greeks. They assimilated into the country and they fought like the Greeks with the Greeks, and there was no question. We have never had any religious minority problem in Greece or racial minority problem.

The CHAIRMAN. All right, sir. Do you think you have covered your subject very well?

Mr. XANTHAKY. You couldn't have given me more time. I don't know anything that I could add other than that I would like to leave this memorandum, Senator, that Mr. Helis prepared.

The CHAIRMAN. Do you want it in the record?

Mr. XANTHAKY. I would like very much if you would put it in the record.

The CHAIRMAN. All right.

Mr. XANTHAKY. I don't know if you want extra copies for the other members of the subcommittee.

Mr. ARENS. I would appreciate extra copies.

(The memorandum referred to follows:)

STATEMENT OF WILLIAM HELIS, SUPREME PRESIDENT, ORDER OF AHEPA, WASHINGTON, D. C.

On behalf of the Order of AHEPA, the largest Greek-American organization in the United States, I earnestly ask your favorable consideration of a bill to amend the Displaced Persons Act of 1948 so as to permit 50,000 Greek nationals to enter the United States during the years 1949 and 1950, without regard to the existing quota limitations of Greek immigration. In view of the special facts surrounding the Greek problem, the 75,000 members of AHEPA hope that you

will consider the Greek displaced-persons situation as a priority problem and give your approval of the suggested amendment.

While the internal situation in Greece is one of the most complicated and difficult in Europe, the admission of Greek nationals to the United States, from the standpoint of American public opinion, presents fewer difficulties and complications than would be present in the case of nationals of any other country in Europe. There are no minority problems, either religious or ethnic, in Greece. Ninety-seven percent of the population is of the Greek Orthodox faith, and practically every person in the country is of the same racial strain.

THE PROBLEM

The displaced-persons problem in Greece results from one factor; namely, the Communist-inspired civil war and the subsequent Communist-inspired aggression and insurrection against the recognized Government of Greece. More than 700,000 people in northern Greece have been uprooted from their homes as a result of Communist guerrilla raids and because of the military decision of the Greek General Staff to clear the area in order that the Greek Army might engage in full-scale warfare against the Communist forces. Since 1,440 villages were burned and destroyed by the Germans during the war and the occupation, the problems of resettling these persons is an almost insurmountable task. Out of the population of 7,000,000, the 700,000 displaced persons are living in tents, shacks, cantonments, and under the most difficult, crude, and shocking conditions. A comparable situation would exist if 14,000,000 Americans out of our population were homeless, shelterless, and completely dependent upon the Government for food, clothing, and shelter.

The intensity of the distress and misery resulting from the refugee situation in Greece is eloquently set forth in a letter signed by the representatives of every American private philanthropic and educational organization operating in Greece and dated January 20, 1949. For the convenience of the committee, I am attaching a copy of this letter to this memorandum.

Before analyzing the economic factors which we feel justify the passage of this bill, I feel that special reference should be made to the impact of the refugee problem on the military situation in Greece. As you know, the United States Government, as a matter of official policy, is supporting Greece with hundreds of millions of dollars' worth of arms and ammunition in its war against the Communists. In this connection, I should like to impress upon the committee that Greece is engaged in a full-scale, all-out shooting war, and not any war of nerves or cold war. It is a head-on clash between the forces of western democracy and communism. It is in the self-interest of the United States and every western democratic nation that Greece win its war against the Communists. The refugee problem has created tactical and morale problems which cannot be overlooked in assessing the Greek military situation. Practically all of the refugees come from northern Greece, the area of most intensive military action in the present war. Because of very severe battle damage in this area during the past 9 years, the problem of immediate resettlement is almost out of the question. Since this huge group of totally indigent refugees is living under deplorable conditions and on less than subsistence rations, it constitutes a constant threat of disease and unrest to the Greek Army. Anything which can be done to relieve the pressure of this situation will have an immediate and salutary effect on the Greek military situation.

ECONOMIC FACTORS

The economic survival of Greece depends upon the success of the Marshall plan. The efficacy of this program in Greece has been seriously retarded for a considerable period of time and at great cost because of the diversion of funds designed for economic recovery to the support of this huge group of totally helpless, nonproductive indigents.

The necessity for greatly accelerated emigration as an important factor to the recovery of Greece was recognized 2 years ago by the food and agriculture mission to Greece in its report to the United Nations. Eight of the ten members of this mission were American specialists in agriculture and industry. The report of this mission recommends that the Greek Government relieve the problem of surplus population by developing greater opportunities for emigration.

The economic chaos and destruction in Greece are so well known to require little discussion. It is, however, important to emphasize the scope and urgency

of the refugee and indigent problems. The following statistics give a startling picture:

Number of displaced persons, Dec. 31, 1948	660,000
Number of indigents other than refugees	394,000
Total dependent on Government for full support	1,054,000

When the Food and Agricultural Organization mission report was made in October 1946, the refugee problem had not developed. If at that time the need for emigration was considered an important step to economic recovery, it is evident that the accumulation of 660,000 persons is an appalling drain on the meager resources of the Greek Government and therefore an equal drain on United States funds which should be directed toward recovery rather than emergency relief. The problems presented by the 1,054,000 indigent and displaced persons cannot be overstated.

In view of the above, it is clear that the movement of 50,000 Greek nationals would benefit the basic economy of Greece. We feel that the same is true with respect to America. The refugees coming under the amendment fall chiefly into two groups: Agricultural workers and shepherds, and orphaned children. There is little, if any, possibility of these people ever becoming public charges in the United States. Under the proposed amendment at least 50 percent would be taken into the homes of their relatives in America where they would become part of the family unit.

THE ORPHAN PROBLEM

There are 300,000 orphans and half orphans in Greece. They come under the following categories:

Total number of indigent orphans and half orphans:

Male	162,000
Female	138,000
Total	300,000
(*a*) Orphans:	
Male	16,200
Female	13,800
Total	30,000
(*b*) Half-orphans:	
Without mother:	
Male	32,400
Female	27,600
Without father:	
Male	113,400
Female	96,600
Total	270,000

Eighty percent of these children are dependent on Government or community support. At present, however, institutions can accommodate 8,500, and the Greek Government is able to support only an additional 10,932. The survival of the remainder is dependent on the indigent allowance, which is insufficient for adequate food and does not provide clothing, education, or medical care.

These children are the most tragic victims of the war, and the tragedy will grow more serious unless steps are taken to provide an opportunity to these orphans to mend their shattered lives. Because they are denied even the rudiments of education, there is little hope for their development as self-supporting citizens and as a resource of the country.

The proposed amendment is designed to relieve the most serious pressure of this group. While Greece must be dealt with separately from the application of the act to the international refugee problem because the displacement is internal rather than international, the whole purpose of the act is to relieve just such conditions as now jeopardize the American recovery program for Greece.

THE RESPONSIBILITY OF GREEK-AMERICANS

Every American of Greek extraction is deeply conscious of his obligations as an American citizen. He feels with equal keenness his duty to his family and his blood relations. It is for both of these reasons that the Greek-Americans are unanimously behind this effort to amend the displaced-persons law. The Greek Americans want to support the Greek refugees who come to America. As patriotic Americans they see no reason why Americans of non-Greek extraction should be asked or expected to support Greek refugees. To the extent that these displaced persons are permitted to come to America there will be a lessening of the tax burden on other Americans and a reduction in the emergency relief problem in Greece.

In this connection, special attention should be given to the character and economic status of Greek-Americans in the United States. Because of the traditional ties of church and home, there is practically no juvenile delinquency, and almost without exception the Greek-Americans are respected as law-abiding and useful citizens. Again, because of strong family feeling, it is extremely rare to find a Greek the subject of public assistance in the United States. The majority of the Greek-Americans are independent business owners and in a position to assure support of their relatives without displacing employees. They are also in a position to provide the best of education for the children they adopt. As a group they place major emphasis on the importance of education and good citizenship.

Another factor which I am sure you will consider in reaching your final judgment is the outstanding record of the Greek-American community in its contribution to the armed forces of the United States in the First as well as the Second World War. The Greek-American has been as ready and willing to fight to defend his country, America, as his ancestors and his brothers have been willing to fight to defend Greece and western civilization. I think it safe to say that no group in America is more bitterly opposed to communism, wherever it may be and whatever form it may take, that the Americans of Greek extraction.

ADMINISTRATION OF THE PLAN

It is proposed that the International Refugee Organization serve as the selecting and screening body. However, because of the internal character of the displacement, it is further proposed that the American mission be given the final approval of recommendations of the International Refugee Organization.

If it is not possible for the IRO to select candidates, it is proposed that the American mission be charged with this responsibility. Because of its knowledge of over-all problems of Greece, the mission is admirably fitted to handle the screening process.

Determination of eligibility will be simplified in Greece because, as has been previously stated, there are no minority problems in terms of religious or ethnic groups. All persons eligible for consideration will be Greek and almost certainly members of the Greek Orthodox Church. In the entire country 97 percent of the population are members of that church and 3 percent are members of all other faiths. This factor is an additional and important reason why Greece must be given a special classification under the Displaced Persons Act.

AMERICAN COUNCIL OF VOLUNTARY AGENCIES,
Athens, January 20, 1949.

To: American Council of Voluntary Agencies, New York.
From: American Council of Voluntary Agencies, Athens.
Subject: The critical situation in Greece.

More than 4 years after "liberation," the Greeks are still struggling in the throes of a destructive war waging against them by a ruthless foe, partly internal, partly organized outside the country, under alert Communist leadership. By terrorization and devastation, the enemy is endeavoring systematically to break down orderly government and to create an atmosphere of fear and despair—the vacuum in which Communist ideas may prevail. In this campaign well-instructed guerrilla bands engage in constant raids by night on unprotected villages, burn houses, carry off hostages and forced recruits and whatever supplies they find, and kill or mistreat and terrorize the ill-fated villagers. As a result of this activity, thousands of victims, in fear for their families' and their own lives, have

fled for refuge to the relative safety of the large towns and cities, abandoning behind them their lands, possessions, and means of livelihood.

At this moment 674,000 terror-stricken men, women, and children—nearly one-tenth of the population of the country—have flooded into urban centers, especially Salonika and other cities in Macedonia, Thessaly, and Epirus, as helpless, penniless refugees. Of this number 130,000 have no adequate shelter amid a bitterly cold winter; 36,000 are huddled under tents; and 145,000 have been crowded into insanitary and altogether inadequate temporary quarters in bombed-out buildings, doorless and windowless warehouses, cellars, and whatever other places they could find with a roof or part of a roof over their heads.

Distress and misery are widespread, and the situation is one of the most appalling any nation has ever had to face. This heroic country is striving to the limit of its resources to cope with the refugee problem, but its means are pitifully meager; on the verge of financial bankruptcy as a result of the war, it is able to make an allowance of not more than 10 or 15 cents a day per person with a little bread, and that not to all, but only to those in the utmost state of want.

The ECA mission has been doing all it can to aid, especially in the allocation of funds, to provide some of the most urgently needed housing. But the Marshall plan was designed to promote the economic recovery of the country, not to supply emergency relief; and a real solution of this problem must be sought elsewhere.

In this critical situation American relief agencies in Greece have been able to do very little. Indeed, most of them have been obliged to curtail sharply their activities in the field of relief, including the care of destitute children, for most of their supporters in the United States have the mistaken idea that United States Government funds are entirely adequate to care for relief in Greece, and even the most faithful supporters have, therefore, substantially cut their former generous contributions to those agencies.

The Council of American Voluntary Agencies of Greece therefore desired to convey to the corresponding council in New York and to its constituent organizations in the United States an urgent message and appeal. Will you do something to enlighten American public opinion on the immeasurable want and misery which hundreds of thousands of victims of Communist barbarity are suffering today in Greece? Will you not do what you can to appeal to the generous in the United States to extend their help in food, clothing, and funds to the innocent men, women, and children driven from their homes by Communist aggression in this little country which only seeks to preserve its integrity and is desperately longing for peace and security?

We are enclosing for your information a copy of a report to the Coordinating Council of the Greek Recovery Program concerning the critical state of the refugees, especially children. The report was prepared by an international committee, including the chairman of our American council.

Harold Goldfarb, American Joint Distribution Committee; Walter Wyant, Athens College; Carl W. Blegen, S. H. Weber, American School of Classical Studies and Gennadius Library; Harold C. Harlow, Jr., Congregational Christian Service Committeee; Charles Abernethy, Greek War Relief Association; T. T. Mason, Foster Parents Plan for War Children; Ernest W. Riggs, Anatolia College; Cecilia Bloom, Council of Jewish Women; Mabel E. Long, Pierce College; Laird Archer. Near East Foundation; David Creighton, YMCA; Clara Beryl Wheeler, YWCA; A. G. Elmendorf, World Student Service Fund.

The CHAIRMAN. We are grateful for those who came here today. Some of them came from great distances to testify. The committee stands adjourned until further call of the Chair.

Thank you, Senator, for being here.

(Whereupon, at 11:35 a. m., the committee recessed, subject to the call of the Chair.)

DISPLACED PERSONS

TUESDAY, AUGUST 23, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 11 a. m. in room 142, Senate Office Building, Senator William Langer presiding.

Present: Senator Langer.

Also present: Messrs. Richard Arens and Thomas J. Davis, professional staff members.

Senator LANGER. Go right ahead, Mr. Arens.

Mr. ARENS. Would you please state your full name?

STATEMENT OF NICK PESCH, AMERICAN AID SOCIETY FOR NEEDY AND DISPLACED PERSONS OF CENTRAL AND SOUTHEASTERN EUROPE

Mr. PESCH. Mr. Pesch.

Mr. ARENS. And where do you live, Mr. Pesch?

Mr. PESCH. 3500 West North Avenue, Chicago 47, Ill.

Mr. ARENS. I understand that you recently made a trip to Europe.

Mr. PESCH. Yes.

Mr. ARENS. Under what auspices did you make the trip, or with what organization as your sponsor?

Mr. PESCH. The American Aid Societies.

Mr. ARENS. The American Aid Societies?

Mr. PESCH. Yes—for the needy and displaced persons of central and southeastern Europe.

Mr. ARENS. And where is that organization located?

Mr. PESCH. The main office is in Chicago, 1220 Bosworth Avenue.

Mr. ARENS. Are you an officer in the organization?

Mr. PESCH. I am the national president.

Mr. ARENS. Could you tell us just a word about the organization, Mr. Pesch?

Mr. PESCH. The organizaiton consists of the people who immigrated here from over there, from those countries, Hungary, Yugoslavia, and Rumania; and many of us have relatives out there, and we are naturally interested in their well-being.

Mr. ARENS. I see. Now, would you tell us about your trip?

Senator LANGER. Could you get the approximate membership?

Mr. ARENS. Yes, sir.

Mr. PESCH. It is around eight to ten thousand.

Mr. ARENS. Are they located all over the United States?

Mr. PESCH. Yes; in 11 different cities.

Mr. AHRENS. And who is the president of the organization?

Mr. PESCH. Of the national organization? I am the president.

Mr. ARENS. I see.

Mr. PESCH. We have 11 chapters. Each chapter has its own local chairman.

Mr. ARENS. And the organization is in existence for the purpose of aiding people of southern and eastern Europe?

Mr. PESCH. Yes.

Mr. ARENS. Is it for the purpose of aiding them in their immigration to the United States?

Mr. PESCH. Well, when we started it was mainly for material aid, but we found, now, that we have around half a million people on hand, and we just cannot aid them enough. We found that not even the Governments of Austria and Germany, where they are located, can aid them enough. And we found that the only solution for them would be if they could go somewhere, emigrate somewhere.

Mr. ARENS. Do you send packages and supplies to the people?

Mr. PESCH. Yes; we still send them, and we did send a lot over there.

Mr. ARENS. I understand you recently made a trip to Europe.

Mr. PESCH. Yes; I just got back last week.

Mr. ARENS. And where did you go in Europe?

Mr. PESCH. All over the British zone, the American zone, and the French zone of Germany and Austria, including Vienna.

Mr. ARENS. Did you get into Italy?

Mr. PESCH. No.

Mr. ARENS. Who is it among the refugee and displaced-person class in the occupied areas of Europe that you were particularly interested in?

Mr. PESCH. The ethnic Germans of Yugoslavia, Hungary, and Rumania.

Mr. ARENS. Did you see the camps in which the ethnic Germans are located?

Mr. PESCH. Yes; I think I saw the majority of them.

Mr. ARENS. How many persons of German ethnic origin are in the occupied areas of Germany and Austria?

Mr. PESCH. Well, I would say in Austria and Germany there are about 500,000, roughly. There may be a few more or less.

Mr. ARENS. Are those persons in the camps?

Mr. PESCH. Not all of them. Some of them live in private dwellings, but they are refugees. They have not got enough camps for them, so they have to place them where they can. Some even live in bunkers and air-raid shelters and whatever dwellings they can find. There are still more and more coming.

Mr. ARENS. Are you speaking of all the people of German ethnic origin who were driven into Germany and Austria, or only a select group?

Mr. PESCH. A select group; those of Hungary, Yugoslavia, and Rumania.

Mr. ARENS. When did they first begin to come into the occupied areas?

Mr. PESCH. Some of them were driven back as the war progressed from the east. They were driven ahead of the German Army.

Others ran away after they found out how they were treated, because a good many, maybe a couple of hundred thousand, were killed and it scared them so much that they started to run away. They were in concentration camps and were treated very bad. Those from Hungary were expelled. Those from Rumania and Yugoslavia fled after the terror of the present regime set in.

Mr. ARENS. These people to whom you are addressing yourself are ineligible under the set-up of the International Refugee Organization; are they not?

Mr. PESCH. That is another reason why I thought we had to discuss the matter. I do not know whether they are ineligible. That is why I wanted our lawmakers to perhaps understand that they should be eligible.

Mr. ARENS. Do they receive IRO care and maintenance?

Mr. PESCH. No. No Germans do.

Mr. ARENS. How do they sustain themselves or how are they taken care of?

Mr. PESCH. The German or Austrian Governments have to feed them, and whatever we can do to help them we do.

Mr. ARENS. Who operate the camps in which they are located?

Mr. PESCH. The German Government puts in a camp leader, I guess they call him, and he has assistants, and they manage it the best they can. They are under the care of the Government, and the Government puts in one man who is in charge of the camp; a manager, I may call him.

Mr. ARENS. Are all these 500,000 that you speak of in camps?

Mr. PESCH. No.

Mr. ARENS. What percentage of them are in camps?

Mr. PESCH. I would say about 60 percent.

Mr. ARENS. Sixty percent of 500,000?

Senator LANGER. About 300,000.

Mr. ARENS. About 300,000 would be in camps?

Mr. PESCH. That is right.

Mr. ARENS. Did you also see, Mr. Pesch, some camps there of persons of German ethnic origin who were not from the countries in which you are particularly interested?

Mr. PESCH. Yes.

Mr. ARENS. How would you define that group?

Mr. PESCH. Those are all alike. The people I saw were all Germans, although they were not all from the countries I represent. They were of other countries. There were Sudeten Germans and Germans from Poland, and so on. Their lot is all the same.

Mr. ARENS. Now, we have information, Mr. Pesch, on the basis of testimony before the subcommittee, that the aggregate number of the people of German ethnic origin who were expelled from the countries of the east runs in the neighborhood of 12,000,000.

Mr. PESCH. Yes.

Mr. ARENS. How do you account for the 500,000 figure that you used?

Mr. PESCH. Amongst them, there are some from Hungary that were expelled. Those were refugees that came from Yugoslavia and Rumania. They ran away. They either were taken along with the army when the war front moved, or they ran away afterward.

Mr. ARENS. Do you have any information, on the basis of your inquiry there, Mr. Pesch, as to the number of these German ethnics who were in the occupied areas before the shooting war stopped in May 1945?

Mr. PESCH. No; I have not got a close guess on that, because I really did not think of trying to find it out, but I know there were some there.

Mr. ARENS. Do you have any idea as to the number that were there before the shooting war stopped?

Mr. PESCH. That I would have to get from over there, as to just about how many were there. I talked with some of them, but very few. I do not think it is 5 percent of the total, if my guess is accurate. I would not guarantee that it is correct.

Mr. ARENS. Does your organization have representatives abroad at this time?

Mr. PESCH. Yes.

Mr. ARENS. I would like to suggest that it would be helpful to the subcommittee if you would care to secure from your representatives abroad their estimates on the number of people of German ethnic origin who were there during the war period, before the war was over.

Mr. PESCH. Yes.

Mr. ARENS. And then an estimate on the periods of time in which the present German ethnics in the occupied areas arrived there.

Senator LANGER. Would a letter be sufficient?

Mr. ARENS. I would think so, Senator.

Senator LANGER. Let us get some letters from across the water, so that we can have that information.

Mr. PESCH. This is so important that I think we should go into it.

As soon as it is found out that any of these people were with the SS, they are automatically excluded, no matter how otherwise they might belong. The SS was Hitler's personal Schutzstaffel or whatever name I would give it in English. In those countries in the southeast, there, Hungary, Rumania, and Yugoslavia, those people were forced into the SS.

If you looked into the records on denazification, you would find that the people who had joined or were forced into the SS after 1940 were exempted, those from Hungary, Yugoslavia, and Rumania, because it was found that these people were forced into it. They were not asked whether they cared to go. They were forced into the army, and when they went in they got the stamp "SS." The people did not know what it was all about. They were not volunteers. That was accepted and agreed to, and all our people who got into the SS after 1940 were automatically released from the internment camps, but now, when they come to the consul, they find that SS stamp. When you come to find out why they did that, it was because they wanted to force them to fight, because they were afraid that if they were caught with that stamp, they would get killed anyway. So it was a mean trick to play on people, to make them fight to the finish.

Our people got into it innocently. In one case it developed that our people were in the Rumanian Army, the army of the country which they belonged to, and a deal was made with Hitler, and they were forced into the German Army. So these people were not volunteers, or not Nazis in the sense that you had them among the German people in Germany. But Hitler needed help. Hitler needed more and more

people, and in order that those people should not hurry to change their mind about fighting, he gave them that stamp. And now they are all marked as Nazis and SS men, and they cannot come to this country.

Mr. ARENS. Mr. Pesch, are the camps for the German ethnics set up on the basis of nationality or are German ethnics of various nationalities grouped together in the same camp?

Mr. PESCH. They are grouped together.

Mr. ARENS. Who keeps the records on the camps?

Mr. PESCH. I imagine the manager of the camp does.

Mr. ARENS. They are under the Governments of Germany and Austria, respectively, or the occupying authorities of Germany and Austria, respectively?

Mr. PESCH. Yes. There are also records in other hands. Our representatives have quite a few records, but they are not complete.

Mr. ARENS. Did you have occasion, Mr. Pesch, to visit any of the DP camps, as distinguished from the German ethnic camps?

Mr. PESCH. No. I did not have the time. My time was so short that I could not see all I was supposed to look after for my organization.

Mr. ARENS. Can you tell us about the conditions of these people, from the standpoint of their physical well-being?

Mr. PESCH. Yes. That is another sad story. These people all crave work. They want to work. They tried their hardest to get hold of a little land. I saw about six or eight occasions where they had already built new homes, where the German Government was able to give them a little space, and where they tried to build for themselves a home and a little garden and tried to be on their own. But they are divided. The son may be in Russia, the brother in England, and their father may be in Germany, or vice versa. There are so many split-up families.

Mr. ARENS. Do they get any money directly from our Government, from the United States Government?

Mr. PESCH. No.

Mr. ARENS. They, of course, do not get anything from IRO?

Mr. PESCH. No, they do not get anything.

Mr. ARENS. The only thing they get is from the economies of the countries in which they are now living?

Mr. PESCH. Yes.

Mr. ARENS. And what they can also get from relief organizations such as yours?

Mr. PESCH. Or relatives in America.

Mr. ARENS. What other relief organizations other than your organization assist the German ethnics?

Mr. PESCH. Church organizations, Catholic church organizations, and Protestant church organizations. They also help. I found in one case in Salzburg, Austria, there had arrived a shipment from Norway, from a sort of a charity organization in Norway. I had the opportunity to talk to a lady who was in charge of that, and she happened to have come upon them without wanting to see them, and she was so shocked that when she returned to Norway she saw to it that they got help. They sent quite a bit from Norway.

Senator LANGER. The Quakers helped them, too, did they not?

Mr. PESCH. Well, the Quakers distributed in general, while some of the church organizations sent help direct to the camps. The Quakers

distributed their own, while the Norwegians I spoke of sent it to the camp and let the camp manager divide it. That is the difference between the Quakers and them. But the Quakers do help a lot in Germany and Austria.

Mr. ARENS. How are these people distributed as between the American, French, and British zones?

Mr. PESCH. The French zone has almost no refugees. When I was there, they had only 3,000.

Mr. ARENS. You mean the German ethnic refugees?

Mr. PESCH. They had all together about 3,000 refugees. Now, Bavaria has about 2,000,000.

Mr. ARENS. That is the American zone, is it not?

Mr. PESCH. Bavaria is part of the American zone. I do not know in each zone how many they have, because I was only interested where our people were located, so I do not know where all the 12,000,000 are located. But Schleswig-Holstein was the heaviest populated with refugees.

Mr. ARENS. May I ask you a very fundamental question, Mr. Pesch? On the basis of your conversations with these people, do you have any estimate to make as to the percentage or number who were actually collaborationists with Hitler at the time of his invasions over there?

Mr. PESCH. Amongst our people?

Mr. ARENS. Yes, sir.

Mr. PESCH. Well, there were mighty few. I was often with them, and I had their confidence and I could talk to them and I did find some collaborators.

Senator LANGER. You could talk to them in their own language?

Mr. PESCH. Yes; not only the language, but I talked the dialect which they speak.

Senator LANGER. I wanted to get that into the record.

Mr. PESCH. The actual collaborationists were very few; I do not think there was one among a thousand. But others collaborated indirectly. It would take me quite a while to tell you the development of the whole situation there.

Our people were there for 200 years and they lived in the best of peace with all the people they were living with there. And after the First World War, our part of the country was divided. We used to belong to Hungary. Then Hungary was split up in three. One part was given to Rumania, one part to Yugoslavia, and the other part remained with Hungary. After that, of course, these people were more or less not free. They did not stick to the peace treaty. They did not give the people the liberty that they were supposed to have given, which was not any too much, and so there was some dissatisfaction.

So when Hitlerism developed and the Hitler boys came over there, they did not tell them what they wanted from them. They just told them, "You will get what you were promised. Where you wish it, you can have your schools and you can have this and that." In other words, they told them, "You can come into your rights." There were some people who thought that was fair and they collaborated. Not even they were a large percentage. If there were that many, there were about 10 percent, as well as I could guess on that. The largest part of our people were indifferent. These people were peasants. All our people are peasants.

Mr. ARENS. Are they farmers? Agriculturalists?

Mr. PESCH. Yes, 90 percent of them are. We have towns in which there is maybe 1 out of 10 who reads a weekly paper. These people were not informed as to what was going on in the world. They did not know the meaning of naziism. They do not understand the meaning of politics whatsoever. All they understand is that they work from 3 o'clock in the morning till sundown, from sunrise to sundown, and all they are interested in is to market their grain and make a living. Politics was never their ideal and they still do not understand it.

Mr. ARENS. What is their attitude, Mr. Pesch, toward the Communists and toward communism?

Mr. PESCH. They are not Communists, not our people.

Mr. ARENS. What is their feeling toward communism?

Mr. PESCH. Antagonistic. They are aware that communism is harmful to them. They know by what has happened now to them.

Mr. ARENS. What is the explanation of these people as to why they were driven out of the eastern countries?

Mr. PESCH. They just cannot understand it. They just cannot understand that America stands for such injustice. They know it is a great injustice. They know the Communists drove them out because the Communists wanted to split up the people. The Communists took their land, and all that, and they know it, but they cannot understand why America would stand for something like that.

Mr. ARENS. Were they driven out by the Communists, as such, or did any other group participate in the expulsion of these people?

Mr. PESCH. It was the Communists that were more or less ordered by the Russians to do that.

Mr. ARENS. Was it the Communist army that drove them out, or the population of the country?

Mr. PESCH. Maybe I should not even call them the Communists; but it was the partisans, which is the same. The partisans, as they came along, told the public that "every German has to go."

Mr. ARENS. That was prior to the Potsdam agreement?

Mr. PESCH. Yes, but they continued that after the Potsdam agreement. They continued doing it. They put these people in camps and the most terrible atrocities were committed, especially in Yugoslavia. We haven't translated into English what has happened. We haven't a big force and can't use a lot of time and money on that, but that is what forced them out, those atrocities.

Mr. ARENS. Are there any of them that desire to return to the areas from which they have come?

Mr. PESCH. They all gladly would go back, under conditions that were comparable.

Mr. ARENS. But they could not go back, because the Communists are in control.

Mr. PESCH. Yes. As for coming to the United States, they know the conditions here, and only starvation waits them at home, but they still would rather go home if conditions were right. Some try to go back and get across the border and get 6 months to a year for running away, and then the father or daughter gets separated and gets put in some place to work and the work is just about like slave labor. They escape again and go back again.

Mr. ARENS. What estimate would you make as to the degree to which they are being assimilated in the economy of Germany or Austria, actually getting jobs or getting placed?

Mr. PESCH. I think at least 75 percent of those able to work.

Mr. ARENS. Are being assimilated?

Mr. PESCH. I would not call it assimilated, but they are working right now, because there is so much need for labor, because the cities are all destroyed, and they give them work right now. The first ones that get laid off are our people.

Mr. ARENS. For whom do they work?

Mr. PESCH. Mostly private contractors.

Mr. ARENS. Now, could you tell us as to the percentage, or what appraisal you would make, of the resettlement of these people in other areas of the world?

Mr. PESCH. There is not even 1 percent.

Mr. ARENS. Why is that?

Mr. PESCH. It seems, the way I find out, that the IRO stops every emigration of Germans. There is no ship available, no land available, because they are Germans. I found out—I was not supposed to talk about it, but I do not think it hurts to say it here—that they are now dickering through some source with the Brazilian Government. They want to settle there about 100,000.

Mr. ARENS. But IRO cannot pay the transportation costs?

Mr. PESCH. Nobody knows yet who will. I also found out—whether it is true or not I do not know—that the Brazilian Government would be willing to chip in for the transportation. If they would be willing to put in a year's keep, what it costs to keep those people, they would be glad to give it, so that they could work for themselves and would not have to be kept.

Mr. ARENS. To what extent if any are they availing themselves of the German quota for emigration to the United States?

Mr. PESCH. That I do not know. There are very few that came over, yet; and those few, I guess, came under the German quota.

Mr. ARENS. How many have been resettled, if any, in north Africa? Have any of them gone there?

Mr. PESCH. I do not know of any that have gone there. Quite a few went to Canada, but only four or five hundred, maybe, those who have relatives in Canada. They get a sort of permission to bring relatives to Canada. Canada has taken in, so far, more than the United States, slightly more.

Mr. ARENS. Could you give us a word further on the physical situation of these people, their food supply, and their housing?

Mr. PESCH. The housing is deplorable. The rain goes through the roofs in many places. And the bedbugs—they can't live there. They can't sleep. They can't stand it. When I came to see some people there, I found everything very clean, nicely scrubbed floors and everything and some of them had their beds covered nice, and I said, when I came there, "You have nothing to worry about here. You are better off here than home." They said, "Yes. Take away those bedbugs and we are happy."

Mr. ARENS. Just one other question, Mr. Pesch. What is the attitude of the German population. the German natives, toward the expellees of German ethnic origin?

Mr. PESCH. In some cases it is not a very good one. But some towns have almost as many refugees as the town has population. Of course, our people come there many times without permission and without food ration, and the people think that they go and steal potatoes until they get their food ration, and it spoils the feeling toward them. Those that understand the situation, though, are very friendly toward them.

Senator LANGER. I wonder if you want to say some more on general conditions?

Mr. ARENS. Yes; if you have anything you want to say, Mr. Pesch, that we have not asked you about, please go right ahead.

Senator LANGER. How do you find business conditions?

Mr. PESCH. Business conditions are not so good. There is not enough money in Germany to get business going sufficiently.

Mr. ARENS. Are they still tearing down the plants in Germany?

Mr. PESCH. Yes; they do. That is also bad.

Mr. ARENS. Who is tearing those down?

Mr. PESCH. The British, the French, and I guess the Russians. I do not know to what extent the Americans do it, but I understand that the Americans would be more favorable to keeping the plants there. That is the attitude I found, but I had no time to check closely on that.

Mr. ARENS. Did you get into the rural area?

Mr. PESCH. No, I did not have to go there and we did not have many people there.

Senator LANGER. You were there during the election?

Mr. PESCH. Yes; I was.

Senator LANGER. What are your comments on that?

Mr. PESCH. I think the elections proved that the German people are willing to carry on and work in a natural civilized way.

Senator LANGER. I noticed they had a 1,300,000 Communist vote.

Mr. PESCH. They lost heavily, if you compare it with what they had before the war.

Senator LANGER. You mean they have gone down?

Mr. PESCH. Oh, yes. Quite a bit. They used to have, I think, four or five million before the war. Of course, it was the eastern zone included, where the Russians are. But they will never get that again, because the people have seen what it was. They have seen the effect.

Mr. ARENS. The expellees do not get the vote, do they?

Mr. PESCH. They vote in Germany, not in Austria.

Mr. ARENS. The expellees vote in Germany?

Mr. PESCH. Yes; they are accepted as conationals now, because I guess somehow the military government tried to make them understand they should do that.

I was in Schleswig-Holstein and I talked there to the Minister of Justice in Schleswig-Holstein, and he told me, when we talked about the deplorable conditions, what the situation was, because he knew quite a bit about it. He said, "All those people would vote Communist if they did not know that the Communists are to blame for their plight." That is how bad the conditions are among all the expellees. "But," he said, "that is the only reason those people will not go Communist." He said, "The conditions surely would drive them to it."

Senator LANGER. What religion are most of the expellees?

Mr. PESCH. The people from the southeast are mostly Catholics; about 75 percent Catholic, about 25 percent Protestant.

Mr. ARENS. Do any of them get into Italy at all?

Mr. PESCH. Not that I know of. I really did not check closely enough, but I do not think there are any in Italy. Mostly they come toward Austria. It used to be the Austro-Hungarian monarchy and they more or less feel that they are going home, that they are closer to the Austrians than anyone else. But they could not keep them there, because there would be as many refugees as actual natives. There is just no room for them and that makes them go farther.

Mr. ARENS. Why do they feel they were expelled? What is their attitude on why they were thrown out of the eastern countries?

Mr. PESCH. From Hungary they were thrown out on account of the Potsdam agreement, and as to the others, they were tortured and were glad to go. Some of them tried three or four times to get away and got locked up sometimes for a year for trying and they were treated very badly. Some even died from those treatments.

Mr. ARENS. What is their attitude toward the United States participation in the Potsdam agreement?

Mr. PESCH. As I say, they just cannot understand the United States, that they would agree to that. They can't understand a country that gives its own people so much liberty trying to put these people in starvation.

If you saw those children and women and all, people who never harmed anybody—they said they could not understand it. They would understand it of people who had done something wrong. That would be natural, for them to get punished. And I always try to tell them that the American people do not know enough about what went on there and that when they find it out they will agree it is wrong. That is at least my conviction.

Mr. ARENS. What is it you feel should be done from the standpoint of the law, Mr. Pesch?

Mr. PESCH. Well, I think one thing that could be done and that I think it would be fair to do would be to put them on an equal footing with other refugees.

Mr. ARENS. By "equal footing," you mean from the standpoint of immigration possibilities?

Mr. PESCH. Yes.

Mr. ARENS. Or from the standpoint of relief?

Mr. PESCH. Just like other refugees who run away from countries, like the Baltic people and the Polish people and the Czechs, and what have you.

Nobody runs away from his home out of sheer joy, you know. There is always a very good reason for them to run away.

Now, these other people get help from the IRO, and they get transportation aid.

Mr. ARENS. You mean other people than the German expellees?

Mr. PESCH. Yes. They should at least put them on the same footing. If they find scoundrels among them, they can exclude them because we do not want them here. We treat our own bad people the way we should, and I do not think the people who are over there that are no good should be treated better than our own bad men, but the rest should be treated fairly.

Mr. ARENS. Just one word about yourself, Mr. Pesch. Are you a native-born citizen?

Mr. PESCH. No.

Mr. ARENS. When did you arrive?

Mr. PESCH. In 1923.

Mr. ARENS. Are you a naturalized citizen?

Mr. PESCH. Yes.

Mr. ARENS. You came from what country?

Mr. PESCH. Rumania. It is now Rumania. I was born in Hungary, but, as I said, it was divided later and now my part of the country is in Rumania. Timişoara,[1] if that means anything.

Mr. ARENS. Do you have anything else that you would like to say, Mr. Pesch?

Senator LANGER. I would like to ask a question. Cermak, your mayor from Chicago,[2] was from Bohemia, was he?

Mr. PESCH. Yes.

Senator LANGER. How far was that from where you lived?

Mr. PESCH. Oh, about 350 miles.

Senator LANGER. You have a great many of your nationality in Chicago who are naturalized citizens?

Mr. PESCH. Yes.

Senator LANGER. And they are good citizens.

Mr. PESCH. I think they are. It is not up to me to praise ourselves.

Senator LANGER. And that is true of the Bohemians, too.

Mr. PESCH. I think so.

Mr. ARENS. Let me just ask this question: Do your people, the people through the Midwest, know that there is not a single bill pending in the Senate, of the 14 bills that are pending here, which would presently embrace these German expellees?

Mr. PESCH. Well, as I say, I was away for 7 weeks, and I have had no time to study the bills pending. So I just thought I would come here in behalf of these people to make you understand that they are not different from other people. And they need only the same treatment as other people, and nothing that the others do not have. But I think it is unfair to treat them differently than others.

(Thereupon, at 11:40 a. m., the subcommittee recessed, subject to the call of the Chair.)

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[1] The former Hungarian city of Temesvár in the Banat.

[2] Mayor Anton Cermak, who was assassinated in 1933.

DISPLACED PERSONS

THURSDAY, AUGUST 25, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 3 p. m., in room F–82, the Capitol, Senator Forrest C. Donnell presiding.

Present: Senator Donnell.

Also present: Richard Arens and Thomas J. Davis, professional staff members.

Senator DONNELL. The meeting will come to order.

Mr. Celler is now on the witness stand to give us the benefit of his views, which we will be very glad to have.

STATEMENT OF HON. EMANUEL CELLER, A REPRESENTATIVE FROM THE STATE OF NEW YORK—Resumed

Representative CELLER. Senator, I asked Mr. Carusi to communicate with me concerning a matter that was in controversy when we last met and I ask the privilege of reading the communication from Mr. Carusi.[1] Although he is here now, I think it would be better if I read into the record the following, which was written to me at my request, under date of August 24, 1949:

DEAR CONGRESSMAN: Pursuant to your request that I inform you regarding the statement which Senator McCarran attributed to me during the course of your testimony before a Senate Judiciary Subcommittee on August 18, wherein I was said to have testified at an executive session of a subcommittee hearing that the displaced-persons program can be completed within the prescribed 24 months, or possibly within a period of 19 months, I do not feel it is competent for me to comment on the testimony I gave at an executive session of a Senate subcommittee hearing.

However, I would very much like to take this opportunity to say that under the displaced-persons law, with its restrictions and limitations, the Commission can give no assurance that it will be possible to meet the goal of 205,000 displaced persons by the terminal date set by statute, June 30, 1950.

Apart from the requirements of the law, the operation is geared to move the 205,000 persons by June 1950. The IRO has provided ships, the various agencies have learned the know-how with respect to the processing of the cases of displaced persons, and all agencies, both public and private, as well as the Commission's staff, are working overtime in an effort and with a determination to meet the goal set by the act.

However, these joint efforts and plans are likely to fail of their objective because of the unworkability of the entire pattern of restrictions, limitations, preferences and priorities established by the law.

[1] Chairman, Displaced Persons Commission.

The major of these difficulties are: The date line, the so-called 40 percent Baltic provision and 30 percent agricultural requirement and the in-camp priority, all of which you have covered in your testimony. I feel it is unnecessary for me to go into further detail and to submit any further arguments since from the standpoint of the Commission you have covered these difficulties most thoroughly and competently.

The Commission can give no assurance that it will be possible to maintain a steady and regular flow of cases in process which conform with all the restrictive requirements of the act and permit the entry of the full 205,000.

Whether the ultimate effect of all these restrictive provisions will be to cut the total number of displaced persons who may enter the United States by many thousands, it is impossible to say at this moment. The important thing to note is that it may have such an effect, and present experience points strongly in that direction. Indeed, we have alerted ourselves and IRO to be ready for a cut-back in processing and consequent reduction of shipping spaces, which we have good reason to expect should the present law remain unchanged. Lest there be misunderstanding, I assure you that all of us in the Displaced Persons Commission and the other participating agencies shall do our utmost toward as effective and honest an administration of the law as is possible.

Yours very sincerely,

UGO CARUSI, *Chairman.*

Mr. Carusi is here, and if you do not mind, Senator, I should like to ask him the following question: Under the present experience, Mr. Carusi, particularly with the 30-percent agricultural preference, will you be enabled to process 205,000 by the expiration date of the present act, to wit, June 30, 1950?

Mr. CARUSI. May I answer, Senator?

Senator DONNELL. Certainly, Mr. Carusi.

Mr. CARUSI. Our present experience points very strongly against that possibility. We have very recently checked the number of available agricultural workers who can comply, under date line and so on, and the number is dwindling, because other nations are coming in. And even if we had the assurances as to that number, which we do not have, there is increasingly growing doubt that we shall be able to bring in 30 percent of 205,000 people and charge them to the agricultural quota.

Because, you see, two things are required, first, that they be persons of agricultural pursuit prior to their coming, and, second, that they must be coming for that purpose. Some who have that prior experience are not coming for the purpose and many who are coming for the purpose do not have that prior experience. That is particularly true in the large numbers going to the large plantations, where prior agricultural experience is not requested.

To sum up, I have strong fears that we shall not be able to bring in 30 percent of 205,000, whom we can properly—and of course, if we cannot do it properly, we do not want to do it at all—charge against this preference. That being so, of course, the remaining 70 percent would have to be reduced proportionately and that is the present indication.

Mr. ARENS. Senator, I would like, if I may, on this issue, before we move on to other issues, to interrogate these gentlemen.

Senator DONNELL. Is that agreeable to you, gentlemen?

Mr. CARUSI. Certainly.

Senator DONNELL. You may proceed, Mr. Arens.

Mr. ARENS. May I suggest that if the question can be appropriately answered by either of you, either of you may answer?

Representative CELLER. If it is an administrative matter, I think it would be better for Mr. Carusi to answer.

Mr. ARENS. Mr. Carusi, one of your objections to the present law is the assurances for jobs and housing. Is that correct?

Mr. CARUSI. That is correct.

Representative CELLER. Do you mind if I break in?

Mr. ARENS. I was going to ask you a question on this point, if I may. Your bill, H. R. 4567, retains the jobs and housing provisions?

Representative CELLER. That is what I was going to say.

Senator DONNELL. Do you mind if I ask Mr. Carusi, before you continue with this line, just one question? You mentioned, right at the conclusion of your statement, as I understood it, that if it proved impossible to take in, during the period up to June 30, the requisite number of agricultural entrants, it would likewise result in a decrease in the number of the other 70 percent.

Mr. CARUSI. That is correct.

Senator DONNELL. Would you be kind enough to explain how that follows, that merely because you cannot procure enough to consume the 30-percent agricultural entrants there must be a corresponding decrease in those who undertake to qualify for the 70 percent?

Mr. CARUSI. Yes, sir. The language of the statute is that 30 percent of all visas issued must go into this category. That means if we issue 100,000 visas, 30 percent of them must be agricultural. If we issued 200,000 and only had 20,000 agricultural, that would be a different percentage, a lower percentage, and it would be illegal for us to have issued the remainder of that 200,000 over and above the 20,000 agriculturalists.

Senator DONNELL. Thank you very much, Mr. Carusi.

Mr. ARENS. I believe Mr. Celler was going to say something.

Representative CELLER. Yes. We debated that question of requirement concerning housing and concerning the condition that there should be no displacement of anybody from a job, anybody presently holding a job. I think the present act speaks of a certain type of housing. I think it is "adequate" housing. We struck the word "adequate" out, and have no qualification. We simply refer to "housing." We debated that, and we finally came up with the conclusion that it would be better to leave those provisions in. I personally felt that there was no need for it, but the Judiciary Committee, as I said, who debated it fully, felt that it would be better if we left those provisions in.

Mr. ARENS. But Mr. Carusi's bill, S. 311, or the one I understand the Displaced Persons Commission participated in drafting, eliminates the job and housing formula in the present law altogether.

Mr. CARUSI. Yes; it would have that effect.

Representative CELLER. Because there are plenty of jobs to be had for those for whom assurances are being given. They are all being placed. Experience indicates that, as far as I know.

Mr. CARUSI. I was just going to say this, unless I would be misunderstood, and I do not think I am: It was not so much the fact that the assurance itself was a problem in the sense that it was hard to get or that there should not be housing and a job. The real difficulty about the assurance was the specificity of it, and the necessity after a man applies and signs his name to a document which, as you were rightly pointed out, Senator Donnell, imposes upon him as of that moment, an obligation to do certain things, to have a house

and job when the man arrives. He does it. Then the man arrives 6 months later. Because, after all, hiring people 4,000 miles away is not the simplest thing in the world, well, one does not like the other, for some reason. And he has waited 6 months for nothing. Yet, because his assurance applied to that person alone, he has to wait another 6 months.

We thought if we could work out an administrative procedure by which we could do a better job and say to him, "Well, it is too bad, but there will be another man of the same qualifications or better qalifications coming on the same vessel," we could work out a procedure to satisfy him in that regard. It was not that we did not want jobs and housing advanced. We thought the assurance way of doing it had caused many, many difficulties, and we thought that we could avoid the difficulties while bringing about the same salutary result ultimately.

Representative CELLER. It would be quite a matter to give an assurance as to a man, sight unseen. It is rather difficult to do that. And I think in one or two cases you had a provision under which you had to provide a job for a grandmother.

Mr. CARUSI. Yes; we would have to find jobs for babies and old ladies, and so on.

Mr. ARENS. If I might make a suggestion, I understand Mr. Celler has to leave before too long. Would it be agreeable with you gentlemen and with the Senator if I interrogate Mr. Celler on specific points? And as soon as he leaves, we could get on to other points.

Mr. CARUSI. I have no comments to make. It is as you wish.

Mr. ARENS. I do not want to foreclose Mr. Carusi from testifying, but Mr. Celler has to leave and I have a number of questions I wanted to ask him specifically. So, if it is agreeable with you gentlemen and the Senator, we could then proceed with Mr. Carusi, either to supplement Mr. Celler's testimony or to get on to other matters.

Senator DONNELL. Very well, if that is agreeable with you gentlemen, we will follow that procedure.

Mr. ARENS. Mr. Celler, would you kindly tell us the numbers that are provided for by H. R. 4567, and the various categories?

Representative CELLER. I did do that.

Mr. ARENS. You gave us an over-all number.

Representative CELLER. I broke it down.

Mr. ARENS. I am fearful you did not include one category I am particularly interested in. That is the category appearing at the beginning of page 8 of the bill. It is in your section 4. If I am not mistaken, I do not believe there was comment made on that provision, which is obviously in addition to the numbers which you previously referred to.

Representative CELLER. Well, you could not give the exact number of those, because you do not know the number that would apply, to come under that provision.

Senator DONNELL. For the record, you used the expression, "those." To whom do you refer by the term "those"?

Representative CELLER. Those that could come in under the proviso commencing in line 2 on page 8 and ending on line 2 of page 9. They cover 50 percent of the nonpreference portion of the immigration quotas.

Mr. ARENS. For 5 years.

Representative CELLER (reading):

> That * * * 50 percent * * * shall be available to applicants for immigration visas who (1) on or after September 1, 1939, and before January 1, 1949, entered an area or country outside Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna, or the American zone, the British zone, or the French zone of either Germany or Austria.

That means the following: We provided, for example, that to the extent of 15,000, as we provided in the present act, those displaced persons who are in this country would have the right to apply to the Displaced Persons Commission for permanent residence in this country. Now, those in that category were successful in getting to the United States, even though only temporarily; but there are many who are caught in other parts of the world, in Portugal or in Havana or in London or some other place, who tried to get here but could not. Now, we accord them the privilege of applying to the Displaced Persons Commission to enter the United States as displaced persons, but they would have to be counted under the nonpreference portion of immigration quotas of the act of 1924. The amount that there would be, I cannot tell, but there cannot be many.

I would like to ask Mr. Carusi: How many have applied to date?

Mr. CARUSI. Well, I know this——

Senator DONNELL. You are speaking of the category between line 2 on page 8 and line 2 on page 9?

Mr. CARUSI. That is correct.

Senator DONNELL. Of H. R. 4567?

Mr. CARUSI. Yes. A rather large number has applied under regular immigration at the several American consulates, Paris, Havana, and the other places Mr. Celler mentioned. However, the number who would be taken by this section would be very small, because in the first place, it relates to current quotas for those 5 years and not mortgages in advance. And we know that the current quota for all the countries here involved is in bad shape and it is quite small to begin with.

Then, this says that they shall have 50 percent of the nonpreference portion. So that means only 25 percent of the normal current quota that is not used up.

Mr. ARENS. For 5 years?

Mr. CARUSI. For 5 years. So you can figure it mathematically. It would not amount to a great deal.

Representative CELLER. But I will say, Mr. Arens, that those quotas are pretty much taken up already in most of the consulates. They have waiting lists that are yards long, tremendous numbers of queues, figuratively speaking, awaiting those quotas, even preferential quotas. So that it would be a piddling amount at best.

Mr. ARENS. In order to get the record clear on this point, I would like to have an explanation: Does this pool the quotas or does it merely use the quotas of those countries that are, generally speaking, iron-curtain countries?

Representative CELLER. It uses the quotas of the country of which the applicant is a native.

Mr. ARENS. But this is in addition to the 339,000?

Representative CELLER. Yes, but I can tell you, Mr. Arens, that I do not think it would be of any consequence at all. It was put in

there, between you and me, as a sort of a "sop." It is almost meaningless. I do not think there would be hardly any applying successfully, because I know that at almost all the capitals where they are likely to be, those consular offices are just jammed with applications; not only nonquota, but quota, preference, and all sorts of applications.

Senator DONNELL. Why was it necessary or advisable to put in anything in the bill as a "sop," Mr. Celler?

Representative CELLER. Maybe I should not use the term "sop." That is an unfortunate word. With your kind permission, Senator, I will strike that from the record. We argued considerably on it. We said, "We are giving 15,000 displaced persons who were successful in arriving in the United States an opportunity. What about those who might not have been able to get here, due to conditions beyond their control? They must have been those fleeing from religious and racial persecution. Why penalize them?"

So we did not know how we could work something out for them and we devised this, shall I say, ingenious method. Frankly, I do not think it amounts to a pinch of snuff as far as numbers are concerned.

Senator DONNELL. Even though they may have, since 1939, been in some other country of the world?

Representative CELLER. Yes.

Senator DONNELL. And before January 1, 1949?

Representative CELLER. Yes. For example, there are numbers in Havana. There are considerable numbers in Portugal. They got to Portugal and they got to Havana, by devious means, after almost insurmountable difficulties, and we thought that we might try to give some modicum of relief to them.

Mr. ARENS. Now, I understood, in your direct testimony, Mr. Celler, that you expressed your opposition to racial theories, or racial discrimination, in immigration legislation, particularly in displaced persons legislation. Is that not true?

Representative CELLER. Yes, sir. That is one of my main objections to the bill.

Mr. ARENS. Among those displaced persons who were displaced during the war by the operation of Hitler's Nazi machine, were there not some persons who were brought into Germany or Austria by Hitler who are presently ineligible because they are German ethnics?

Representative CELLER. You mean the Volksdeutsche?

Mr. ARENS. No, the Volksdeutsche come later.

Representative CELLER. The Sudetenland Germans?

Mr. ARENS. They are the expellees. We will discuss those later. I mean the people who were during the war living in the eastern European countries, who were forcibly brought into Germany and Austria by Hitler.

Senator DONNELL. What is your question about those people?

Mr. ARENS. Are not some of those people presently ineligible under the displaced persons law, because they are German ethnics?

Representative CELLER. If you refer to the natives of Czechoslovakia and Bulgaria and Hungary and the satellite countries, including also Norway and Holland and Belgium, natives of those countries who are of German ethnic origin and were ousted from those countries because of their predilections towards naziism and because they hated Hitler——

Mr. ARENS. I was going to speak of those later.

Representative CELLER. They were expelled from those countries, because they were deemed by those natives to be the advance guards of Hitler and the fifth columns for Hitler. They were pushed out of those countries and sent back to Germany. They were told: "Well, you helped Hitler. Now, you get out of here and go back to Germany." Those you might call displaced persons in reverse. They are expellees.

Mr. ARENS. I am not speaking of that class yet. I am speaking of those persons displaced by Hitler, brought in to engage in slave labor in Germany and who are presently ineligible because they are German ethnics. Are there any of those persons at all, to your knowledge?

Representative CELLER. I cannot identify in my mind the type of persons that you mean.

Mr. ARENS. Well, those who are the war displaced persons, the people who were displaced by Hitler during the war.

Representative CELLER. The displaced persons are those who are now in the displaced persons camps or who were in the displaced persons camps and are now in the German economy, who have gotten jobs, and who had fled from not only the Hitler terror but from the Communist terror. Those are the persons who are in Germany in the displaced persons camps, or out of the displaced persons camps, within the British, French, or American sectors, or in Italy.

Mr. ARENS. Mr. Celler, during the war in Europe, Hitler displaced some people, did he not?

Representative CELLER. Those are the ones we are speaking of, are we not?

Mr. ARENS. All right. Now, who were those people that he at that time displaced, during the war?

Representative CELLER. I just gave you their names. Those who were in those various countries, who fled.

Mr. ARENS. Are any of those people whom Hitler displaced during the war persons of German ethnic origin?

Representative CELLER. There may be some of German ethnic origin.

Mr. ARENS. There are hundreds of thousands of them, are there not?

Representative CELLER. I do not know. I could not tell you that. I do not quite identify what you are driving at.

Senator DONNELL. May I interrupt just a minute, to make certain that I understand what the point is here? As I understand Mr. Arens' question, and if I am incorrect he will correct me I am sure. I thought he was inquiring with respect to primarily persons who were brought into Germany as forced labor. That is to say, Hitler, as I understand it, brought great numbers of persons into Germany to work there. They needed them in the economy of Germany during the carrying on of the war. Now he is asking the question, as I understand it, of Mr. Celler, about that class of people; that is to say, people who were brought in forcibly by Hitler from other countries into Germany in order to work inside of Germany.

Is that right, Mr. Arens?

Mr. ARENS. Yes; that is precisely the class.

Senator DONNELL. Now, what is the question?

Mr. ARENS. The question I wanted to ask: Included among those persons, were there any persons of German ethnic origin?

Representative CELLER. I do not know. I imagine there would be. I cannot answer that, but that is utterly irrelevant to this problem.

Remember this, Mr. Arens. I try to drive it home to you all the time, but you do not seem to grasp it. We are interested in an emergency problem, to dissipate the difficulties stemming from the maintenance of these displaced persons camps. If they are not in the displaced persons camps, or were in them and went out temporarily for jobs, that is not the problem that we are working at. We want to relieve the American taxpayer of $73,000,000 a year for the maintenance of these camps. I want the camps closed and the problem terminated. Now, you can raise all sorts of questions as to refugees here and refugees there. I am not particularly concerned with those refugees. Of course, I am from a humanitarian standpoint. I am concerned with the Pakistanis and those displaced as the result of the war between Pakistan and Kashmir and Hindustan in India. I am concerned with the Arabs who are displaced. I am concerned with the Greeks who are displaced. But we cannot cover the water front, here. We are limiting ourselves to this particular problem.

The Judiciary Committee subcommittee handling immigration matters are leaving for Europe on Saturday to study the subject of the Volksdeutsche, to study the subject of the Germans who may be in distress who are refugees, the natives of the satellite countries who are of German ethnic origin. Our committee is going over there to study that problem, which is separate and distinct and has no relation whatsoever to the problem of the displaced persons covered by our act.

Mr. ARENS. Now, may I ask you, Mr. Celler——

Representative CELLER. I hope you will wait until they come back, and they can probably give you the information you want.

Mr. ARENS. Are the people from Shanghai that you take care of in the bill, or the Poles who are in Great Britain that you provide for in the bill, and the people who are provided for in other areas of the world, in DP camps?

Representative CELLER. Do not get excited, Arens. Your voice is vehement. And we are just calmly discussing this thing.

In a certain sense, no. The Shanghai refugees have no place in this bill. Sometimes to do a great good, you do a little wrong. On principle, the Poles have no place in this bill. But maybe we had to trim our sails a little bit, not only to get votes, but also to get public sentiment behind this bill. Why, you do that in the Senate. You have been doing it ever since there was a Senate. It has been done in the House ever since there was a House. In a certain sense, we are taking care of a very tiny number. Now Mr. Arens is speaking of vast numbers, millions. I do not expect to open the door to millions of that character in this country. He does not want it either. I will say that those are sort of catch questions. But I am not to be caught.

Mr. ARENS. Senator, I want to object here——

Representative CELLER. They are utterly irrelevant to the issue at hand.

Mr. ARENS. I do not think so at all and I, personally, as an individual, object to this.

Representative CELLER. I have heard you ask that question all the time. And I will say, once and for all, that it has no relation whatsoever to the subject matter, which is primarily concerned with those

in the displaced-persons camps. The Shanghai refugees? How many are there of them? Four thousand or so. It does not amount to anything, relatively. The State Department asked us to help about 15,000 who are not yet displaced persons——

Mr. ARENS. And they are not in camps.

Representative CELLER. Excuse me—whom they want to induce to come from behind the iron curtain. Are you going to say "No, this has no relationship to the displaced persons"?

Are we going to deny the State Department? Are we going to deny the Secretary of Defense, who said we should put a provision in here for 15,000 who are natives of the satellite countries and who loathe communism, and whom the War Department, Navy Department, State Department, want to come from behind the iron curtain? Now, we are departing from the principle in this bill in that regard. But I am willing to depart in that regard, because we need those people.

Mr. ARENS. Are not the people of German ethnic origin who were displaced by Hitler during the war in camps?

Representative CELLER. They may be. What of it?

Mr. ARENS. You have information respecting the number of applications which have been running in the course of the last 10 months, new applications, for IRO status?

Representative CELLER. I cannot answer that.

Mr. ARENS. It is running approximately 26,000 a month, is it not?

Representative CELLER. I could not answer that.

Mr. ARENS. Do you have information respecting the new registrations of those people who are being taken into IRO camps for care and maintenance? It is running approximately 10,000 a month, is it not? Ten or eleven thousand a month?

Representative CELLER. But they would not be covered by the bill. They must have entered the camps, under the Celler bill, before January 1, 1949. Why are you worrying about those people? We do not ask that they be helped. You are looking for ghosts under the bed. I am interested in them, but they are not covered by this bill.

Senator DONNELL. Would you mind, notwithstanding the comments which you have made, which I do not mind at all, telling us whether Mr. Arens' figures are correct? Would you mind doing that, regardless of your views as to the importance of the matter? Are these running about 10,000 a month, as I understood him to say?

Representative CELLER. I do not know.

Mr. CARUSI. The average is 8,791. In June 1949 it was 7,315.

Mr. ARENS. New registrations?

Mr. CARUSI. New admissions to care and maintenance under IRO.

Mr. ARENS. Is it not a fact that of the displaced persons that have been admitted into the United States thus far, approximately 20 percent have been displaced persons taken from outside the displaced persons camps, notwithstanding the fact that only 38,000 of the DP's outside the camps received care and maintenance from IRO?

Representative CELLER. I do not know where you get those figures from. I do not know what that is.

Mr. CARUSI. The in-camp are 79 percent, the out-of-camp 21 percent.

Mr. ARENS. The figures you are using, Mr. Carusi, are the out-of-camp, including both those who do not receive IRO care and maintenance as well as those who receive IRO care and maintenance?

Mr. CARUSI. Yes.

Mr. ARENS. And under the constitution of the International Refugee Organization, is it not true that if an individual is imposing upon the IRO and will not receive work outside of the camp, he is ineligible to IRO care and maintenance?

Mr. CARUSI. I did not get that.

Mr. ARENS. Well, let us get back to the heart of it, if you please. Approximately 20 percent of the displaced persons who have thus far been admitted into the United States under the Displaced Persons Act have been taken from outside the camps; is that not true?

Mr. CARUSI. You have to do that, to get good farmers.

Mr. ARENS. But that is true; is it not?

Mr. CARUSI. You see, that is what I mean by a conflict. If you do not go out of the camp, you do not get the farmers, and if you do you are not taking them from the camps.

Mr. ARENS. I would prefer to get on with this, Senator issue by issue.

Senator DONNELL. We are trying to follow the plan, as I understand it, of letting Mr. Celler get back pretty shortly to his duties; and if we can confine ourselves, for the moment at any rate, to interrogation of Mr. Celler, then Mr. Carusi will be questioned later on.

Mr. ARENS. Now, Mr. Celler, from the standpoint of being fair to the displaced persons, would you have any objection to eliminating those provisions of the present law which stem from the constitution of the International Refugee Organization and the definition of a displaced person, by which persons otherwise eligible as displaced persons would be eligible except for the fact that they are of German ethnic origin?

Representative CELLER. This will not get us anywhere.

Senator DONNELL. Mr. Celler, Mr. Arens has asked a question.

Representative CELLER. I am going to answer it.

Senator DONNELL. Well, will you not just answer that question and then give any explanation that you want to give? Would you state whether you have any objection to that and then explain your answer?

Representative CELLER. I have no objection at all.

Mr. ARENS. You mean no objection to answering the question or no objection to the suggestion?

Representative CELLER. I object to the phrasing of the question, because Mr. Arens has asked that same question a dozen times, only in a different form, and he is going to get the same answer. Now, for example, I told you why we included a few——

Senator DONNELL. Mr. Celler, what is your answer to the question, first?

Representative CELLER. I have got to answer it in my own way, Senator.

Senator DONNELL. The question called for an answer, "Yes" or "No," as to whether you have any objection.

Representative CELLER. I would not answer such a question.

Senator DONNELL. Then we will pass on to the next question, if you cannot answer it.

Representative CELLER. Then I must say——

Senator DONNELL. No; you will make no explanation unless you answer the question.

Representative CELLER. I do not think that is fair.

Senator DONNELL. It is fair. He has asked you a question, and if you cannot answer the question we are not going to stop here for explanations of an answer that you have not given us.

Representative CELLER. I have to say I will not answer that question.

Senator DONNELL. Very well. What is the next question, Mr. Arens?

Representative CELLER. Yes; but I do not want to leave the impression—I will answer it this way, but with an explanation. It cannot be "Yes" or "No."

Senator DONNELL. I told you, Mr. Celler, that you will have ample opportunity to explain. But he has asked you a question as to whether you would have any objection to doing something. Now, if you do, you could say "Yes." If you do not, you could say "No." Then you could explain.

Representative CELLER. I will say that my answer is "Yes," but I must explain my answer.

Senator DONNELL. There is no objection to that. Go right ahead. The answer is "Yes"; is that right?

Representative CELLER. I would object to taking those——

Senator DONNELL. You object to doing what Mr. Arens suggested?

Representative CELLER. I object, with an explanation.

Senator DONNELL. Now go ahead and explain. That is all right.

Representative CELLER. Here is the explanation. If I would do that, would take some of those provisions out, your very distinguished colleague, Mr. Langer of North Dakota, would take umbrage, for example. He is very much interested in the Volksdeutsche, and we provide that until 1952, 50 percent of the German quota can be used for the entrance into this country of natives of the satellite countries and other countries of German ethnic origin, the so-called Volksdeutsche.

Mr. ARENS. Yes; but——

Representative CELLER. You must let me finish my explanation.

Senator DONNELL. Yes; let him finish his explanation.

Representative CELLER. I do not want to offend Senator Langer and incur his opposition to this bill. I do not want to offend others in the Senate and the House who are very anxious to give a modicum of relief to the Volksdeutsche.

On principle, I would say it may be that the inclusion of those Volksdeutsche presents difficulties, difficulties of the type I have indicated. I personally do not have too great a degree of sympathy for the Volksdeutsche whose conduct was deemed bad by the International Refugee Organization—the word "bad" is not my characterization; it is the word "bad" that was used by the International Refugee Organization. But if we would wipe out those provisions, we would lose a considerable degree of support for the bill.

Mr. ARENS. Are you opposed to the provision of your bill which carries forward the 50 percent of the German and Austrian quotas to people of German ethnic origin who are expelled from the countries of the east? Are you opposed to that provision?

Representative CELLER. I do not think the bill contains anything relative to 50 percent of the German quota and the Austrian quota. The Austrian quota is out. You ought to read my bill before you ask

that question. We eliminated the Austrian quota. We limited it to the German quota.

Mr. ARENS. Well, are you opposed to that?

Representative CELLER. When you say "the east," what do you mean by that?

Mr. ARENS. Well, are you opposed to the provisions of section 9 of your bill?

Representative CELLER. Is that with reference to the use of a quota for the Volksdeutsche?

Mr. ARENS. Yes.

Representative CELLER. I just answered that question.

Mr. ARENS. Are you opposed to this provision of your bill?

Representative CELLER. I have given you my explanation, and that covers it, as an answer.

Mr. ARENS. I would like to ask him once more, Senator: Are you opposed to section 9 of your bill?

Representative CELLER. I am not opposed to any provision of my bill.

Senator DONNELL. Let the record show that Mr. Celler is presented with a copy of the bill.

Would you be kind enough, Mr. Celler, to look at section 9, to be sure we have the same point in mind?

Representative CELLER. I am not opposed to any provision. I want to get it through and get it passed. But I gave you my explanation concerning those of German ethnic origin.

Now you are asking the question in another way, again. Do you want the long explanation repeated?

Mr. ARENS. You testified with reference to a similar bill before the House Judiciary Committee, the bill being H. R. 1344, and I ask you if, in your statement before that committee, you did not say, with reference to the provisions of the present law for the Volksdeutsche:

> As I have indicated before on the floor of the House, I firmly oppose this provision in its entirety.

Representative CELLER. I said it at that time. I have rectified my statement. No man who is worth his salt will constantly reiterate a position he has taken, if, for practical purposes, it is better not to do so, I will tell you that you might read Emerson, and you will see that he says:

> Consistency is the hobgoblin of small minds.

Mr. ARENS. Then have you changed your mind?

Representative CELLER. It is not a question of changing my mind. We are dealing with a different bill. That bill has a lot of other provisions in it. What is the use of going back to bills? You can quote my statements as to bills since 1924, and I have been working on immigration bills ever since then. We are dealing with this bill, 4567.

While we are waiting, Senator, I just wanted to get this into the record. I have asked the State Department and the International Refugee Organization to give me the departure for resettlement of UN displaced persons (1) from Italy and western areas of Germany and Austria, end of World War II—when and wherever Allied armies came into control—through June 30, 1949; (2) from all other countries, July 1, 1947, through June 30, 1949.

I shall not read all the statistics here, but just one or two of them. They came from all countries, a total, to June 30, 1949, which is the last date I could get, of 604,500. That represents 100 percent. They went into Israel to the extent of 123,400 or 20 percent; the United Kingdom, 99,300 or 16 percent; the U. S. A., 87,400 or 15 percent; Canada, 68,600 or 11 percent; Australia, 54,000 or 9 percent.

Then I asked for the first 6 months of 1949—the first 6 months of this year. I asked that because that was the period, I believe, when the Displaced Persons Commission was operating at the peak of its efficiency. And for the first 6 months, 183,800 went to all countries. That represents 100 percent. Of the 183,800, 47,900 or 26 percent went to Israel; to the United Kingdom, only 1 percent or 1,400; to the United States, 47,000 or 25 percent; to Canada, 17,700 or 10 percent; and to Australia, 38,200 or 21 percent.

Senator DONNELL. Do you desire the entire table in the record?

Representative CELLER. Yes; it is designed to be informative.

Senator DONNELL. Very well.

(The table referred to was marked "Celler exhibit 1" and filed for the information of the subcommittee.)

Representative CELLER. Mr. Chairman, I would like to put this entire letter in the record, and I will read part of it. It was sent to all Members of the House, and it supports H. R. 4567, as follows:

> This country should accept a reasonable number of displaced persons, and we recommend such temporary adjustments in our immigration laws as may make this possible, with the understanding that these temporary adjustments will not alter the basic quota principle which the chamber has supported over a period of years, or increase the total number of quota immigrants admitted. All displaced persons admitted should meet the standards set by our existing laws, including those with respect to health, character, political opinions, and likelihood of becoming a public charge, etc.

I will put the rest of it in the record.

Senator DONNELL. Very well. It will be admitted for the record.

(The letter referred to was marked "Celler exhibit 2" and filed for the information of the subcommittee.)

Representative CELLER. I just want to make this one further comment. It is rather refreshing to know that on the subject of the support of H. R. 4567 we have probably for the first time, labor, represented by the CIO, railroad brotherhoods, and the A. F. of L., industry, as represented by the United States Chamber of Commerce, and agriculture, as represented by the National Grange and the Farmers Union, and other kindred agricultural organizations, all agreeing that H. R. 4567 should become a part of the law of the land.

With that, I hope that I can be excused, Senator, to get back to some chores that I have been neglecting all day.

Senator DONNELL. Very well. Mr. Celler, when can you most conveniently return? We would like to have the privilege of further examination of you, and what date could you be here most conveniently?

Representative CELLER. Well, how about Wednesday?

Senator DONNELL. Would that be agreeable, Mr. Arens?

Mr. ARENS. I could not say right now. We have other hearings scheduled on other matters.

Senator DONNELL. Could that be checked over the telephone now?

Mr. ARENS. Wednesday of this coming week?

Representative CELLER. The coming week; yes.

Senator DONNELL. It is understood, then, that Mr. Celler will continue with his testimony and cross-examination next Wednesday at 10:30 o'clock.

Senator DONNELL. Mr. Whatley, you have requested that your testimony be taken this afternoon. You state that you have an 8-minute statement you desire to make on behalf of the expellees.

Will you give your full name, address, and occupation for the record, Mr. Whatley?

STATEMENT OF DAVID WHATLEY, ATTORNEY, ARLINGTON, VA.

Mr. WHATLEY. I am David Whatley, an attorney and real estate broker. In order to identify myself, may I say that I have received no compensation for any legislative activity since 5 years ago, in which instance my only compensation was $150 from the Friends Committee on National Legislation.

Senator DONNELL. You are in the real estate business in Arlington, I understand.

Mr. WHATLEY. Yes.

Mr. ARENS. Do you represent any organization here?

Mr. WHATLEY. No, sir.

Senator DONNELL. You are expressing your own opinion as an individual?

Mr. WHATLEY. Yes, sir.

Senator DONNELL. Very well. You may proceed.

Mr. WHATLEY. I feel very deeply, as most people who are conversant with this problem do, about the injustice that was perpetrated by the Potsdam decision and carried through in the International Refugee Organization Constitution, which discriminated against 12,000,000 people because of their race or ancestry. I think that is to be deplored as much as the racist theories of the Nazis, and as an American, I am ashamed that our Government was a major participant in both decisions.

I should like to give you two brief quotations referring to the expulsion of these people from their homes and countries. His Holiness, Pope Pius XII said on April 15, 1948:

> We are afraid history's judgment on this unparalleled measure will be a harsh one.

Senator DONNELL. What was the date of the statement of His Holiness, the Pope?

Mr. WHATLEY. April 15, 1948.

Senator DONNELL. Was he referring to the Displaced Persons Act passed by Congress?

Mr. WHATLEY. That was reported in the New York Times, April 16.

No, sir, he was referring to the Potsdam decision. He was referring to the expulsion of these people, simply because they are of German ethnic origin.

Senator DONNELL. He was not referring to the Displaced Persons Act passed by Congress?

Mr. WHATLEY. No, sir. I believe the Pope does not comment on any particular legislation.

Anne O'Hare McCormick, who could never be considered pro-Nazi, said that the expulsion of these people was perhaps the most inhuman decision ever formulated by any civilized government in history. She of course, excluded from the term "civilized government," undoubtedly, the prewar German Government and the present Russian Government.

I should like to propose a compromise in the nature of a solution to the present impasse: That the Senate pass its own bill, which would give equal preference, on exactly the same basis, to those people of German ethnic origin who were excluded arbitrarily by the IRO in its constitution, for the full amount of the immigration recommended in the House bill.

I contemplate that in conference, the Senate and the House could perhaps agree upon including an equal amount, at least, in the increment of the number which would be added by the bill as passed by the House. I think that the United States could very well assimilate not merely a few hundred thousand but a few million of people of good background who would be a real asset to this country, whether they are included in the IRO or whether they are of German ethnic origin. Both groups would make splendid potential citizens, I think.

I do not wish to say anything that would militate in any way against the displaced persons bill as passed by the House. I have the deepest respect for Mr. Celler. I have worked with him on a number of humanitarian measures, including questions of relief to India, in which he could have no personal or political interest whatsoever and no motive except a humanitarian one. And it grieves me to find myself in disagreement with him here. I must say that if I were in his position I am sure that I would not be objective about people of German ethnic origin. But I hope that his strong instincts of compassion and fair dealing will yet override the partisan aspects of this legislation.

I would like to say just briefly, in addition, that the Territory of Alaska has been demonstrated recently to be almost completely defenseless against the Russian preparations that are now completely under way in northern Siberia. No one can read the testimony of Captain Bundy[1] in the recent Senate hearings on foreign aid, on the ECA appropriation bill before the Senate Appropriations Committee, without being convinced that Delegate Bartlett's statement that Russia could take all of Alaska within 24 hours is a very accurate and moderate statement. Certainly we could do with a few hundred thousand additional settlers up there, and I am quite sure, with Mr. Carusi's great gift for administration, he could, with a simple amendment to this bill, provide for the resettlement of a vast proportion of the DP's or expellees in Alaska.

Just one final word, Mr. Chairman. I think that we should either do something about this desperate human problem that confronts us,

[1] Capt. Edgar C. Bundy, editor, Daily Journal, Wheaton, Ill.

or the Congress should direct the Park Service to eliminate that inscription engraved at the base of the Statue of Liberty. Because the words inscribed there for all to see will stare us in the face day after day as either an outright lie or mute evidence of our lost idealism.

Thank you very much.

Senator DONNELL. Thank you very much, Mr. Whatley.

That is all for this afternoon, is it, Mr. Arens?

The subcommittee will be in recess until tomorrow morning at 10 o'clock, to meet in room 424, Senate Office Building.

(Thereupon, at 4:30 p. m., the subcommittee recessed to reconvene Friday, August 26, 1949, at 10 a. m., in room 424, Senate Office Building.)

DISPLACED PERSONS

FRIDAY, AUGUST 26, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10 a. m., in room 424, Senate Office Building, Senator William E. Jenner, presiding.

Present: Senators Jenner and Langer.

Also present: Richard Arens and Thomas J. Davis, professional staff members.

Senator JENNER. The committee will come to order.

We will continue the hearing on displaced persons legislation. Congressman Gossett, you may proceed.

STATEMENT OF HON. ED GOSSETT, A REPRESENTATIVE FROM THE STATE OF TEXAS

Representative GOSSETT. Thank you, Senator.

My name is Ed Gossett. I am serving my sixth term as a Member of the House of Representatives from the Thirteenth Congressional District of the State of Texas. During most of my years of service in the House, I have been on the Immigration Committee, and since the Reorganization Act, I have been a member of the Subcommittee on Immigration of the Judiciary Committee of the House. While I do not pose as an expert on immigration matters, through necessity and duty, I have become familiar with a number of aspects of the problem. As a matter of fact, I have served longer on the immigration work than any present Member of the House of Representatives, so I think I do have a little knowledge of this subject.

I am sorry my friend and colleague, Congressman Celler, cannot be here this morning, since he and I have debated this DP problem for the last several years in the House and on the radio and before forums of various and sundry kinds.

Now, of one thing I am quite sure: That immigration should be both selective and restrictive, in the national interest. This problem, like every other problem, ought to be determined by the sole standard of what is for the best interest of America, and that alone. The bill on which you are now holding hearings, the so-called Celler bill, violates both concepts of a sane and sound national policy. That is, it is nonrestrictive and it is nonselective, as I think I will show as I go along.

I have been rather interested to note in the press and to hear some of my colleagues say that certain individuals were, so to speak, Senator, "sitting on this bill." If such is the case, I want to commend as patriotic citizens and good public servants those who may be "sitting" on this bill. In my opinion, future generations will rise up to call them blessed and I am convinced in my own mind that they will have won a major skirmish at least in the cold war for survival, whoever may be instrumental in the defeat of legislation of this character.

Senator JENNER. Right there, Congressman Gossett, I do not think that anybody in the Senate Judiciary Committee is sitting on the displaced-persons bill. As a matter of fact, we have had many, many hearings. It is a vast subject and seems to have become very controversial.

Of course, some have interpreted it that the committee has been sitting on the bill, but I happen to be a member of the subcommittee to which this bill was referred and we have had many, many meetings. The information has been voluminous, very controversial, and not confined to the specific question of the displaced persons in the area of western Europe. The question is becoming bigger each day rather than smaller.

Representative GOSSETT. Senator, you are quite right. You cannot confine this question of displaced persons to a few that we have permitted to remain in camps under our custody for several years. There is no doubt but what there are a 100,000,000 people in the world who are just as much in distress and who are just as greatly displaced as are the several hundred thousand under our care and custody. There are 100,000,000 people who would like to pick up, lock, stock, and barrel, and move into this country; and I cannot blame them for that. There are certainly many millions of people who are just as deserving if not more deserving than those to whom we have heretofore shown such great preference. And in my opinion, which I hope to develop here, as I go along, the Celler bill rewards the least deserving and the least desirable and in many instances the most dangerous of the millions of folks who would like to come to this country.

In the first place, this legislation has been propagandized and promoted by one of the cleverest, best-financed, best-organized lobbies in the history of the country. I have here a clipping from the Christian Science Monitor, headed "Lobbyists list spending of $5,000,000 annually."

"Biggest spenders so far," says the article, "are the Citizens Committee on Displaced Persons, * * * " and here is a list put out by the American Legion in May of 1947, listing some 16 individuals here in the city of Washington as registered lobbyists for the Displaced Persons Act, whose salaries total $152,000 a year. Now, it is a rather sad commentary, I think, on the way we have to work that if you have so much organization and so much money promoting any particular thing—and there is no organization and no money spent fighting this program—you are just up against a pretty tough proposition, when you have to contend with a lobby as well organized and as well financed as the displaced-persons lobby is.

Senator JENNER. Do you want to put the article and bulletin in the record?

Representative GOSSETT. I offer them as a part of the record.

(The article from the Christian Science Monitor was marked "Gossett Exhibit 1," and in part, is as follows:)

LOBBYISTS LIST SPENDING OF $5,000,000 ANNUALLY

(By Josephine Ripley, staff correspondent of the Christian Science Monitor)

WASHINGTON.—Lobbyists are spending some $5,000,000 a year to put their side of the story over with Congress, according to account books now laid open under the law.

Much of this expenditure goes for salaries, which range anywhere from $3,000 to $25,000 or more a year, with lesser amounts put down for entertainment—parties or dinners for Members of Congress.

Biggest spenders so far are the Citizens Committee on Displaced Persons, the Committee for Constitutional Government, Inc., the Committee for the Marshall Plan to Aid European Recovery, and the National Physicians Committee—all of whom have already spent more than $100,000 in promoting their causes on the Hill.

The Citizens Committee is working actively in behalf of legislation concerning taxation and Government economy. The physicians group has been lobbying against compulsory health insurance.

(The Legislative Bulletin of the American Legion was marked "Gossett Exhibit 2," and is as follows:)

DISPLACED PERSONS

(Legislative Bulletin issued by the National Legislative Committee, the American Legion, John Thomas Taylor, director, Washington, D. C. Bulletin No. 17. May 21, 1947)

The intensive, aggressive, all-out drive, supported by numerous organizations and apparently with unlimited financial backing, continues and the agitation goes on to break down our immigration laws to admit so-called displaced persons into our country. Addressing a national triennial dinner of one organization last week, United States Attorney General Tom Clark and Secretary of War Robert P. Patterson urged that the United States admit "its share of displaced families." Also in a press conference President Truman made a similar plea. The term "fair share" is used almost exclusively as applying to United States obligations in connection with displaced persons. However, no mention is ever made of the thousands of displaced persons who entered the country during wartime as refugees or under some other so-called emergency action—if these figures were compiled they would no doubt show that the United States is already harboring much more than its "fair share" of displaced persons.

In addition to numerous organizations registered with the Senate and House of Representatives who are working in behalf of the admission of displaced persons, either by relaxing immigration quotas or otherwise, during the past quarter the following persons have been registered with Congress as legislative representatives of the Citizen's Committee on Displaced Persons:

	Annual salary		*Annual salary*
Kiernan, Jame M	$15,000	Franzen, John T. D	$5,040
Cooley, Thomas M	12,000	Kocher, Eric	5,040
Margolin, Leo J	12,000	Steinart, Blossom	5,040
Wasserman, Jack	12,000	Wellington, Beatrice	5,040
Ziegler, Vinton E	8,000	Selby, Meredith	4,800
Bernard, William S	7,500	Buck, Elizabeth	4,320
Johnson, Curtis Edward	7,500	Ritter, Patricia	4,080
Ely, Myron Ray	6,000	Gardiner, Elizabeth	4,020
Pearson, Robert W	6,000	Abbott, Charlotte E	4,000
Shuford, Helen Alcott	6,000	Bennett, Harry L., Jr	3,000
Leiser, Clara	5,220		
Richardson, Pearl	5,220	Total	152,020
Harris, Peggy	5,200		

In addition to salaries, these people also receive "actual amount of out-of-pocket expenses," which includes such items as air and railroad fares, hotels, meals, telegraph, telephone, and postage. As they are operating from two dif-

ferent addresses in New York City, which no doubt requires much traveling to Washington in connection with their lobbying activities, these expenses are no doubt very extensive.

The established policy of the American Legion is definitely opposed to relaxing any immigration, deportation, or naturalization laws and the National Legislative Committee is directed to oppose any legislation contrary to Legion policy. The Legion's views on this important matter will be presented to the House Committee on the Judiciary, which has scheduled open hearings on June 4 on H. R. 2910, introduced by Representative William G. Stratton (Illinois), "to authorize the United States during an emergency period to undertake its fair share in the resettlement of displaced persons in Germany, Austria, and Italy, including relatives of citizens or members of our armed forces, by permitting their admission into the United States in a number equivalent to a part of the total quota members unused during the war years."

The foregoing will give you some idea of the strength of the opposition to this item on our legislative program. It behooves all Legionnaires, members of the American Legion Auxiliary, and our families and friends to be continuously alert to the fight we have on our hands and to work hard to counteract the efforts of those who would admit thousands of aliens, in spite of the fact that millions of veterans and other American citizens are inadequately housed and that thousands of disabled and other veterans are struggling to rehabilitate themselves in useful occupations which might be taken by aliens others are seeking to have admitted to our country.

On-the-job training: On Thursday, May 15, hearings were held before the Senate Subcommittee (Senator Wayne Morse, Oregon, chairman) of the Labor and Public Welfare Committee on S. 407, introduced by Senator Ernest W. McFarland (Arizona), to eliminate the specific limitation on the compensation for productive labor and subsistence allowances which may be received by veterans obtaining educational or on-the-job training benefits under the Servicemen's Readjustment Act of 1944, and to eliminate the 2-year limit for on-the-job training under that act.

S. 407 was introduced at the request of the American Legion to repeal those sections of Public Law 679—Seventy-ninth Congress, which place ceilings on the earnings and subsistence allowances of veterans exercising the benefits of title II, education of veterans under the GI bill. As reported to you, Public Law 679 was enacted during the closing days of the last session of that Congress and signed by the President on August 8, after adjournment. Up to now it has cost our veterans more than $150.000,000.

The House Veterans Affairs Committee has reported the Kearney bill (H. R. 246), raising the ceilings, which is not satisfactory to us as the plan of ceilings should never be placed in the law effecting veterans' rights and benefits. The House bill has been tied up in the Rules Committee ever since it was reported. We are looking forward to early action by the Senate Committee on our bill.

Veterans' preference: The latest development in the continuous drive on the part of those who would sabotage the Veterans' Preference Act is the introduction of the bill, S. 1244, by Senator Warren G. Magnuson (Washington), for the purpose of regulating the conditions of employment of mechanics and helpers at all Government navy yards, naval stations, arsenals, and other Government establishments, and for other purposes. The bill provides that the minimum rate of pay for each trade or occupation shall be used as a probationary rate of pay for new employees for a period of 3 months, after which employees shall be advanced to the intermediate rate of pay for 6 months when they would receive the maximum rate of pay so long as retained in the service. The bill also makes provision for transfer to other Government agencies of discharged employees. But the language of the bill which would be the opening wedge to completely break down veterans' preference in all agencies is: "When reduction in the force in any trade or occupation becomes necessary, seniority shall prevail; those employees having the shortest length of service in * * *."

Representative GOSSETT. To begin with, we ought to examine our immigration policy. I think that is what your committee is doing, and it is to be commended for doing it. As we all know, we passed our basic immigration laws back in the early twenties, following World War I, out of necessity. It then became apparent that millions of foreign persons were coming in here annually. And, strange to say,

the people who were so strongly supporting this legislation, including my esteemed chairman of the House Judiciary Committee, were very much opposed to that bill. They did not want any restrictions. They used the same arguments then as now: That the basic immigration laws of this country were discriminatory, that we were pointing out certain areas and certain people as inferior. That was not the case at all. No person of foreign birth, however distinguished, however capable he is, has any right to come here. It is simply a privilege that we extend. No alien has a vested interest in coming to this country. So we set up our basic immigration policies, assigning quotas under which 154,000 persons, largely Europeans, were permitted to come.

We have made numerous exceptions, as is well known to the committee. We permit ministers to come. We permit the spouses and minor children of American citizens to come. We permit students to come. We permit visitors to come. We let alien seamen come in here after so many years' service on American-flag ships over and above quotas, and that provision has been abused rather generously.

I personally sponsored and helped pass through the House a bill to repeal the Chinese Exclusion Acts. I enthusiastically supported the Judd bill removing race as a bar to naturalization and seeking to equalize the immigration laws. I think most of the members of this committee have done so. But now we are asked to practically eliminate immigration bars insofar as so-called displaced persons go.

At the end of the war, there were some 8,000,000 of these. Our military forces, together with those of the allied countries, offered to repatriate and take back to their places of abode all of these so-called displaced persons who wanted to go. We encouraged them to go back, and under our supervision, largely, 7,000,000 were returned to the places from which they had fled, but around a million, in rough figures, refused to go home.

Now, the advocates of this legislation come in and they say that these people would have been liquidated had they elected to go home. In fact, there was so much said on that subject that Major General Rooks got a bit provoked about it, and he issued a statement. This, too, appeared in the Christian Science Monitor on June 4, 1947.

Senator JENNER. We will be glad to receive it for the record.

(The article referred was marked "Gossett exhibit 3" and is as follows:)

UNRRA HEAD SEES POLITICS IN REFUGEE GROUP'S CHARGES

(By Josephine Ripley, staff correspondent of the Christian Science Monitor)

WASHINGTON, June 4.—The usually even temper of Maj. Gen. Lowell W. Rooks, Director General of the United Nations Relief and Rehabilitation Administration, erupted in indignation today over recent attempts to discredit UNRRA's handling of displaced persons.

"UNRRA will not, in its short remaining span of life, yield to this smear campaign," he declared at a special press conference.

The charge which touched off this blast at critics had to do with a statement from the Refugee Defense Committee of New York to the House Foreign Affairs Committee.

The refugee defense group—in which Charles Poletti, Robert M. La Follette, Dorothy Thompson, and David Martin are interested—declared in a memorandum to the House committee that "if the International Relief Organization should develop into the continuation both in personnel and in policy of the unlamented

UNRRA, then it will earn for itself the curses of all its million wards—as UNRRA has already done for itself."

POLITICAL MOTIVE CHARGED

General Rooks charged that that statement was inspired by political and not humanitarian motives. The purpose behind it, he declared, is to block, "even at the expense of gross slander, any further repatriation of Poles, Balts, Ukrainians, and Yugoslavs to their homelands."

The point at issue is repatriation policy, UNRRA's policy has been to encourage repatriation when the displaced person has no reason to fear political persecution or mistreatment should he return to his homeland.

Many of these people would return, General Rooks claims, if there were not a deliberate campaign being conducted among the DP's to discourage such a decision.

This campaign, he charged, is being conducted by those who are opposed to any repatriation to countries now regarded as under Russian influence or domination.

He accused this group of preferring "to see these unhappy displaced persons sit where they are in camps in Germany, Austria, and Italy until they rot thoroughly—and largely at the expense of the American taxpayer—rather than go home where, I am convinced, the greater part of them would find their best opportunity to rehabilitate themselves."

REPATRIATION SUCCESSFUL

In defense of repatriation, when there are no political hazards involved, General Rooks pointed out that out of more than 7,000,000 persons repatriated since the end of the war not one substantiated incident of persecution after repatriation had come to his attention.

UNRRA's policy to encourage repatriation under these circumstances is in accord with that of the United States Government, the United States Army, and the British Government.

There are still more than 700,000 persons remaining today in DP camps. Repatriation is going on slowly, at the rate of about 10,000 to 12,000 a month, according to latest figures.

UNRRA's responsibility for these refugees terminates on June 30, when it is hoped that the IRO may be ready to take over. Congress has still to vote on the United States contribution to the organization, $75,000,000 being the figure requested by the President.

If the IRO is not able to take over by the end of the month, UNRRA could carry on for another month or two, General Rooks stated.

Representative GOSSETT. We had lengthy hearings on the bill passed in the last session of Congress, and they were hearings, by and large, for the proponents of the legislation. They sent in to the committee supposedly well-informed persons. And I asked witness after witness to point out one instance where these persons that we had repatriated had been persecuted, and no single instance of that kind was ever brought to the attention of the committee, just vague, indefinite charges to that effect.

Incidentally, I went with a committee of Congressmen to Europe last fall. We were there in October, and I believe Colonel Sage is in the room here, or he was.

Senator JENNER. He was. He just left.

Representative GOSSETT. He went with our group to visit a camp called Zeilsheim, outside the city of Frankfurt. That was a camp made up of Polish Jews. And we looked the camp over and then we went into the office to talk with the self-elected superintendent or manager of the camp, a man named Epstein, and his assistant manager. They were both Polish Jews and very bright fellows. And I was not

asking these questions, but other members of our group did ask: "Why do you not go back to Poland?"

And these gentlemen said, "We do not want to go back to Poland".

Of course, that was not quite in line with the usual propaganda, but they apparently were not trying to make any case for themselves. They were perfectly honest.

So, someone else said, "Well, are you not afraid to go back to Poland?"

"No, we are not afraid to go back to Poland. We want to go to the United States."

I do not have any quarrel with them on that. I do not blame them for it. This man, Epstein, after a few questions, said that he had been a principal of a school in Poland.

"Well, could you get your job back?"

"Yes, I could get my job back. I do not want it back."

The other man had been in the real estate business. It turned out that he had what he said to be, and I am sure was, a very nice home in some little Polish town.

"Well, have they taken that away from you?"

"No, I still own it."

"Could you get it back?"

"Yes."

It turned out that he was having difficulty collecting his rent, but that was the only difficulty he had had.

"Well," they said, "is the Polish Government anti-Semitic?"

"No, it is not anti-Semitic. There is some anti-Semitism in Poland, but the Government is not anti-Semitic and we could go back."

Now, they were perfectly honest. They just wanted to come to America, and I dare say that their statement applied to the great number of persons in that camp.

Mr. ARENS. I wonder if I could interrupt you at this point. The present law, Mr. Gossett, provides a 40-percent priority for those persons who come from countries which have been de facto annexed by Russia, Communist Russia. Do you have any observation to make with reference to whether or not persons in that category could go back?

Representative GOSSETT. You mean could go back to the places where they came from?

Mr. ARENS. Yes.

Representative GOSSETT. I think undoubtedly 90 percent of them could, with complete safety.

Mr. ARENS. Do you have any estimate to make on the relative safety of the people who are in the priority with respect to those that are not within the priority?

Representative GOSSETT. I doubt if there would be much difference as to the safety factors involved.

Incidentally, on that score, I would like to deviate here, just a bit. I went out and made a speech some months ago to the Conference of Rural Women of the State of Maryland at the University of Maryland, and following my speech, I was taken to task by the gentleman who heads up the DP program for the State of Maryland. And a young man wrote me a letter defending me against the charges made. Now, I would just like to read that letter to you. I think it is very

informative, and I put it in the record with his permission, after writing him:

BALTIMORE, MD., *June 16, 1949.*

HON. ED GOSSETT.

DEAR SIR: I want to express my sincere gratitude to you for your speech which you presented to the Rural Women's group at the University of Maryland, in which you were in sympathy with halting immigration of the type such as we are now witnessing.

I am a student at the university and a veteran of the Second World War, and I want to say that you deserve merit for bringing to the attention of my fellow Marylanders the nature of immigrants that are now coming to this country. No greater truth could have been stated, when you declared that many of these people have been planted in these camps to infiltrate into this country to serve alien causes.

The Baltimore Morning Star carried a report on your address to the university group at College Park, Md., and at the same time inserted some comments from William L. Laukaitis, chairman of the Maryland Displaced Persons Committee, who charges, about you and your statements: "I think he is talking bunk when he describes the displaced persons as he does. They are liberty-loving people who have fled their homelands, fled from the Communists, because they wanted freedom."

The reason I want to bring this to your attention, sir, is because Mr. Laukaitis is, as I am, of Lithuanian descent. I know the gentleman who made the remarks about your speech and wish to say that he represents the most reactionary pro-Nazi interest in the city of Baltimore. No sooner had Mr. Laukaitis helped bring these displaced persons, especially the ones from Lithuania, over, than he has allowed them to speak almost immediately at rallies about the need to join a crusade to help liberate poor little Lithuania. Nothing is said about the Nazis or their methods.

As an American, I know allegiance to America is foremost; but do these people who are bringing these immigrants over know that? Also, what about the present unemployment situation in the United States? There are nearly 4½ million unemployed. Where are these newly arrived displaced persons to get work? Are they to take over the jobs of the Americans and the many ex-GI's who have fought to defeat the Axis powers?

I am getting down to the point I wanted to call to your attention.

It is these same Lithuanian displaced persons, although I admit not all, for there are probably some sincere ones in the group, who were recruited by Dr. Rosenberg into branches of the Nazi SS. These Lithuanian SS troops carried out mass pogroms against the Jews in Lithuania and against Russian troops that were in the area.

I bring to your attention the true documentary evidence as it is produced in the United States Government publication, Trial of German War Criminals, which is available in the Government Printing Office. It is these same displaced Lithuanians who cannot return to their native country, not because they are afraid of communism but because of their war crimes, which their Lithuanian neighbors know so well. Mr. Laukaitis is affiliated with the United Lithuanian Relief Committee, which has been sending aid to such persons under the guise that they are anti-Communist. This committee no doubt has played an important part in bringing many of these undesirables over here. This committee has asked me and many other persons of Lithuanian descent to give funds and clothing to aid the war ravaged Lithuania. But, however, in 1947 only $16 was sent to Lithuania. Upon investigation, which I made, to the State Department, and also documentary record made in the booklet, Foreign Aid Appropriation Bill for 1949, Hearings of the House of Representatives, volume 2, I found these figures correct. Upon investigation I found that the practice of sending aid to Lithuania has been discontinued, and all funds, running as high as several thousands of dollars, were sent to camps in Germany and Austria, and so forth, to aid these people, who were no doubt, as you have charged, planted in those camps.

Mr. Laukaitis no doubt will say that these people will be of benefit to America, because they are such good anti-Communists. No doubt. But we must remember that the Nazis and Mussolini's Fascists were also good anti-Communists. I think our present Government is doing more than well in keeping down any

subversive threat in America, and I don't think we have to bring over pro-Nazi criminals and the scum of Europe to do this job for us.

Now that was news to me. I did not know about that. So I checked up with some people who are supposed to know, and they verified what this gentleman has said, that among this fine group, as we have been told, from the Baltic areas, are many that were members of the Nazi SS and were pro-Nazi.

We all know the history of this country. It is quite a joke about how people would change their names and go out to my State or somewhere in the West. That was true of these DP camps. It was an opportunity for a lot of criminals to at least escape from the condemnation of their neighbors.

And in the early days we gave these people 2,000 calories, when those on the outside only got 1,500. We practically invited folks to come into our DP camps, and the less desirable, the less diligent, in many cases did come, and they have stayed.

Now the situation grows worse. It is sad but true that those people, by and large, are the scum of Europe, with some exceptions. The cream has been skimmed off, time and time again. Other countries have sent teams in there, just to pick out people, without a lot of the red tape that we have embroiled our operations with, and they have gotten the best workers and the best artisans. And what remains, by and large, are those who refuse to work or who cannot work or who are there for one purpose or another.

I will go into this question of policy just a bit further. Dr. Henry Pratt Fairchild, professor of sociology in New York University, in 1943, discussing the implications of population trends for postwar policies, concludes that immigration should be restricted. He expresses the danger of new immigration in these words, and incidentally, Dr. Fairchild is a very eminent man in his field, and he has written a good many books on these subjects:

We are fighting this war for the sake of democracy, the rights of the common man, the eradication of race prejudice, and the general recognition of human equality. If the findings of science were in accord with unenlightened liberal sentiment, there might be no particular danger. Since this is not the case, it is essential that the peace negotiators be prepared to recognize and to make clear to the world that what may seem like a narrow or illiberal policy is really a liberal policy, because it promises the greatest welfare for the greatest number of people over the longest period of time.

Woodrow Wilson expressed the same convictions and I think most of our leading scholars and statesmen recognize that the only way we can remain strong and can lead the world in the paths of peace is to protect our borders against the influx of large numbers of foreign persons Even the best of them have to be here some time to become assimilated and for roots to grow deeply.

I am sure the Senate committee is well aware that every commission and every board that we have had investigating national security or economic problems—about the first thing they say when they come in is that we have got to remain a strong and a virile and a united Nation. Well, now, by no stretch of the imagination can anyone say that the admission of additional numbers of displaced persons can in any way contribute to our security—economic, political, social, or otherwise.

I dislike castigating and reflecting upon the quality of those who remain in the DP camps, but I have quite a few communications here that I want to call to the attention of the committee. And I did not make any research into this; these are things that just incidentally came into my office.

Here is a letter addressed to Mr. Ugo Carusi, Chairman of the Displaced Persons Commission. It is from Nazareth, Pa., dated July 26, 1949, from 29 North New Street, in Nazareth, by a man named Walter S. Kostenbader. And I am told by his Congressman that he is a very outstanding, responsible businessman and a good citizen:

I am writing to you in regard to two displaced persons I received through Church World Service. They are: Elsbieta Kucharska-Proskuriakow, age 40; Lucyne Kucharska, age 18; who arrived in New York on May 29, on the *General Taylor*.

These people proved to be very unsatisfactory and I feel that the Displaced Persons Commission should have some knowledge of the situation. I went to New York and met them at the pier and brought them directly to Nazareth, Pa.

This man runs a hosiery company in Nazareth.

On the way home I noticed they seemed rather nervous which would probably be natural. However, they showed no particular interest in the scenery, traffic, etc., which you would expect displaced persons to do. My wife helped them unpack their baggage and they had a brand new fur coat which I estimate was worth $800 to $1,000. After they were here 3 days, they asked where they could have diamonds appraised. They emphasized good, flawless diamonds. They also wished to know what sterling silver was worth per pound. This immediately struck me as being very odd for diplaced persons.

It so happened that Reverend Helfferich, who is in Europe working on displaced persons operations, was here on furlough the first week in June. Incidentally, Reverend Helfferich is also the person who advised me to sign assurances for displaced persons. He had been at my home in Nazareth and told us how happy any of the displaced persons in Europe would be for just a home as we offered them. While he was on furlough, I contacted him and explained the situation to him and he, therefore, came to my home and talked to these people. He became very angry at their attitude and informed me when he left that he also felt these people were no good, and that he would immediately make a report to Church World Service. However, he would be back in Europe in a few days.

I waited for about two weeks to hear from Church World Service and then telephoned them regarding the matter. They informed me they were working on the matter and would write me regarding it in a few days. They wrote to me and also to Mrs. Proskuriakow and informed her that any articles they had brought with them could not be sold for two years and just two days after that there was someone here to see them who said he was from New York; a very rough looking and arrogant fellow who I presume lifted the diamonds about which they spoke to me. After this man was there to see them, we could notice a big change for they were not nervous nor did they ask any more questions regarding things which they brought with them. I wish to state here that I never saw the diamonds or the silverware but the fur coat I did see.

Since only the daughter could speak English, the mother presumably could not. I introduced them to some Polish families in Nazareth. In checking with these people I found they told them some more things which they also mentioned to me, that while in Germany they had someone help them with their homework. They did not fix their own hair but went to the hairdresser, and they did not use ration cards, because they could not get the things they wanted, and that this was one reason they were anxious to get out of Germany, because they were afraid they would get caught not using ration cards.

These Polish people were also naturally very disgusted with them. Another thing they did while visiting the people was that they talked in Russian for both of them spoke Russian more fluently than any other language.

They stayed at my home from May 30 until July 8. On July 8 they asked to go to see some friends in Philadelphia. They promised to return on the 10th. On the 10th the daughter came back with a man whom she introduced as Mr. Young, with a New York license plate, and informed us that they were leaving as they had secured employment elsewhere. She informed me that this was a

free country and they could go where they pleased—that was why they came to the United States because they had checked with Canada and found they must sign an assurance for 2 years. They had checked the Argentine and found they must sign an assurance for a certain length of time but here they did not sign anything so they were leaving. The man with her was very insulting, so I made him get out of the house and wait for her outside. This seemed to frighten her and she left with him without taking the rest of their baggage. However, on Saturday, July 23, the daughter, who is 18, and a minor, came back again for the baggage with a man with a Rhode Island license plate. She told us that her mother was working in Washington, D. C., and that she was living in Cassville, N. J.

What I have done in this matter so far is to inform the customs officials and they send a man up to check their baggage still at my home after they had left on July 9. However, they had already cleaned out everything of importance including the many letters they received from the time they got to my place until they left on July 9. I also went to the trouble of going to New York City and making another full report to Church World Service on July 18.

I felt that this was important because these people definitely are part of a ring who have people sign assurances for them but they never expect to stay with the parties making the assurance. From the time they arrived they never unpacked half of their baggage and would also not let me have the fur coat properly stored. They told me that many of their friends were coming over within the next month who also did not expect to live up to their moral obligations. There is also the case of the displaced person who came over on the same boat as they did, who had signed an assurance for farm work in Iowa, but who expected to stay in Brooklyn. He was, however, sent to Iowa but in a few days' time my displaced persons received a letter from him asking if they could locate a job for him here in the East.

It is my opinion, and also my wife's, that people of this nature should be deported as they are certainly not the type that are going to make good citizens of the United States of America. I so informed Church World Service and they say there is nothing legally that can be done about it. I am also going to take the matter up with our Congressman from this district because if these people are left free to do just as they please, our displaced-persons law needs changing very quickly. People of this nature are certainly discouraging others from signing assurances for displaced persons for I know several people who were going to take displaced persons but have absolutely washed their hands of the matter after hearing of our experience. It is also going to make it a lot harder for the many deserving people who are still in Europe to get over here and receive the chance that they should have. I trust you will give this matter your attention and inform me as to disposition of it.

We all know that the DP camps have been the black-market centers of Europe. I do not know whether the situation is still as it was, but in the early days when we maintained those camps over there we never had any restrictions and we still have none. Although a lot of screaming was done about maintaining concentration camps, we let people come and go from the very beginning. We tore down all the barricades. So they would come in, get food and clothing and rations, and go out and sell it on the black market, go over to another camp, change their names, and do the same thing all over again.

Here is a letter written to Congressman Teague, dated April 13, 1949. This is from one of the colonel's friends. Incidentally, Colonel Teague was the first American officer in Cherbourg and had quite a lot of experience in Europe and has been over a couple of times since. He took a little poll in Europe in 1947—I am authorized to quote him—and out of 100 American officers that he asked, "What should we do about the DP's?" the only one that thought we ought to admit any DP's was our good friend Colonel Sage, who was in here a moment ago, and he was in charge of the DP program. He was the only one.

I have talked to, I expect, several hundred American officers and enlisted people and persons employed by the Government in a civilian

capacity in the State Department, and except for those who are a part of the program, I have yet to talk to a single one who does not agree that we are doing a great disservice to our country in bringing these folks over here and that we are getting the worst and not the best of the millions of folks who want to come in. Here is what this officer writes to Colonel Teague:

Now, Colonel, I have something very important to tell you about, but I will just give you a brief picture, but hope you can come over here personally so that I can give you the proof and explain to you the entire situation. There is definitely a Communist ring working here in Germany, particularly in Polish DP camps. This group is trying to infiltrate the United States, Canada, Argentina, and Australia. These DP's are working in conjunction with IRO to see that all their papers are easily prepared for immigration to the above-mentioned countries.

And here is an article appearing in the New York Times, Monday, May 16, 1949:

DP search yields undeclared gems—thousands of dollars' worth of valuables are seized by Boston customs men.

They were seized from DP's seeking to come in here.

Mr. DAVIS. We would like to have that in the record.

Representative GOSSETT. All right. You may have that.

(The article referred to is as follows:)

DP SEARCH YIELDS UNDECLARED GEMS—THOUSANDS OF DOLLARS' WORTH OF VALUABLES ARE SEIZED BY BOSTON CUSTOMS MEN

BOSTON, May 15.—Customs inspectors today searched the baggage of 829 displaced persons arriving from Bremerhaven, Germany, aboard the United States Army transport *General Leroy Eltinge* and seized undeclared jewelry, silverware, and merchandise valued by the officials at thousands of dollars. The inspectors declined to set a specific figure.

In addition, the staff of eighty inspectors removed large stocks of declared items pending payment of duty.

The surprise inch-by-inch search was staged, customs officials said, as the result of the discovery of approximately $10,000 in undeclared items aboard the transport *Marine Jumper*, which docked here May 5. Previously only routine checks were conducted. An Army spokesman here from New York said that smaller amounts had been uncovered in DP ships arriving in that port.

Deputy Collector William Griffin, who led the group of customs agents, inspectors, and members of the port patrol, said that thousands of dollars in jewelry and watches were found on one woman passenger. She was searched by a woman guard when her actions aroused suspicions.

NO ARRESTS PLANNED

The jewelry on the woman included diamonds, pearls, and rings. Her name was withheld. No arrests were made or contemplated, Mr. Griffin said, and all offenders were allowed to continue on their way.

The seized merchandise included cameras, porcelains, and linens. The baggage of one family, inspectors said, contained a veritable dry-goods store in undeclared sheets, pillow cases, and table cloths. Valuable silver was wrapped in the linen.

Displaced persons are permitted to bring personal effects, household goods, and articles that have been in use for more than a year.

In the case of declared merchandise liable for duty, customs officials said most of the confusion was attributable to misinformation given the refugees by relatives in this country.

An Army spokesman said that "the wires are hot" between the United States and Bremerhaven in an effort to make clear to displaced persons awaiting shipment just how much they can bring in free of duty.

GOODS UNDER GUARD

The declared goods seized were placed on Commonwealth Pier under guard and later moved to customs appraisers' stores. They will be retained until such time as the owners are able to pay the duty and redeem their possessions.

The woman who had the jewelry concealed on her first insisted that the gems were family heirlooms, but customs inspectors said she subsequently admitted that this was untrue. One of the rings confiscated had a large diamond surrounded by four smaller ones.

The *General Eltinge* was the twelfth vessel to dock at Boston with displaced persons and the first to undergo such a rigid examination. Its passengers brought to 8,089 the number of DP's to be processed through this port. Another ship, the *General Robert L. Howze,* is scheduled to arrive Tuesday morning and undergo an equally thoroughgoing search.

The *General Eltinge* brought the largest group of children yet to arrive here on a single ship—221.

Representative GOSSETT. Our good friend, Mr. Celler, testifying the other day, mentioned a trip to New Orleans to see the U. S. S. *General Sturgis* land with the first load of DP's going to the Southwest. I went down with the committee. And these were allegedly the agricultural preferences, folks who were going to the farms of Louisiana and Texas and Oklahoma. Now, I would not mention this, except that he made a great to-do about what fine, sterling citizens these people were.

The U. S. S. *Sturgis* docked the afternoon that we got there and was to be unloaded the next morning. The mayor was present and quite a little to-do was made about the unloading of this ship. We were all down there. It just happened that in the course of nosing around, the immigration inspector for that area—I believe he was the inspector, anyway, an immigration official, a man who had been in the service a long time—called me and Congressman Willis off to one side, and he said, "Do you know, these folks 'struck' on that boat last night? They said they were through working. They would not clean up the bunks or wash the dishes or anything. They had a strike on the boat." And since then, as you know, most of them have deserted the farms of Louisiana. Here is an article that appeared in the Times-Herald—and it appeared in many other papers—on June 8, 1949: "DP desertions bring crisis to Belgium's mines." That is about DP's deserting in other areas, but I will leave this with you.

Here is another, captionad: "Disillusioned DP's leave plantations." And here is an article by Mr. George Weller, foreign correspondent for the Star and the Chicago Daily News. This is a recent article:

America's proposals for throwing open its doors to Europe's refugees are giving great satisfaction to the Communist parties of eastern Europe.

I would like to leave these for the record.

Senator JENNER. Very well.

(The articles referred to were marked "Gossett Exhibit 4" and are as follows:)

[From the Washington (D. C.) Times-Herald of June 8, 1949]

DP DESERTIONS BRING CRISIS TO BELGIUM'S MINES

BRUSSELS, BELGIUM, June 7.—Belgium is suffering for coal—an unforeseen headache which is presenting the authorities here with a huge human problem.

The labor force in the Belgium mines, already several thousand workers below strength, is being further depleted.

Displaced persons, 19,000 of them, brought into the country during the last few years are drifting away from the industry.

Scores of them, their 2-year contracts expired, are flocking into Brussels every day.

They ask to be sent back to displaced-person camps in the bizone whence, they claim, it is easier to emigrate.

Before coming to Belgium, most of these displaced persons had never seen the inside of a coal mine.

INVITED BY GOVERNMENT

Part of this huge wandering army, totaling 2,000,000, was left in the western zones of Germany after the capitulation.

The came here at the invitation of the Belgian Government and were offered a new life. Their contracts guaranteed them the same rates of pay as a Belgian worker, and after a 3-month probationary period they were allowed to send for their families and set up a home.

But many of them came with false hopes.

Clerks, engineers, school teachers, and members of a variety of other professions and trades, they hoped to seek some new outlets for their talents once the period of their mining contracts had come to an end.

But with some 200,000 unemployed, representing roughly 13 percent of the Nation's working population, the Government insists that jobs must be given first to Belgians.

Apart from the question of the loss of this labor force to the mining industry, the exodus of displaced persons is really worrying the Belgian authorities. For, until such time as their fate can be decided, they have to be housed and fed.

At present displaced persons arriving in Brussels are being lodged in a former prison specially fitted out as a transit camp.

Their wives and children are being housed in a Red Cross camp just outside the city, and the International Refugee Organization is taking urgent steps to stop the exodus.

Repatriation to their homelands being out of the question, a notice distributed among the workers advises them to stay in the mines until some solution can be found.

The Organization is trying to discourage the workers' desire to emigrate.

The Organization prefers that they should remain in Belgium but that as soon as possible they should be allowed to enter other branches of industry.

FULL OF ADMIRATION

The displaced persons themselves are full of admiration for the hospitality they have received here. They fully realize that this hospitality cannot be overdone, and they state that their only claim is to the right to live and work as normal human beings.

The Belgian authorities are fully alive to the grave moral dangers involved. They have freely stated that it is inadmissible that thousands of men should be left to drift along without a future and without a goal.

NO LOUISIANA SUGAR?—DISILLUSIONED DP'S LEAVE PLANTATIONS

NEW ORLEANS, LA., June 12.—Displaced persons from central Europe, disillusioned by the work and wages on Louisiana sugar plantations, are "disappearing" en masse, the New Orleans Item reports.

The Item said a survey of the State's biggest sugar plantations indicated that 30 percent already have left, principally for the North and East. Some stayed only a few days at the plantations to which they are assigned.

Plantation owners said Lithuanian refugees appear to be getting organized help from a society which arranges to transport them north and find jobs for them.

One plantation owner said a 46-year-old Armenian woman had changed jobs in his area four or five times.

"I didn't come here to work," he quoted her as saying, "I came to get a rich husband."

The Reverend J. Stanley Ormsby, of the National Catholic Welfare Conference, recently inspected conditions on some Louisiana sugar plantations and charged that the DP's were being underpaid and exploited.

In reply to this, the Right Reverend William Castel, head of the Catholic organization which sponsored most of the Catholic DP's sent to Louisiana, said: "They have been paid at the same rate as our own native workmen."

Men receive $2.90 a day for ordinary labor, and women receive $2.80 a day for working an hour less than the men.

Plantation owners complain that many of the DP's they get—a total of about 300 were estimated to have settled in Louisiana—know nothing about farm work.

"When they were told farmers were needed, it was easy to say 'Sure; I was a farmer. I used to go out on my grandfather's farm every summer and help.'"

COMMUNISTS HOPEFUL TRUMAN WILL SUCCEED IN ADMITTING REFUGEES

(By George Weller, foreign correspondent of the Star and the Chicago Daily News)

PRAGUE, CZECHOSLOVAKIA, July 22.—America's proposals for throwing open its doors to Europe's refugees are giving great satisfaction to the Communist Parties of eastern Europe.

Nobody wishes more fervently than the Communist and semi-Communist regimes, from Poland to Bulgaria, that President Truman's plea for the transfer of the refugee problem to the United States be fulfilled, and the Stratton bill for the entry of 400,000 displaced persons in 4 years be passed.

The Truman proposals, backed by humanitarian motives, fit perfectly into the program Moscow has been pressing, through all Europe's Communist Parties, ever since the war's end.

PROGRAM SIMPLIFIED

Somewhat oversimplified, the program can be boiled down to:

1. Get American forces to abandon key bases in Europe and go home for good.
2. Penetrate and break up all independent Socialist Parties until they become dependent for existence on Communist tolerance.
3. Drive westward, if possible across the Atlantic, all floating anti-Soviet or anti-Communist minorities, so as to clear the path for the next surge of communism toward the English Channel.

Displaced persons are about 80 to 85 percent fugitives from Communist regimes. Three-quarters of these speak German and the rest speak Slavic tongues. By blood, they are mixed.

NUISANCE COMMUNISTS

As long as they remain in central Europe they are a nuisance and even possibly a danger to Communist Parties. Being both German and Slav at once, and profoundly anti-Communist, they can be troublesome to the Comintern's next leap across the Rhine-Danube frontier.

If allowed to settle in Austria or Germany, rather than to be ushered into the United States, their peculiar double allegiance for Socialist and Centrist Parties is a decided annoyance. So, Communist Parties everywhere try to keep them moving westward.

In some ways this Comintern attitude is like the Soviet attitude toward White Russians after World War I. But DP's are somewhat harder to kick around, because there is no broken-down nobility among them and there are no doubtful Romanovs. These people are plain and earnest and ready to settle down anywhere and work with their hands.

In spite of their political beliefs, their camps are busy, clean places where everybody is simply trying to get a foothold in ordinary civilian life, and many are succeeding by sheer earnestness and grit. The handful of small war criminals has been eliminated.

RUN THEIR OWN AFFAIRS

Naturally, anti-Communists welcome entrance into the United States as heartily as would three-quarters of Europe's population. But unlike the Jews who comprise the other 20 percent of Europe's DP's, they have not been filled with dreams of oversea migration to the United States or Palestine, nor have they received special food allowances and guards. They run their own affairs without aid from the United States Army with a minimum of self-pity and political agitation.

The Comintern today is indifferent to displaced Jews, because their total of about 160,000 is not important politically, because their attitudes are Zionist

without being either pro- or anti-Communist, and because Soviet policy in the Middle East is generally still feeling its way toward replacing Britain as a friend of the Arabs before the United States can do so.

But, with regard to other displaced persons, the policy of Russia and the Balkan Communist governments is now entering a phase of open attack. For example, the Oestereichische Zeitung, surnamed Newspaper of the Soviet Army for the Austrian population, plastered its front page this week with a diatribe "On Austria's shoulders—the displaced persons use up 312,000,000,000 calories."

PORTRAYED AS GLUTTONS

Without stating anywhere that most of these calories were grown by American farmers and paid for by American taxpayers, the Red Army's editorialist explained how, in 1 year, displaced persons devoured 70,000 tons of bread, 6,000 tons of meat, 4,600 tons of fish, and 40,000 tons of potatoes.

This line parallels that used by the Daily Worker in London to push out anti-Soviet Poles by representing them as gluttons.

What is omitted is that these DP's, with the exception of children and welfare cases, work 8 to 10 hours daily for what they have eaten; that, except in the case of Jews, it never exceeds 1,550 calories a day, and that it is mostly American.

The Russian, Polish, Yugoslav, and Rumanian boards, which visited the DP camps to persuade families to return to their homelands, have mostly ended their work. They picked up few recruits. The Polish sales talk was the most successful because the Warsaw Government promised no bed of roses, but hard work and enough to eat.

Representative GOSSETT. Now, that is something to think about. You have not heard of a Red or a Pink organization in this country that is not 100 percent for this program. While I cannot prove it, I have no doubt that many persons have been planted in those camps for the express purpose of infiltrating this country. There were 100,000 Polish Jews and Russian Jews that came out from behind the iron curtain in 1946 and 1947, 18 months ago and 2 years after the shooting was over, with the full consent and approval of the Communist-controlled governments, into our displaced persons camps, and many of them are still there.

Now, Senator Langer, that is where this cut-off date got us into trouble. I think that Senator Revercomb was preeminently correct. If this is a displaced-person program, if it is to take care of those who were displaced by war, certainly the cut-off date, December 22, 1945, took care of all of those who were legitimately and honestly displaced persons. Those who came into our camps subsequently displaced themselves, including this hundred thousand.

Senator JENNER. Congressman, is it not the fact that they are still coming in from behind the iron curtain?

Representative GOSSETT. Well, theoretically, the camps were closed in July of 1947, but they are still coming in. The IRO makes certain exceptions to the rules.

Senator JENNER. The estimated figure, as I understand it, is around 25,621 a month that are still coming into the displaced persons' camps.

Representative GOSSETT. I am not in a position to know that.

Mr. ARENS. Those are the applications, Senator.

Senator JENNER. Yes.

Representative GOSSETT. I have a few more exhibits here. But the thing, Senator Langer, that you and I are both aware of—and you have done some good work, particularly in speaking out for the expellees—is that the IRO will not permit anybody of German ethnic origin, as you gentlemen know, to be classified as a displaced person. There were more than 20,000,000 of those people who were uprooted

after the shooting was all over, and just thrown in from the countries behind the iron curtain; that is, Yugoslavia, Czechoslovakia, Hungary, Rumania, and Poland.

In the winter of 1945 and subsequently, according to testimony which we received before our committee, 5,000,000 of those people died of starvation and disease and hunger. We were told that the personnel manning the trains would go through those trains and throw dead babies right through the windows, and also people, perhaps nearly dead. They would just dump them off into the snow. Nobody had shed any tears about those folks. Many of them and their families had lived on the same land for a thousand years in those countries. They had German names and German blood. Because the people in power may have wanted their property, they were just uprooted and thrown over into the economy of Germany.

Now, we do undertake to assist in the rehabilitation of Germany. We have accepted a great deal of responsibility for it. We know that the Germans at least said they started two world wars for living room. They have less living room now than ever before, primarily because of the expellees who were superimposed on the German economy. So, if we are setting up a program to relieve the congested population areas, we would do a much better job in looking after expellees than we do the DP's there.

While I do not want to belabor the point, I contend that by and large the expellees are of better stock than are the DP's. They did not voluntarily pick up and move into Germany; they were thrown into Germany by the Communist forces behind the iron curtain. They are farmers, most of them, men and women who love the soil.

I should like to show you the attitude of the IRO—and I may say that one of my objections to our DP program has been that we let the IRO do our picking. In other words, they handle most of the paper work and processing displaced persons. Our selector, Senator, never sees the party who is finally processed and put on a boat to come over here under the DP program. The selector just looks at the paper to see if it is signed and in order.

I have been told, although I cannot prove it, that there will be a person in one of these DP camps—and under the existing law, he must have been a displaced person prior to December 22, 1945, or maybe he did not come in there until 1946, he has to prove that he comes under the provisions of the law—all he has to do is to go out and get a certificate from some minor German official, which states this man was there. I might add that a package of cigarettes or some other gift will usually suffice to get that certificate.

Speaking of the screening, on that, Army intelligence officers with whom I talked in Europe told me that to check up on these folks was an utter impossibility. They had no way in the world to go back to the community in which the person lived, or the place from which he came—or from which he said he came—to see who he was or what his record was. They do the best they can, but they take the statements of the fellow who lives in that cabin next to him or any other evidence. They have been instructed to take the best evidence and arrive at their conclusions on that.

So I think we can safely say that although some of my friends who are urging this legislation say the screening is done with care and that four or five different processes must be gone through, the screen-

ing is superficial and that by and large it is a joke. About all one of these persons in a DP camp has to do is to get an order from the IRO saying he qualifies.

Here is a copy of a letter which an IRO official wrote to a gentleman in Texas, who has been corresponding with me, trying to get his mother-in-law, I believe, and sister-in-law, into the country. He has been pretty diligent in it. They were refused DP status, and here is what the IRO official said:

> You fail to realize that IRO is an international organization, as its name implies and it is not governed by the laws of Congress or the decisions of the Supreme Court of the United States (or any other country, for that matter), except inasmuch as such laws and decisions apply to displaced persons under the mandate of the IRO constitution. IRO must of necessity use certain dates in making determinations. These dates are set by the IRO General Council, each nation participating in IRO being represented by one delegate on the Council. The fact that the United States Congress passed a Displaced Persons Act which has been determined to be unworkable is to be extremely regretted. This is their manner of taking us to task.
>
> On the other hand, may I refer you to the excellent article by Lynn Landrum in the Dallas Morning News, which article presents a clear, concise picture of the difficulties the present Displaced Persons Act is encountering.
>
> If you wish to place any pressure anywhere which might facilitate the emigration of the persons in whom you are interested, I would suggest that you and your friends put the pressure on Senator McCarran, whose committee is now holding up the act by refusing to bring it on the floor of the Senate.

Senator JENNER. In other words, IRO is engaging in political activity.

Representative GOSSETT. That is right; IRO is engaging in political activity. And they are saying, in effect, "We do not respect the decisions of the Supreme Court of the United States or of the act of Congress; they are unworkable and we will handle it the way we want to."

Mr. Chairman, I should like to file for the record the complete letter from which I quoted a brief excerpt to the committee.

Senator JENNER. The letter may be filed at this point.

(The letter referred to was marked "Gossett Exhibit 5" and filed for the information of the subcommittee.)

Representative GOSSETT. Here is an article by Capt. Eddie Rickenbacker, in which he uses a pretty strong term, "Rodent refugees." I will not take time to read the article in full; I should like to file it for the record, if I may. But Captain Rickenbacker states, in part:

> To America came the immigrants from all parts of the Old World in search of all kinds of freedom of opportunity. The Scotch, the Irish, the Germans, and South and Central Americans, Italians, Hungarians, Poles, Jews, English, Swedes, Danes, Russians, Greeks, Slavs, Czechs, Norwegians, and many others.

Then he goes ahead and pays tribute to the immigrants who came here up until recent years, and then he points out this very thing I am talking about, of the dangerous and subversive character of many of those that have come in and will come in under a so-called displaced-persons program. In other words, we just invite trouble.

Senator JENNER. The article by Capt. Eddie Rickenbacker may be inserted in the record at this point.

(The article was marked "Gossett Exhibit 6" and filed for the information of the subcommittee.)

Representative GOSSETT. Here is an article I will put in the record, written by a very fine Irishman, a judge out in Minnesota. His Con-

gressman, Mr. Joe O'Hara, tells me that he was quite interested in DP's. He thought we ought to bring them over. He went over to Europe himself and made a study of the problem. He came back and he wrote the President a letter, and in his letter to me he quotes from his letter to the President.

In my letter to the President I said:

"(1) That the other nations of the world have already picked and repicked this group on the basis of character and talent; the musicians, men of science, professional and tradesmen, were long ago in other countries, and what is left now consists principally of the nontalented class.

"(2) That these people are not refugees who reached the zone in flight from the pursuing persecutor, but principally people of all classes and types of character, caught in the shifting chances of a roving life.

"(3) That this group has among them many persons capable of adopting and living good and useful lives, but in the great majority are a collection of lazy, worthless persons, totally devoid of any notion to earn their way by honest industry and effort and resting from day to day on the assumption that the world owes them a living.

"(4) That many of these persons were people attracted to Germany by Hitler policies and who took part in the Hitler economy against their own countries, and now are afraid to return to the people whom they betrayed"—

that is with reference to the Lithuanians that I was talking about—

"(5) That many of these people live in elaborate quarters at American expense with German people as maids and attendants, while anxiously awaiting the date to enter into America to engage in profit-making commercial manipulations.

"(6) That many of these people are in the black markets of Germany, sucking the lifeblood out of the German economy and deliberately robbing the German people of whatever little means in their possessions.

"(7) That many of these people are avowed Communists and Nazi adherents, and are daily being detected by the authorities.

"(8) That many of these people swarm on the streets like vultures to take advantage of the weak and hungry for their own personal gain.

"(9) That many of these persons lack the moral fiber to adapt themselves to democratic ways of life.

"(10) That if America shall take into our country these people without a thorough process of screening, break-down and culling out, we at home will suffer, not for a while, but always, from such a national mistake."

Mr. Chairman, with your permission, I will place that in the record.

Senator JENNER. Without objection, it is so ordered.

(The letter referred to was marked "Gossett exhibit 7" and filed for the information of the subcommittee.)

Representative GOSSETT. Here is an article written by Mr. St. John Waddell, which appeared in the Memphis Commercial Appeal on the 9th of July. At the invitation of the International Refugee Organization, St. John Waddell, assistant managing editor of the Commercial Appeal, was one of a group of American newspapermen to inspect the displaced-persons situation in Europe. This article is one in a series of his reports. Mr. Waddell writing:

Five of the displaced persons aboard the United States-bound Army transport *General Howze* last week, refused to work at the ship's housekeeping routine, a stint which they agreed in writing to do on their voyage toward freedom.

Threats of "no work, no eats," and of imprisonment in the brig, had to be used to bring the recalcitrants into line.

I am skipping some of the article now, and to continue:

Chief Boatswain Mate Louis Ware, a stout young southerner from Ringgold, Ga., near Chattanooga, has acquired a harassed attitude from his experiences in transporting displaced persons for the International Refugee Organization. He is supposed to keep a certain number of them busy at such jobs as sweeping the decks, the simpler kind of painting, and other nonskilled housekeeping work.

"Thirty of them will do about as much as six American deck hands," he said. "The big majority just plain don't want to work. The usual excuse is that they have already worked 1 day, and now it should be somebody else's turn."

Then he goes on to describe his trip on the U. S. S. *Howze.*

Now, that is not an exception to the rule. If you find anybody who has come over on one of the ships, I dare say that is the case with all of them. And still these are the supposedly skilled, stanch, eager, able, and willing people in the DP camps.

Senator LANGER. Mr. Congressman, may I ask you a question at that point?

Representative GOSSETT. Yes, sir, Senator.

Senator LANGER. Suppose you bring over a lady who wants to do housework. She says that she had a lot of experience in doing housework. Then when she gets here, it is discovered that she never did any housework in her life, but that she did entirely different kind of work and that she is absolutely useless to the American family who brought her over? Do you not think that we ought to have a provision in our law whereby we could return that lady back to where she came from on the ground that she came over through fraud?

Representative GOSSETT. I think so, Senator, I think the Senator is eminently correct. I know of a number of cases like that, but you are absolutely helpless to do anything about it. In other words, when they once put foot on American shores, they are here. There is no obligation on their part to live up to any representations or agreements made ahead of time, and the people who offer assurances are just helpless. There is nothing you can do about it. It is just a one-way proposition. In other words, we are doing all of the giving and all of the assurances.

Here is an unanswerable dilemma, Senator, that I have propounded numerous times to numerous witnesses and nobody has ever answered it.

We are spending billions and billions of dollars and sending thousands of people to Europe to help build up devastated areas, and to rehabilitate their economy and their society and get them back on their feet. Now, if a DP would be useful to us because he possesses some unusual skill or because he is a workman, would he not be more useful to the country from whence he came or to some other country that is in need of work or rehabilitation, than to us? If he is not useful to us, we certainly do not want him. So, if these folks are all that proponents of this legislation say they are, then are we not being selfish and inconsistent in bringing them here and taking them into our economy, because we, in turn, send our folks and our money over there?

There is another thing that simply does not make rhyme nor reason. They talk about our Christian duty. The Senator well knows that we fought two world wars and sacrificed millions of Americans and spent over $50,000,000,000 in World War I and over $300,000,000,000 in World War II, followed up by numerous gifts after that, without getting one penny in reparations or asking or receiving one foot of soil.

Now, has any country anywhere in the history of humanity ever done one-tenth as much unselfishly for other people as we have?

Then to say, on top of all that, that we ought to open our doors to political refugees, to those who may wish to flee here, and that it is our Christian duty, is far afield from my concept of what Christian duty is.

Mr. ARENS. Mr. Congressman, may I ask, do you have information as to the number of displaced persons and refugees who have been admitted to the United States, beginning with the war period?

Representative GOSSETT. I may have the figures somewhere, but I do not have them available at this time. However, I am sure they are available.

Senator LANGER. Mr. Congressman, I regret to say that I have to leave at this time, due to the fact that I have an appointment with another committee. However, I will read your testimony with a great deal of interest.

Representative GOSSETT. Thank you, Senator.

Mr. Chairman, may I have placed in the record the page of the Congressional Record, from which I have just read?

(The document referred to was marked "Gossett exhibit 8" and filed for the information of the subcommittee.)

Representative GOSSETT. Mr. Chairman, our President made a speech on May 7, 1948, to the National Conference on Family Life. Here is a report of it in the New York Times, in which he makes reference to our housing shortage. He states:

> Our housing shortage is almost a fatal one. The problem is vital. We have millions of veterans who have returned from fighting for the liberty of this country and of the world who are not able to find homes for themselves and their wives and children.

Then in his speech on the state of the Union, delivered to this Congress in January, you will recall that he said in part, quoting:

> It is equally shocking that millions of our children are not receiving a good education. Millions of them are in overcrowded, obsolete buildings. We are short of teachers. Ten million lack medical care. The housing shortage continues to be acute.

I make mention of that to show that at least we are not in need of additional persons and that we should not superimpose on our normal amount of immigration any additional numbers of displaced persons.

Now, in regard to this argument which our friends make that they will live with their relatives, or "we have a spare room we are not using;" wherever they live, with whomever they live, they are taking up quarters, and if they are working, they are handling jobs that men who are American citizens, and many veterans, could use and want to use. So you cannot get something out of nothing. In other words, you cannot use housing without using housing. To say we have places for these people is just not true. We make places for them, but we do not have places for them.

Mr. ARENS. Mr. Congressman, do you care to direct your attention to the legislation which is pending, particularly the bill which was passed by the House?

Representative GOSSETT. Do you mean the Celler bill?

Mr. ARENS. Yes, sir.

Representative GOSSETT. Yes.

Mr. ARENS. Congressman, I do not like to interrupt the trend of your testimony, but I am sure the committee would like to have your views on the proposed changes.

Representative GOSSETT. The Cellar bill increases the number of persons to be admitted from 205,000 to 339,000.

To that extent, it just aggravates our problem through the admission of displaced persons. Then it moves the cut-off date from De-

cember 22, 1945, up to January 1, 1949. That is an invitation to include in the category of displaced persons all of those who may have gotten under the cover through connivance with IRO or otherwise, long after the war was over. According to Mr. Celler's own testimony—and this is where he bases his charge of discrimination—it would make eligible to come into this country the 100,000 Russian and Polish Jews who came into our camps in 1946 and 1947. Now, here is an interesting comment on that group. This item appeared in a New York paper, January 26, 1947:

> Army headquarters meanwhile is warily watching the actions of approximately 40,000 Polish Jews now temporarily located along the Polish-Czech frontier. While this group probably will not migrate in the severe winter months, it is known here that the Russian, Polish, and Czech Governments facilitate the movement of Polish Jews from east to west. This strategy is based on the belief that the more of the Jews who become the responsibility of the western powers, the more embarrassed the western powers will become in view of the tense Palestine situation.

That was January 1947, and all of that group subsequently came into the American displaced-persons camps.

Mr. ARENS. Were those people expelled as were the German ethnics?

Representative GOSSETT. No; they were not expelled. They just voluntarily migrated. In other words, they could go back.

Mr. ARENS. Now, Congressman, the Celler bill also provides for several thousand DP's who have not yet been displaced; is that not true?

Representative GOSSETT. Yes.

Mr. ARENS. Would you tell us about that, please?

Representative GOSSETT. Those are presumably the political refugees from the Communist-dominated countries. Of course, they may turn out to be the sort of refugee that this Czech general was the other day. By that I mean, this man, General Ferenzic, if you recall the press stories of August 15. Let me give you a little of his record here. It is stated here that Gen. Miklas Ferenzic, former Czechoslovak Minister of Defense, who helped to pave the way for the Communist seizure of power in Czechoslovakia, reached the United States in the sheep's clothes of a displaced person and was ordered detained. Immigration officers took him and his wife off the United States transport *General Heinzelman.* Apparently the immigration authorities found he was on there because a good many Czech citizens of New York were picketing the dock. They knew this fellow was coming over, and that he was a notorious Communist.

While I have no way of knowing—I have not read the details—I dare say but for their activity he probably would have come in as a bona fide displaced person. He was a general, and responsible, according to a good many of those in a position to know, for the Communist debacle in Czechoslovakia. He is a sample of the sort of person that the new bill would legalize coming into a DP camp.

As I construe the bill, all one of these fellows would have to do would be to come into the camp and say that he fled from such-and-such country because of Communist persecution.

All he would have to say is, "I am a political refugee." If he had no German blood in him or had no German name, then the IRO would admit him. That is my interpretation of the new act, and I believe that that is a reasonable interpretation.

I want to address myself briefly to this question of discrimination again. Now, we all know that the blackest page in history is perhaps the Nazi persecution of the Jews. It was a horrible, barbaric blot on the Christian era. During the war, we rightly opened up our doors to any person who was fleeing from Nazi persecution. We asked no questions. They could just wave a piece of paper, say "this is a passport," and in they came, and that was all right. But when my friend and colleague, Mr. Celler, and others, say that we have discriminated against persons of Jewish faith, it simply is not true.

Here are some figures which I got from the American-Jewish Yearbook for 1946–47, published by the American-Jewish Committee:

Now, we had in this country in 1907 only 1,776,885 Jews. That was all the Jewish people in this country at that time. In 1927 this number had grown to 4,228,029. In 1946, it had grown to 5,000,000, or approximately one-half of all the Jews left in the world.

According to the same authority, this Jewish Yearbook, from 1937 to 1943, by yearly average, more than 60 percent of all immigration into this country was Jewish.

Under the President's Executive order, issued on December 22, 1945, through which the Government sought to facilitate the immigration of displaced persons, it was stated that visas should be issued on a pro rata basis among all religions, races, and with preference given to orphaned children.

Notwithstanding that mandate in the President's directive, according to the State Department, over 75 percent of all visas issued were issued to persons of Jewish faith.

Now, Mr. Celler and the Jewish folks testified for this bill and have always insisted that not more than roughly 25 percent of the persons in DP camps were of Jewish faith. Yet, under the President's directive, the overwhelming majority of visas were issued to persons of Jewish faith and under this bill passed in the last Congress, which they say is discriminatory, the big percentage over their normal quota has been issued to persons of Jewish faith.

Senator JENNER. I think that Congressman Celler testified—and the record will show it—that under the present bill, as I recall, 29 percent of the total immigration was Jewish and 42 percent Catholic.

Representative GOSSETT. Rabbi Bernstein,[1] testifying before the House committee in the last session on the bill that was passed last year, testified that more than half of all the Jewish people of the world were now in this country. At that time he was adviser to General Clay on Jewish affairs. He is a very brilliant man. He was interrogated at length about the location of the various Jewish populations. He testified that there was no anti-Semitism in Russia. So why would Russian Jews seek to flee Russia?

Now, there is a great deal of difference between American Jews and German Jews and English Jews and Russian Jews and French Jews. I am not going to belabor that point or go into it extensively with the committee, but the Yiddish-speaking Russian Jew in Russia is the backbone of the Communist Party in Russia. And, I might add, 90 percent of the Communists in this country—that may be a slight exaggeration, but I think it is close to it—have some Russian connection. Many of them are these Russian Jews we have mentioned.

[1] Rabbi Philip S. Bernstein.

Now, when we speak of not classifying as displaced persons 100,000 persons of Jewish faith, it must be remembered that many of these people are not Hebrews. They are no more related to Abraham, Isaac, and Jacob than you and I, Senator. They go back to the first century; they are Mongolians. The orthodox Hebrew cannot speak Yiddish. These are the Kazars. A lot of these folks have Communist histories.

When we cut out 100,000 of them, we have not discriminated against the Jewish people; we have just exercised prudent caution. And we have been fair, in that they have voluntarily displaced themselves.

Now, this question of population trend in this country is one that the committee should consider.

You may have noticed that the Census Bureau estimates that as of November 1 of this year the population of this country will have reached 150,000,000. I wrote to the Census Bureau in 1947, and I have a letter here, dated January 29, 1947, from them. At that time they estimated that our 1950 population was going to be 145,460,000. They now admit that they were wrong to the extent of 5,000,000 on that.

The population of this country has grown in the last decade, as will be revealed by the next decennial census, by more than 1,000,000 a year. No one can know definitely how the population of the country is going to increase, but if it continues at even approximately the present rate through the excess of births over deaths and if we admit nobody to this country—and I am not contending that we should close the door—if we did close it, the population of this country by the year 2000, if the present rate continued, would amount to at least 200,000,000 people.

People who make studies of immigration trends, a great many of them, say that if we admit 15,000,000 from Italy it would not solve the Italian population problem. Within a very few years they would have taken up the slack. We would only have 15,000,000 of the Italians and they would very quickly return to their population level.

I read a very interesting little book on population trends In War and Peace. It was written by a couple of university professors. It is a very technical and scientific study. They make this startling observation:

Bear in mind that the population of the world has increased over 500,000,000, I believe, in the last 50 years. We now have roughly over 2,250,000,000 people. Notwithstanding two world wars within the last 50 years, the over-all world population has increased by a half-billion people. These two professors say that there are three areas on the earth, if they could keep their birth rate up to the present level and reduce the death rate as low as we have, they could overpopulate the earth six times in a hundred years. That is China, India, and perhaps the U. S. S. R.

Now, is it beholden on us to help relieve this situation by lowering the bars in this country? Would we not rather be overwhelmed and our usefulness to the world completely destroyed by the influx of people who come in here?

I think unquestionably we would. So to preserve this country, we have got to preserve something of our national integrity. We cannot permit ourselves to be diluted, our national blood stream to be diluted by excess foreign immigration, from whatever source it might come.

Now, here is where we get into a philosophical argument with some

of the proponents for the liberalization of immigration. My contention is that it is not saying to the inferior person that "you are an inferior person." He may be a superior person, but we have a right, if not a duty, to maintain the ethnic character of the Nation. By and large, we are Anglo-Saxon or English-speaking people. If we permitted 15,000,000 Italians to come in here, this might well become an Italian nation. That might be desirable from some points of view, but this is our country, after all, and we have a right to protect it from being overrun by persons from other countries, whoever they may be or for whatever purpose they may come in here.

When you examine this whole problem from the standpoint of what is for the best interests of this country, you can arrive at but one conclusion, and that is that to bring in more displaced persons is a detriment and a threat to us and in nowise a benefit to us. We do not owe those people any duty or any obligation. We are extending them a privilege and a preference that we do not extend to other people.

I say that the facts and the figures and the logic of the situation drive one to the inescapable conclusion that the Celler bill is detrimental and dangerous and unnecessary and against the best interests of the American people.

Now, we have succumbed to propaganda and to pressure, and we have done it shamefully in this instance, in my judgment. I think that the bill that we passed last year was more than generous.

Mr. Chairman, I am rambling around here. I wish I had the time to go into this question of "no place to go." There are plenty of places that the immigrants or displaced persons could go to, if they would. Australia wants 1,000,000 new immigrants, if they could get the kind that would be useful to that country. They cannot get them from the DP's. Even the South American countries are more careful in screening than we are.

Mr. ARENS. The Celler bill has a provision for taking 18,000 people who are now in Great Britain; does it not?

Representative GOSSETT. Yes, and he admitted that was a political situation.

Senator JENNER. It was logrolling.

Representative GOSSETT. That was to get the support of our fine Polish friends. I agree that they are better people than those in the DP camps.

Mr. ARENS. Congressman, do you have any other observations to make with respect to the people in Shanghai?

Representative GOSSETT. That, too, is another thing that renders the whole bill an absurdity. If we are going to take 5,000 or 6,000 out of Shanghai, because of the Communist threat to China, there are probably 100,000,000 over there who would like to escape for the same reason.

Mr. ARENS. Who are these people in the Shanghai group that are embraced by the Celler bill?

Representative GOSSETT. They are presumably White Russians, but I think that most of those are of the Jewish faith, or so I have been advised.

Mr. ARENS. Congressman, do you know how they got there, and when?

Representative GOSSETT. I do not know.

Mr. ARENS. The bill uses a date of 1939 as a starting date; does it not?

Representative GOSSETT. I have not given serious study to that phase of the bill.

Now, my friend, Mr. Celler, in his testimony the other day, made a great deal of comment about everybody being equal and the chairman said, "Why do we not bring in the Hindus? There are thousands of them who die every year from starvation."

Senator JENNER. Also the Greeks and the Arabians.

Representative GOSSETT. Yes. He hit the ceiling then. We cannot do that. I agree with him, but he just absolutely disproved his own statement. God did not make people equal and the Government cannot do it. People in the same family vary both in character and ability. I would never admit that everybody is equal. I think if we start out on that premise, we are going to get into a lot of serious difficulty.

Immigration ought to be selective and restricted, and this bill violates in every phase of it both concepts.

Speaking of discrimination, it is a bill of discrimination. It discriminates against all kinds and classes of people. Bringing in these 18,000 Polish soldiers discriminates against other Polish soldiers who might want to come in. In other words, these 18,000 are just the fortunate ones who happen to be in Great Britain. To my mind the whole thing is absurd from beginning to end.

Mr. ARENS. Congressman, do you have any observation to make respecting that provision of the bill which provides for the use of certain portions of certain quotas for the next 5 years for persons who are DP's, irrespective of where they may be in the world?

Representative GOSSETT. Yes, that is in complete violation of our whole concept as written into immigration laws. When we start departing from our philosophy of national origins, we get into all sorts of difficulties.

The point has been made here, too, that we are not increasing the over-all number of immigrants who will ultimately come to the country. Well, we are increasing the over-all number. There is a great deal of difference in bringing in 100,000 people now and bringing in 100,000 people 25 years from now, because this 100,000 brought in now, through reproduction, will increase considerably.

Mr. ARENS. And as these 100,000 become citizens, there is a derivative status which relatives abroad enjoy.

Representative GOSSETT. Yes; that also increases the number who can come in.

A terriffic drive is going to be made on the Congress, and it has already started, to eliminate this quota charge. As soon as the DP program has been completed, every Congress from there on is going to be deluged with propaganda to just rub out that quota charge.

In my opinion, it will be rubbed out, because the pressure will build up from year to year and some Congress will eventually pass a bill eliminating the quota charge altgether. In fact, the President said he was going to recommend that and he strongly insisted that the quota charge be eliminated. He is against the quota charge as contained in the present bill. That is just to make it a little more palatable for the present Congress and subsequent Congresses will inevitably eliminate that quota charge.

Mr. ARENS. Congressman, there is one other provision. The bill has a provision to the effect that there should be no discrimination for or against any group of persons. Do you have any observation to make on that?

Representative GOSSETT. That is just put in there to make the bill look a little better. We tried to write into the bill last year an amendment that would require that we take these people in accordance with their percentages in the camps. All the religious denominations raised Cain about that. They did not want to say that you should give consideration to the religious complexions of those in the camps, and yet, they all scream about discrimination when they do not come in the percentages as registered under the IRO.

Mr. ARENS. Congressman, I have just one other question. Do you have any observation to make with respect to the provision for 30 percent of agricultural workers which is contained in the present law and which would be eliminated?

Representative GOSSETT. I think we are just winking at the agricultural priority as it is. I have no objection. Whatever number is put in the bill are going to be brought in. Those administering the act are going to take John Doe's statement that he is an agricultural worker. As a matter of fact, he may never have hoed a potato or done anything on the farm. But, realizing that that is a preference—and I am not blaming that fellow—he is going to try to get in under it. In my judgment, there are not 5 percent of those who come in or who will come in under the DP Act that will eventually stay on farms. That is another serious objection to the act. The vast majority of them go into our already overcrowded cities.

If the committee is going to report out a bill to admit 339,000 more persons, from my point of view, the priorities are largely window-dressing.

Mr. ARENS. What do you think about the procedures for job and housing assurances, as a prerequisite for eligibility under the bill?

Representative GOSSETT. I think they ought to be retained in the bill, but there, too, they are not going to be very closely observed or followed.

Mr. ARENS. Congressman, have you made any study or do you have any information respecting the procedures currently followed to provide jobs and housing as a prerequisite to eligibility?

Representative GOSSETT. As I understand the bill, not having made a careful study of that provision, about all that is required is that you fill out the papers to the effect that here is a job and that there is housing. That is about the sum and substance of it.

Mr. ARENS. I have no further questions, Senator.

Senator JENNER. If there are no further questions, the committee will be temporarily recessed, and subject to call in the future, to complete the testimony.

Representative GOSSETT. Mr. Chairman, I would like to have permission to revise and extend my remarks in the record.

Senator JENNER. Very well, Congressman.

(Thereupon, at 12 m., the committee was recessed, subject to the call of the Chair.)

DISPLACED PERSONS

WEDNESDAY, AUGUST 31, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT OF
THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10:30 a. m., in room 424, Senate Office Building, Senator Forrest C. Donnell presiding.

Present: Senator Donnell.

Also present: Richard Arens, staff director of the special subcommittee.

Senator DONNELL. The meeting will come to order.

Congressman Celler wanted to make a statement independent of this. I suggest that he proceed with that at this time.

STATEMENT OF HON. EMANUEL CELLER, A REPRESENTATIVE FROM THE STATE OF NEW YORK—Resumed

Representative CELLER. Mr. Senator, I would like to state the following: I understand that some testimony was taken to the effect that only Communists are for the Celler bill.

Senator DONNELL. I did not get that.

Representative CELLER. Primarily Communists are for the Celler bill.

Mr. ARENS. Who said that?

Representative CELLER. My very dear friend, for whom I have a very high regard, Representative Gossett, made some statement along those lines, and I am sure Representative Gossett would not mind my putting some material in the record which counters that statement. There was sent to every Member of the Senate under the signature of former Postmaster General Farley and former Governor Lehman and Prof. Harper Sibley a very interesting communication, in part which reads as follows:

Senator DONNELL. Under what date?

Representative CELLER. June 15, 1949, all in support of the Celler bill. This was on the letterhead of James A. Farley.

To Every Member of the Senate, Washington, D. C.

DEAR SENATOR WILEY: We are writing to submit to you, on behalf of ourselves and the other sponsors, the enclosed appeal for consideration of the displaced-persons legislation.

Representatives of the three faiths, President Truman, Governor Dewey, leaders of every group and each party, all have united in sponsoring the amendments necessary to make the Displaced Persons Act of 1948 fair, just, and workable. These amendments were introduced in the House by Representative Celler; into the Senate by Senators McGrath and Neely last January.

The House of Representatives has fully exercised its responsibility by passing the modified Celler bill on June 2. We now, therefore, address this appeal to the Senate of the United States to act on displaced-persons legislation before Congress recesses in order that displaced persons may be permitted to come here under a sound and equitable law of which Americans may be proud.

We are grateful to you for your consideration and help in this matter which lies so close to the conscience of all of us.

Sincerely yours,

JAMES A. FARLEY,
HERBERT H. LEHMAN,
HARPER SIBLEY.

And there was attached thereto arguments in favor of the Celler bill, and the McGrath-Neely bill, in the form of an advertisement which appeared in the Washington Post.

And there were a great many signatures of very renowned, distinguished Americans attached to that statement in support of the Celler bill. In addition, there was obtained the signatures of some 21 Governors in support of the bill, the Governors of Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Montana, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and West Virginia.

Further, in addition thereto, there was rallied to the support of the bill on a nonpartisan basis many additional representatives of industry, government, labor, agriculture, from all parts of the Union, including your own State, Senator, men like John H. Hendren, chairman of the Democratic State Committee.

Senator DONNELL. H-e-n-d-r-e-n.

Representative CELLER. Yes.

Senator DONNELL. You may wonder why I am so familiar with the Democratic State committeemen.

Representative CELLER. They gave you good support, maybe?

Senator DONNELL. I did not say that. It will be very glad to have all I can get, but Mr. Hendren I know.

Representative CELLER. Mr. Nangle, and so forth.

Representative CELLER. In addition, Mr. Chairman, it has been said that the proposed legislation is bad, and I vigorously deny that and that it is supported by "Reds." And the "Reds" is in quotation marks.

Mr. ARENS. May I interrupt just to ask you who is supposed to have said that?

Representative CELLER. That is a statement that appears generally in the public prints of papers opposed to the bill editorially and there were statements also before the House Judiciary Committee, and inferences can be drawn therefrom from statements made before this committee. It is inconceivable to me how any person who has followed the matter could come to the conclusion that legislation has Red support. There is substantial evidence to the contrary.

I have here, Mr. Senator, a pile of documents, no two of which are the same, pertaining to UN meetings at which violent attacks have been made upon the displaced-persons program of this Nation and the resettlement activities of the democratic nations. These attacks have been made by authorized mouthpieces of Russia and the satellite nations. I could pick up any one of these documents and find scurrilous statements about resettlement made by such mouthpieces. I could read for hours on end these statements, but just let me read a

few excerpts from extremely recent statements which indicate the violence of the Communist attack.

I quote first from the Verbatim Record of the General Assembly of the United Nations, second part of the third session, 215 plenary session, Flushing Meadow, N. Y., May 16, 1949.

(Excerpts from remarks of Mr. Tsarapkin, Union of Soviet Socialist Republics:)

The Soviet Union delegation considers that the situation which has arisen in connection with refugees and displaced persons is intolerable. The Soviet Union most emphatically protests against the undermining of the program of repatriation and replacement of that program with a program of resettlement; it protests against the use of displaced persons and refugees as slave labor in other countries. It is necessary to put an end to the present practice of the International Refugee Organization, aimed at the illegal resettlement of these refugees and displaced persons.

There are more than a score of countries today which have imported substantial numbers of displaced persons. As is known, the United States Congress passed a law in accordance with which 205,000 displaced persons were to be admitted to the United States; there are plans to increase that figure to 400,000. Australia applied for 200,000; tens of thousands of displaced persons and refugees have been deported to France, Belgium, and other countries. The governments of these countries agreed wth the IRO to extend the scope of the problem of resettlement and the export to those countries of cheap labor. In the second half of 1948 alone, in accordance with official data submitted by the IRO, this organization has resettled about 130,000 refugees and displaced persons, who were sent mostly to the United States, the United Kingdom, France, Canada, and Latin-American countries. Judging by the official report of the IRO of January 19 of this year, it appears that scores of thousands of displaced persons and refugees have already been turned into slaves and are subjected to exploitation in the United States, the United Kingdom, France, Belgium, Brazil, Peru, Argentina, Chile, and some eastern countries.

(Excerpts from remarks of Mr. Demchenko (Ukrainian Soviet Socialist Republic):)

The question arises: What are the purposes pursued by the Government of the United States, the United Kingdom, and France when they refuse to repatriate Soviet citizens? These purposes are evident. Acting through their occupation authorities in Germany and Austria, these governments want to transform the whole mass of Soviet children who have been deported to camps into a source of supply of cheap slave labor through the use of threats, blackmail, terror, and famine. They want to organize slave markets in the heart of Europe and sell these wretched persons into slavery to the various capitalists of the five continents of the world and, in the first instance, of the Americas. * * *

Under the cover of the IRO which was allegedly set up to assist displaced persons, agents of the United States and the United Kingdom are at work. They are concerned with the supply of cheap manpower for the mines of Belgium, for the plantations of Brazil, for the harbors and plantations of the United States, and for various types of hard work in the United Kingdom. In those countries the displaced persons become slaves and are deprived of the most elementary human rights. Even when they are ill they do not receive the most elementary medical assistance. Anyone who falls sick or is hurt in the performance of his work is threatened with death.

And, Mr. Chairman, I repeat, these are but a few of such remarks. The Yugoslavs, Byelorussian, and Polish delegates made similar ridiculous assertions. All of which proves, nevertheless, that our Displaced Persons Act and the entire resettlement program is an anathema to the Reds.

This statement goes on, made by the Soviet Union delegation, deploring and rebelling against the attitude of the United States, which passed a bill providing for the admission of 205,000 displaced persons, and then they deplore the fact that the United States may try to

increase the number of displaced persons. Then they deplore what Australia did and France and Belgium did in taking these DP's out of the DP camps.

I will submit those for the record, which clearly indicate that the Soviet authorities and the authorities of the satellite nations are universally opposed to the principle underlying the present bill before you, the so-called Celler bill.

Senator DONNELL. So there may be no uncertainy in the record as to what you are introducing, would you indicate, please, just what documents you desire to be incorporated in the record?

Representative CELLER. Just the portions thereof marked in red. You can run right through them.

The following are excerpts from the remarks of various speakers had before the General Assembly, second part of the Third Sesssion of the United Nations, Verbatim Record of the Two Hundred and Fifteenth Plenary Meeting, Flushing Meadow, N. Y., Monday May 16, 1949:

Mr. Altman (Poland): * * * I shall not tax your very precious time and repeat all of the facts which my delegation quoted when this question was discussed in the Third Committee. We have proved all the means which are resorted to in order to sabotage and undermine repatriation. Tens of thousands of displaced persons are denied the possibility of making a free decision to return to their homes, and thus they are the victims of a criminal political game. Emigration, in conformity with the spirit and letter of the decisions of the General Assembly, should be the last resort in the solution of the problem of refugees and displaced persons. In reality, it has become the main purpose and aim of the International Refugee Organization. The occupation authorities in western Germany and western Austria have transformed the displaced persons camp into recruiting centers for cheap labor, to be used in western European countries and in some overseas countries.

This recruiting program has turned into a real slave market at the present time. Through hunger, terror, and threats, those persons are broken morally and their consent to emigrate in order to work is being wrested from them. Agents of monopolistic firms are swarming and teeming in these camps, and they are only concerned with this business in slaves. * * *

Mr. Mates (Yugoslavia): * * * The International Refugee Organization, neglecting more and more, and even preventing, repatriation, concentrated wholly on so-called resettlement schemes. It engaged in its service an increasing number of traitors and collaborators with the enemy who had already demonstrated their hostility toward their country and to repatriation, while in the service of the occupying authorities in Germany and Austria before joining the International Refugee Organization. * * *

I wish, however, to emphasize that our conclusions, based on these documents 2 or 3 years ago, have been borne out fully by events. The continuation and stiffening of antirepatriation policies has brought about distress and misery to hundreds of thousands of displaced persons. Resettlement proves to be another word for trading in cheap labor, and the International Refugee Organization has developed into an international exchange dealing with this "commodity."

Mr. Demchenko (Ukrainian Soviet Socialist Republic): * * * The question arises: What are the purposes pursued by the Governments of the United States, the United Kingdom, and France when they refuse to repatriate Soviet citizens? These purposes are evident. Acting through their occupation authorities in Germany and Austria, these governments want to transform the whole mass of Soviet children who have been deported to camps into a source of supply of cheap slave labor through the use of threats, blackmail, terror, and famine. They want to organize slave markets in the heart of Europe and sell these wretched persons into slavery to the various capitalists of the five continents of the world and, in the first instance, of the Americas. * * *

Thus, under the cover of the IRO which was allegedly set up to assist displaced persons, agents of the United States and the United Kingdom are at work. They are concerned with the supply of cheap manpower for the mines of Belgium, for the plantations of Brazil, for the harbors and plantations of the United States,

and for various types of hard work in the United Kingdom. In those countries the displaced persons become slaves and are deprived of the most elementary human rights. Even when they are ill they do not receive the most elementary medical assistance. Anyone who falls sick or is hurt in the performance of his work is threatened with death. * * *

This shows the real situation behind this "paradise" on which representatives of countries indulging in white-slave traffic so often like to dwell. It is quite evident that the governments of these countries want to get up a reserve labor army which is required by them in order to exercise constant pressure on the working class. They hope at the same time to get cheap labor whose exploitation would not be limited by any law. For this reason, various obstacles are placed in the way of the repatriation of displaced persons to their countries of origin. At the same time, other purposes are pursued as a result of the aggressive policy which is being carried out by the ruling circles of the United States and the United Kingdom in the postwar period.

It is planned to use a part of the displaced persons, and along with them use war criminals, as cannon fodder to supplement the ranks of the Armies of the United States, the United Kingdom, and France. This consideration alone explains the fact that the United States, United Kingdom, and French authorities recruit healthy men in their armies, set up military formations and organizations, and subject them to military training. These military formations go under the title of "guard detachments," "pioneers," "engineer battalion," and so on, created in camps: No. 95–351 "SS Kasern" in Munchen; camp No. 95–40 "Pioneer Kasern" in Mittenwald; camp No. 6, in Passau (American zone), camp "Lyssenco" in Hannover (English zone) and in many others. * * *

Mr. Stepanenko (Byelorussian Soviet Socialist Republic) * * * The Governments of the United States, United Kingdom, and France have tried to substitute for repatriation a series of measures aimed at the resettlement of these people. The facts have shown that the violations indicated above have led to the program of resettlement. This is an open violation of the General Assembly resolutions and the international agreements entered into by the parties. It must be pointed out that active support is lent to that program by the International Refugee Organization, which may be considered as a recruiting branch of the governments of some countries. * * *

* * * Thus we see that there is no humanitarian project involved here. We see the export of people. We see a new form of slavery. There is no other definition for it, this is slave trade in the twentieth century. For this reason, the delegation of the Byelorussian Soviet Socialist Republic considers that the question of refugees and displaced persons has not yet been solved and this only as a result of the obstacles put in the way by the Government of the United States, the United Kingdom, and France of the resolutions of the General Assembly and of the fulfillment of their own obligations in connection with this question. For this reason, the delegation of the Byelorussian Soviet Socialist Republic considers that repatriation remains the main problem, and that at the present time the resolution submitted by the Polish delegation covers the question. We shall, therefore, vote in favor of the Polish resolution.

Mr. Tsarapkin (Union of Soviet Socialist Republics): * * * The Soviet Union delegation considers that the situation which has arisen in connection with refugees and displaced persons is intolerable. The Soviet Union most emphatically protests against the undermining of the program of repatriation and the replacement of that program with a program of resettlement; it protests against the use of displaced persons and refugees as slave labor in other countries. It is necessary to put an end to the present practice of the International Refugee Organization, aimed at the illegal resettlement of these refugees and displaced persons. * * *

The reason why hundreds and thousands of persons are refugees and have not yet been repatriated is not due to the fact that they do not want to go home. This is a dirty slander directed against these men. They want to go home, and they expect to return. The real reason for the fact that they have not returned is something else. The reason is the tendency and the trend of the United States, the United Kingdom, and other countries to transform the displaced-persons camps into a source of cheap labor to be used in their national enterprises. This is the light in which we should understand the statement made by the representative of the United States of America to the eighth session of the Economic and Social Council, when he stated that he believed that resettlement should be the main task of the refugee organization in the future, not repatriation. As the representatives know, this modest wish of the rep-

resentative of the United States has been patently turned into a resolution of the Economic and Social Council. This resolution approves of the plans of the International Refugee Organization with regard to large-scale resettlement of displaced persons and stresses the necessity of continuing the same activities toward the same goal. * * *

There are more than a score of countries today which have imported substantial numbers of displaced persons. As is known, the United States Congress passed a law in accordance with which 205,000 displaced persons were to be admitted to the United States; there are plans to increase that figure to 400,000. Australia applied for 200,000; tens of thousands of displaced persons and refugees have been deported to France, Belgium, and other countries. The governments of these countries agreed with the IRO to extend the scope of the problem of resettlement and the export to those countries of cheap labor. In the second half of 1948 alone, in accordance with official data submitted by the IRO, this organization has resettled about 130,000 refugees and displaced persons, who were sent mostly to the United States, the United Kingdom, France, Canada, and Latin American countries. Judging by the official report of the IRO on January 19 of this year, it appears that scores of thousands of displaced persons and refugees have already been turned into slaves and are subjected to exploitation in the United States, the United Kingdom, France, Belgium, Brazil, Peru-Argentina, Chile, and some eastern countries. * * *

In conclusion, it must be noted that the attitude adopted by the United States and the United Kingdom with regard to the repatriation of Soviet Union citizens is a direct consequence of an open aggressive course which has been embarked upon by the ruling circles of these countries with respect to the Soviet Union and the peoples democracies. These are the reasons why the Soviet Union citizens have not been repatriated. The reason is not in the slander—the Churchill and Goebbels slander—to the effect that Soviet Union citizens do not want to be repatriated. This has led to the scattering of these people throughout the world. It is the result of this policy that our citizens, whatever their qualifications and skills, were forced underground in the coal mines of France, Belgium, Canada, Chile, and other countries. This is why they have to stoop under the burning rays of the tropical sun in climates to which they are not accustomed in the plantations of Louisiana in the United States, or of Brazil in South America. This is why they have to labor under terrible conditions of work and live a slavish existence. * * *

The United Nations must not tolerate the shameful policy of the United States and the United Kingdom, a policy which exploits the terrible conditions of the displaced persons and refugees who fell into their hands, and which puts them under the yoke of slavery. * * *

Senator DONNELL. Congressman Celler, it is about 11 minutes of 11 at this time. The Senate has recessed until 11 o'clock this morning. I am quite willing to stay here until the quorum call of the Senate. I do not think we can accomplish very much in just a very few minutes. I am perfectly willing, though, to permit you, if you desire, to testify thus briefly, although I would have to ask you to be kind enough to come again. I can arrange, if you desire, if it is agreeable and convenient to the staff here, to be present tomorrow morning to continue this examination. It is anticipated that the Senate will possibly recess tonight for approximately a week. It is not absolutely certain, I do not think, but it is the probability. If you desire, I could come again tomorrow morning.

Representative CELLER. I will do that under one condition. I have made the trip down here. I have appointments in New York tomorrow morning. If we so met at half-past 9 and stayed here until 12 o'clock, I could not stay beyond that.

Mr. ARENS. We have other hearings set for tomorrow on S. 1832, the bill of Senator McCarran on exclusion and deportation of subversives, starting at 10 o'clock, and I personally really ought to be there on that.

Senator DONNELL. They are out-of-town witnesses?

Mr. ARENS. Yes, sir. Tomorrow is Thursday, and Friday we have other witnesses coming in from out of town on displaced persons legislation. May I inquire, Senator and Congressman, what would be your schedules for this afternoon?

Senator DONNELL. I am on the floor of the Senate this afternoon. We will be in session until this evening. I could not be here this afternoon.

Representative CELLER. How about meeting here at 9 o'clock?

Senator DONNELL. I am perfectly willing to be here at 9 o'clock—from 9 to 10:30.

Representative CELLER. Let us say until 11 o'clock.

Senator DONNELL. I am perfectly willing to meet here at 9 o'clock tomorrow, then, and continue until 10 o'clock, if that is agreeable to you. Is it understood that we will meet tomorrow morning at 9 o'clock sharp and continue until 10:30?

Mr. ARENS. In view of the fact that we have a few minutes, if there is anything he wants to say on his direct examination, he could go ahead with that and start on the inquiry.

Representative CELLER. I would like to make a brief statement. I was rather surprised to hear that Arab representatives are due to appear on Friday and they will probably be thereby offered a sounding board or a forum to express their views on this Arab situation in sending refugees—a very, very explosive situation.

Mr. Chairman, I happen to speak, I think, with a little authority on that subject, because I have been to Israel. I visited the POW camps. I had extended conversations with Arab refugees who returned to Israel. I have had talks with Arabs in this country. I come to the conclusion that it would be rather anomalous to have Arabs inject the Arab question into this DP problem, which is concerned with the DP camps of Europe. It would appear, therefore, that these Arabs who have desired and undoubtedly brought pressure to bear to appear have been the aggressors in this Israeli-Arab war. They started the war. They resisted the UN decision. They created the refugee situation amongst their own people. It seems strange that the committee should hear them at this time, particularly.

I would say that that is rather audacious on their part to use a term which I know from my boyhood, that is what I would call using a Hebrew term, it is called "hutspa." If I were to translate it, I would say it is unmitigated audacity. It would be like, Senator, a man who——

Senator DONNELL. I want to understand, are you commenting now on the Arabs or on the committee?

Representative CELLER. On the Arabs.

Senator DONNELL. On the Arabs.

Representative CELLER. Yes.

Senator DONNELL. I wanted that clear.

Representative CELLER. It is like a man coming here who had murdered his father and mother.

Senator DONNELL. I do not mean to condone any emphasis on your part against the Arabs, but I just wanted to know for our record which one you were talking about.

Representative CELLER. I understand. I say they are coming here and asking, making their plea, is like—is hutspa—it is like a man who

murdered his father and his mother, and then asks for clemency on the ground that he is an orphan. I do not think it is proper.

Mr. ARENS. You might want to be enlightened. So far as I understand, the witnesses on the Arab issue are not Arabs. They are people who are familiar with it, people who have been doing relief work, and Mr. Davis, who is out of town, has the names and has been lining them up and making contact with them. We received a call this morning from a Senator's office inquiring if we would hear particular individuals from his State who wanted to testify on this proposition.

I don't know whether it makes any difference, but I do not believe any of them are actually directly connected with the Arab Government.

Senator DONNELL. I may say to the Congressman that the committee would have the right to use its own discretion in determining the order of the witnesses and it is perfectly permissible, of course, for you to express your judgment, but the committee evidently has decided, or the staff in behalf of the committee, to have these gentlemen or ladies here Friday.

Mr. ARENS. At the direction of the chairman of the committee.

Representative CELLER. I direct no criticism against the staff or the members of the committee; of course not. You understand that, Senator. I would say that my characterization against the Arabs would be likewise against Arabophiles, who undoubtedly will be among those who testify. I do not think this is an Arab problem. The Celler bill—it refers to something quite distinct and different therefrom and I think it would be confusing the issues to bring the Arab situation into this picture, because especially delicate negotiations are now impending between the Moslem nations and Israel, and our own country is represented with France and Turkey on the Palestine Conciliation Commission, now met at Lucerne, Switzerland, under the auspices of the UN to consider this very subject.

Mr. ARENS. Is it not a fact that the United States Government has thus far contributed approximately $16,000,000 for the relief of persons who were displaced in the war in Palestine?

Representative CELLER. Yes; but I still maintain that is a separate and distinct question and should not be mixed with the DP problem, which is displaced persons problem growing out of the actions of the Nazis and Hitler sadism, growing out of the persecution on the ground of race or religion by Stalin, behind the iron curtain.

Mr. ARENS. Are not the Arabs embraced in the definition of a displaced person as defined in the constitution of the International Refugee Organization?

Representative CELLER. I cannot answer that for the moment. That may be so and it may not be, so I will be very glad to check on that.

Mr. ARENS. Do you have the same——

Representative CELLER. I assure you, sir, that when we discussed the Displaced Persons Act of 1948, and I think no man participated to a greater degree in the discussions before the committees and in the House and before the committee of conference than myself, I think I can speak with a fair degree of authority, it was never the intention to cover into the picture Arabs to the extent that you are seeking to do so, and I think it would be most ill-advised.

To continue, to show how delicate these negotiations are that are now pending and how statements before this committee on the Arab

refugees, to use words of common parlance, "gum up the works," the United States is about to send an economic mission under Gordon Clapp of the TVA in the interest of peace and amity, and giving a forum to the Arabs will only make the feudal rulers of these countries most intransigent with respect to the requests that may be made by them not only by the Palestine Conciliation Commission, but by representatives of the United States, on the very subject of refugees.

Beyond that, Mr. Senator, as one who is not inexpert, but with a fair degree of experience on the Near East question, allowing these statements at this juncture to be made—I know what kind of statements will be made—will give false impressions and false notions to the Arab world and you have only to read the Arab press of today and you will see how explosive and how inflammatory those statements are. They are for a holy war. Then to have on this side of the ocean, in this august body, before these important committees, one of the most important committees of the Senate, statements made that undoubtedly will be inflaming and arousing the masses of these Arabs.

That is what is going to happen. I have to watch these statements carefully and I would have to reserve the right to call my Judiciary Committe together in the House and to have other witnesses brought to bear on this subject. I do not want to do that. It would be difficult to do and it might arouse further antagonism. But statements will be made which cannot go unchallenged.

Senator DONNELL. The Senate is now in session, and it will be necessary for us to recess until 9 o'clock tomorrow morning.

Representative CELLER. I would like to continue this statement then. Thank you very much.

Senator DONNELL. Thank you. We will recess until 9 o'clock tomorrow morning.

(Thereupon, at 11 a. m., a recess was taken until Thursday, September 1, 1949, at 9 a. m.)

DISPLACED PERSONS

THURSDAY, SEPTEMBER 1, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to recess, at 9 a. m., in room 424, Senate Office Building, Senator Forrest C. Donnell presiding.

Present: Senator Donnell.

Also present: Richard Arens and Thomas J. Davis, professional staff members.

Senator DONNELL. The hearing will come to order. Mr. Celler.

STATEMENT OF HON. EMANUEL CELLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK—Resumed

Representative CELLER. Yes, sir.

Senator DONNELL. Had you completed your voluntary statement yesterday?

Representative CELLER. No; I had not. I would like to go on with it briefly.

Senator DONNELL. Very well.

Representative CELLER. Senator, I want to say that considering the political climate in the Near East, offering a sounding board to Arab pleaders will only add fuel to flames now existing in the Near East. For example, the lifting of the armaments embargo, I believe, bodes ill for that area. Tens of thousands of Arabs and others will become potential soldiers as the result thereof. The Arab publications are just seething with threats of holy war against the Jews and against Christians. Maybe these modern Maccabees, Israelis, may have to give the Arabs a second lesson. I hope not. But the situation is fraught with a great deal of difficulty and a great deal of explosiveness. I just wanted to show how serious the situation is so that if these Arab pleaders come here, I hope they will be handled with a great deal of caution and circumspection. I know you, Senator, will do that.

The Celler bill, I repeat, is a solution of the DP problem growing out of Hitler's sadisms and Stalin's many political and religious and racial persecutions. That is behind the iron curtain. The Celler bill, I repeat, with all of the emphasis within me, is unrelated to the Arab problem. Six million Jews were martyred, cremated, asphyxiated, hung, snuffed out by Hitler, the modern Genghis Khan. We have tried to save the few remnants left who escaped only by a hair's

breadth, due to our setting up of IRO, the DP camps. Similarly, the Catholics and Protestants were saved.

The Arabs brought their present plight upon themselves. They deliberately, with malice aforethought, sought to push the Jews of Israel into the sea. There were 7 Arab nations with 10,000,000 square miles of territory, and 30,000,000 people, who wanted to catch the few Jews within an area half the size of Vermont, and in a scissorlike movement. These Jews to be literally decimated by the cutting blades of the Arabs, but the Jews were Macabee and with courage turned the swords against the treacherous Arab rules and soundly trounced them. We doff our hats to the intrepidity and bravery of the Israeli heroes. But how ironical, the offending Arabs to be tenderly received, yet the just who suffered are now in the DP camps and to be disregarded and told to suffer longer.

Catholics and Protestants fleeing communism are told, "You came into the DP camps to avoid Stalin's purge, but you came in after a cut-off date, arbitrarily fixed at December 22, 1945, hence we can give you no consideration." The argument runs like this. See the vast number of Arab refugees. We are not going to help them. Therefore, how can we help you Christians who at peril of life and limb made the trek out of communism into the DP camps? I believe the argument of Mr. Arens is——

Mr. ARENS. Just a moment. Mr. Chairman, I protest that the Congressman has no right to interpose any argument I have made. I have made no argument and I protest.

Representative CELLER. I make the argument as a result of your questions propounded to me. There is no use getting heated about it. It is purely——

Mr. ARENS. I have a right to be heated, if you are going to undertake to put words in my mouth or to put me in the position of making an argument pro or con on this issue.

Representative CELLER. I have a right to interpret your questions, and if you will just listen for a moment, I will give you what the argument is.

Senator DONNELL. You are now endeavoring to give your interpretation of what Mr. Arens said.

Representative CELLER. My interpretation of what Mr. Arens said and Mr. Arens is a very important individual in this committee. He is clerk of the Subcommittee on the Judiciary handling immigration matters. He has quite a staff under him and he is directed to prepare all of these matters. He prepares these arguments. He has been the propounder of questions to me, rather a little unusual procedure. We do not do that in the House Judiciary Committee. Nonetheless, since he asked these questions and since there is clear indication that that is his theory or my interpretation of his theory, I have a right to checkmate what I deem to be his theory. If I am wrong, why, he has a right to go back and rejoin to my argument.

Senator DONNELL. You proceed with your interpretation, and Mr. Arens, of course, will be afforded the opportunity to make appropriate answer.

Representative CELLER. Certainly. Mr. Aren's argument is, "There are myriads of displaced Indians and Pakistanis and Kashmirites and Hasimites and Chinese and Japanese and Arabs and

Greeks; we cannot help them all. Let us help none." I cannot see the efficacy or the reason or the humanity of such an argument.

Senator DONNELL. You are not undertaking to quote Mr. Arens, but simply giving your interpretation, as I understand it. Is that correct?

Representative CELLER. That is right.

Mr. ARENS. I will say right now that is not my argument and I do not have any argument and he does not know——

Representative CELLER. Do not say I do not know. I am giving you my interpretation. I believe that is your argument and you have a right to combat what I say. You say it is not. Then you say it is not. All right.

That argument would be ludicrous if it were not so tragic. It is like Marie Antoinette saying to the French people, "Let them eat cake." I do not think there is the slightest intention of advocating immigration into the United States of any one of these Arabs, Pakistani for whom this seems to be an expression of tenderness. I think raising the Arab issue is simply confusing the issues. Yesterday, Mr. Senator, there was a conference in New York. I think at the Hotel Roosevelt, of Catholic prelates, and reading from a dispatch appearing in the New York Herald Tribune this morning, we find the following:

CATHOLICS URGE SENATE TO PASS NEW DP BILL—RESETTLEMENT COUNCIL SIGNS RESOLUTION; FARM JOBS SOUGHT BY RELIEF SERVICE

Sixty monsignori, priests, and laymen from Roman Catholic dioceses throughout the United States released a resolution yesterday urging the United States Senate to pass a bill liberalizing the displaced persons law to admit more refugees into the country.

The resolution was passed by delegates to the National Catholic Resettlement Council, composed of diocesan directors of the council and leaders of various national groups affected by the DP program who met yesterday for a 1-day conference at the Hotel Roosevelt. The bill, which has already been approved by the House, would admit 339,000 displaced persons before June 1, 1951, instead of the 205,000 authorized under present law. To be eligible the DP's must have arrived in one of the western Europe occupied zones before January 1, 1949, instead of the present cut-off date of December 22, 1945. The new bill would thus include refugees from Communist-dominated countries behind the iron curtain.

Yesterday Mr. Arens asked me the direct question whether Arab refugees were eligible under the IRO constitution. I said yesterday I did not know. That answer is still valid for today whether they are eligible under IRO constitution is a determination which can be made only by IRO. However, it is beyond dispute that the IRO has not taken responsibility for the Arabs in the Middle East and has specifically refused to do so after lengthy and detailed discussions on the subject. Furthermore, by resolution of the last IRO General Council on July 4 through 15, 1949, August 31, or yesterday, was set as the final date on which a displaced person could register for IRO aid. Since, to the best of my knowledge, the Arabs in the Middle East have not registered for such aid, the matter is now quite academic.

In any event, the legislative history of the present Displaced Persons Act and the Celler bill passed by the House clearly indicates that there was no intent to resettle Arab refugees in this country. Furthermore, while this Congress appropriated funds for Arab refugee relief, such an appropriation was not intended as a preface to opening our doors to such persons. To date, all talk of the resettle-

ment of Arab refugees has been in terms of resettlement in the Near East, not in the United States.

A number of statements have been made principally by persons who favor the present Displaced Persons Act or no law at all as against the Celler bill. These statements include the suggestion that the other nations are skimming the cream on the one hand and on the other hand it is said that the present law is broad enough and fair enough to permit a selection of 205,000 displaced persons without the difficulties which are claimed to exist by those advocating liberalization of the present law.

Only a few days ago IRO announced the completion of a survey which, in my judgment, throws great light on the true situation. That survey has disclosed that of the roughly 630,000 IRO displaced persons in Germany, Austria, and Italy, a maximum of between 241,000 and 261,000 can be considered as potential eligibles under our law. Now it is obvious that, if we wish to bring to this country the people who can best fit into our American life and fill the jobs in which they are so sorely needed, we can accomplish that much more easily and much more satisfactorily if we can pick from 600,000 than if we pick from a little more than a third of that number. Even when we come to pick from the smaller number, we must reckon with the fact that other nations can come in and pick people from the same groups with much greater rapidity than our procedures allow, and that in making our selections, we have to take into account the 30 percent agricultural and the 40 percent Baltic preferences, the in-camp priorities, the fact that some families cannot come, because there are adopted and stepchildren among them or aged parents for whom they cannot obtain job assurances although they are willing to support them themselves, and other restrictive and conflicting qualification provisions.

For example, I have just learned that one nationality group which would come within the 30 and 40 percent requirements of the law find that most of their very best families were among the first ones to find work on German farms and have continued to pursue that occupation; yet the in-camp priority places them among the least likely to come to the United States where farm workers are in such great demand.

I would sum up what I have said in these words: A law, which I hope was intended to place us on a par with other nations in our ability to receive our share of displaced persons into this country, has the effect of giving the other nations a wider selection field and it also throws into question our ability to meet the percentage and other formulas which were based on the over-all population of displaced persons in these areas but which must in practice be applied to a third of them.

I believe at the hearing before last which I had the proud distinction of attending, there were questions and statements about the problem of ethnic Germans, who are not eligible under the IRO constitution. I believe the problem of expellees in Germany and Austria is a serious one. As you know, a subcommittee of the Judiciary Committee of the House of Representatives has already left for Europe with one of its purposes to study this problem and report on it to the Congress. I was scheduled to go with that group, Mr. Senator, and they left on the *Queen Mary* last Saturday. Unfortunately, situations developed which precluded my going last Saturday. I have high hopes that I will soon be enabled to join up with that group so that I,

too, can be in a position to study the problem of the so-called volkdeutsche or ethnic Germans who are now roaming around Germany and who are in considerable difficulty.

Senator DONNELL. When is it planned that that committee shall return to the United States?

Representative CELLER. They will return in about 6 weeks.

Senator DONNELL. Who is the chairman of that group?

Representative CELLER. Mr. Francis Walter, of Pennsylvania, who is chairman of Subcommittee No. 1 of my Committee on the Judiciary. It was stated before this committee the other day that Hitler had imported vast numbers of German nationals into Germany during the war as slave labor. I will turn to those pages of the hearing where that intimation appeared. Mr. Arens questioned me, as appears on pages 380 and 381:

They are the expellees, we will discuss these later, I mean the people who were during the war living in eastern European countries, who were forcefully brought into Germany and Austria by Hitler.

Another question at the bottom of page 381:

Mr. ARENS. I am not speaking of that class yet.

I had asked whether he meant the volkdeutsche or expellees:

I am speaking of those persons displaced by Hitler, brought in to engage in slave labor in Germany and who were presently ineligible because they are German ethnics. Are there any of those persons at all, to your knowledge?

On page 383, you stated, Senator Donnell:

As I understand Mr. Arens' question, and if I am incorrect he will correct me, I am sure, I thought he was inquiring with respect to, primarily, persons who were brought into Germany as forced labor.

That is very important to cover that situation. Certainly Germans were brought into Germany and Austria during the war. The vast majority of these—and I wish to state, Mr. Senator, that I obtained my information yesterday from very responsible sources, including the Department of State—certainly Germans were brought into Germany and Austria during the war, but the vast majority of these were brought in with privilege status, and all of them were brought in as Germans and entitled to the protection and privileges of Germans of the Greater Reich.

Let me state this categorically. Hitler did not bring into Germany persons of German extraction as slave laborers. This is not a statement that I am making without the benefit of competent advice. There were two groups of Germans who entered Germany during the period of the war. First, there is that group of some 700,000 Volkdeutsche from the Baltic States, eastern Poland, and Rumania, and south Russia, who voluntarily and eagerly and not as slave labor colonized that part of western Poland which was absorbed into and became part of the Greater German Reich after the beginning of the war. Far from being slave laborers, this group of some 700,000 people were German colonists, who were treated as Germans and were given special privileges as Germans to distinguish them from the rest of the population, which was Polish. They voluntarily accepted German citizenship in the Greater German Reich. They even participated in the administration of the area involved. To call these slave laborers

is to exemplify pure fiction. They all came willingly and gratefully accepted the theory of the German Greater Reich.

The second group who entered Germany during the war was approximately a like number of people who lived in Rumania, Yugoslavia, Czechoslovakia, and Hungary. They preferred to cast their lots with the retreating German Army, rather than face the advancing Russian Army. To say that these people came as slave labor also shut's one's eyes to history. These people came into Germany as Germans, entitled to the privileges and protections of Germany at the time they entered. This group represented a mass retreat of civilians associated in spirit and action with the Nazi Army of Hitler. Furthermore, realizing that these people entered during late 1944 and early 1945, we must be aware of the fact that this period was beyond the time that slave labor was used by the Germans.

Mr. Chairman, let me make my statement clearer. I fully realize that some of these very people who are now having difficulty going in Germany, but at the time they entered Germany, they came in as Germans and not as slave laborers. May I say that to anyone who knows anything at all about the racist theory of Hitler, it is preposterous to say that German Herrenvolk, meaning master people, could ever be imported into Germany for purposes of slave labor. Those who were deemed slave laborers were called Sklavenvolk. Anybody that had any German blood in him was always looked upon as Herrenvolk, superior race.

My statement to this effect is made without any effort to pass judgment on what the House committee, now on its way to Europe, will find and report to the House. It is made only to clarify an obvious erroneous statement, or an approach to an erroneous statement made the other day.

One other point on my direct statement and I will subject myself to questions. The other day my good friend, the distinguished Representative from Texas, Ed Gossett, testified and he made statements on the subject of displaced persons, which I believe unfortunately do not conform exactly with the facts. I have a high regard for Ed Gossett, and he is a very dear friend of mine. We work most harmoniously in the committee, but we differ, and we differ with considerable degree of emphasis at times, but our difference does not mar our friendship.

Particularly disturbing, however, was his reference to the screening procedure in Europe, which he termed, as the record discloses, as "superficial." I would like very much to take a few minutes of time before continuing with my testimony, by way of answers to Mr. Arens' questions, in order to get the record straight on this vitally important issue of screening.

Even a cursory investigation will reveal that strict protective screening processes had been set up by the Displaced Persons Commission under the express wording of the present law, which, for example, precludes the entrance of Communists, subversives, Nazis, and so forth. In the normal immigration process, under the regular immigration law, as you probably know, all that is required in order to provide admission for an alien into this country is the customary affidavit of support, a visa, and an examination by an Immigration and Naturalization Service inspector or inspectors. But in the case of persons who desire to enter this country under the DP program, there

is required under the act—that requirement is carried out—an investigation by, first, the Army Counter Intelligence, in which, secondly, the FBI and thirdly, the Immigration and Naturalization Service participate. The State Department consuls, fourthly, conduct their full scale inquiry, to say nothing, fifthly, of the complete investigation and case analysis made by representatives abroad of the DP Commission. Sixthly, the IRO makes the investigation of these people before they are even considered for eligibility under the act.

One feature of the screening process which obtains only with respect to displaced persons is that the entire file with its investigative findings in each case goes to the consuls and to the immigration inspectors. In no other type of immigration is this information available. This is how the DP's are screened as to character and loyalty in the various areas of Germany, Austria, and Italy, where the DP Commission has jurisdiction under the terms of the act. In the United States zone of Germany and Austria, the screening is performed by the Counter Intelligence Corps of the United States Army. The agents of the CIC conduct:

(*a*) A ground check, which is one in which three neighbors are interviewed as to opinions and observations on the conduct and reliability of the person under examination.

(*b*) Obtain good-conduct certificate for the local police or from the camp police officer, or from any other source that can establish whether or not convictions have been obtained, either under the military government or the German law.

(*c*) Submit case to the Berlin Document Center to ascertain whether the person was ever listed as a member of the Nazi Party or any affiliated or like organizations known to have engaged in inhumanitarian actions. In the Berlin Document Center there are files containing 8,000,000 names of Nazis.

(*d*) Check of fingerprints for police records or suversive activity.

(*e*) Individual interrogation of the applicants to note discrepancies, if any, in the written record and the individual verbal account of activities.

Similarly, I have noted here the processes that obtain in the British and French and Italian zones. They are quite similar to the process obtaining in the American zone. In the British and French zones of Germany and in Italy also, the procedure is much the same, excepting that the absence of the United States intelligence unit, CIC, necessitates a commission investigating unit which becomes responsible for initiating the checks to be undertaken by cooperating agencies and for the individual interrogation of applicants. The British zone check includes:

(*a*) Berlin Document Center check.

(*b*) Hamburg fingerprinting registry and zonal crime records bureau.

(*c*) British Military Intelligence files.

(*d*) Good-conduct certificate.

(*e*) Neighborhood check on the opinion of three neighbors.

(*f*) Certification of the central British control government, security-coordination section.

(*g*) Interrogation of the subject by the Commission investigation officer to determine the applicant's reliability.

In the French zone of Germany, the investigation includes:

(*a*) Check of the Central Sureté files, meaning the central agency's records of general and derogatory information kept by the French authorities on the alien population.

(*b*) Check of Berlin Document Center.

(*c*) Good-conduct certificate, prepared by the subdivision of the Sureté in the locality of the applicant's residence.

(*d*) Neighborhood check of three persons acquainted with applicant.

(*e*) Consolidation report of the above by the Sureté.

(*f*) Interrogation of prospect by the Sureté and, if derogatory information is received, also by the DP Commission investigation officer.

The investigation in Italy covers:

(*a*) Berlin Document Center.

(*b*) Fingerprint check against Rome central files where general information is held on all aliens in Italy.

(*c*) Ground check by local questura (police) to obtain certificate of good conduct.

(*d*) Check of embassy's files.

(*e*) Personal review of consular files at Naples.

(*f*) CIC checks where displaced person had formerly lived in Austria or Germany.

(*g*) Interrogation by Commission investigating officer.

And please remember that in addition to all these security checks, there is not only one INS check as in normal immigration, but two, one in Europe and one in the United States.

The Representative from Texas, Mr. Gossett, also made some unsubstantiated charges that Communists and Nazis were coming into this country as DP's. The above-outlined security screening procedures indicate how closely this matter is being watched by the Displaced Persons Commission.

I note also a policy letter No. 6, issued by the Displaced Persons Commission, which I would like to have in the record, which is a clear directive to agents of the Displaced Persons Commission that—

> No visas shall be issued under the provisions of this act to any person who is or has been a member of, or participated in, any movement which is or has been hostile to the United States or the form of government of the United States.

That is the wording in the statute. Then it goes on in the policy directive to amplify what is meant by the words of the statute.

Senator DONNELL. Are you asking that this entire document be inserted in the record?

Representative CELLER. Yes.

Senator DONNELL. Will you identify it?

Representative CELLER. It is policy letter No. 6.

Senator DONNELL. That will be incorporated in full at this point.

Representative CELLER. Yes.

(The document referred to was marked "Celler Exhibit 2" and is as follows:

POLICY LETTER NO. 6—SCREENING

Congressional policy with reference to security requirements under the Displaced Persons Act (Public Law 774, 80th Cong., 2d sess.), is contained in section 13 of the act, which reads:

"No visas shall be issued under the provisions of this Act to any person who is or has been a member of, or participated in, any movement which is or has been hostile to the United States or the form of government of the United States."

The Commission in light of the language contained in section 13 has established a policy that membership at any time in the Communist, Nazi, or Fascist Parties automatically disqualifies a person seeking eligibility for admission into the United States under the act.

This policy also relates to political or subversive groups of an ideological character similar to that of the aforementioned parties.

The Commission has ruled that there is no question as to the basic hostility of Communist, Nazi, Fascist, or related parties to the United States or its form of government, and as a consequence superior caution should be observed in the screening process with a view to determining whether an applicant is now or has at any time been a member of any one of the parties described herein.

Approved:

DISPLACED PERSONS COMMISSION.

Representative CELLER. In the light of this comprehensive and thoroughgoing screening, it is difficult for me to comprehend how anybody could make a charge that the procedure is superficial and permits undesirables, such as Communists, Fascists, and Nazis, to infiltrate into our shores under the protective guise of the DP Act. The strict protective screening processes which I have described are the best evidence that the DP Commission has gone to the extreme to insure the elimination of undesirables who seek eligibility under the act, and I am sure that this subcommittee will agree that this screening is anything but superficial.

When I was in New Orleans a few months ago and I saw a boatload of these DP's enter New Orleans, I questioned closely quite a number of these DP persons, and among the things I asked was in connection with these various examinations that they had.

Senator DONNELL. What language did they speak?

Representative CELLER. They spoke, some of them spoke English, some of them spoke German, and I speak German.

Senator DONNELL. Did you examine them in English and German?

Representative CELLER. I did when they could not understand English. While I did not get from them information which indicated a screening as complete as that which I have outlined here, they said they had the impression, standing in long queues all day long for weeks, at an end, being questioned, that was the general reaction, and that it was immigration inspectors, public health officers, it was Department of State officials, representatives particularly of the Army. They could not get out of their crop that it was the Army that asked the most pertinent questions and that the Army was bothering them most in this regard.

Mr. Senator, I will be very happy to answer any questions.

Mr. DONNELL. Mr. Arens.

Mr. ARENS. We have a series of questions we would like to respectfully submit to the Congressman on the law, but before doing that, I would like to refer to the subject which he has just been covering and ask him if he has information respecting the false and fraudulent document situation among the displaced persons.

Representative CELLER. I have not got the specific information, but I do know that there has been some trafficking in false documents and that there are a number of scoundrels in and out of the camps who endeavor to prevail upon these poor unfortunate people to take these bogus documents, but you have to consider the climate out of which this springs.

Suppose, Senator, and suppose, Mr. Arens, you and I have mothers and fathers and children shot under our eyes placed in the crematory

or suppose that we were fleeing for our lives from the scourge of Stalin and Stalin's satellites, we found refuge in the DP camp, and there was talk of sending us back and the camps were to be closed and that there would be no longer opportunity to remain in these camps. My God, I would use everything at my command to try to get some sort of ticket or some sort of document that would bring me to freedom, that would bring me to a healthy existence, to a place where I would not have to live in terror and dread. So that surely some of these individuals fall and are tempted to purchase these documents or in other devious ways obtain them but when they are detected, I think they ought to be punished with moderation.

Mr. ARENS. Do you have information respecting the extent of this practice, Congressman?

Representative CELLER. I do not have the numbers, but even so, when you compare the vast numbers who are involved I do not think the numbers can be large.

Mr. ARENS. Would the percentage of the practice of false documents run as high as 40 percent of the applicants?

Representative CELLER. I am informed by Mr. Rosenfield 40 percent of a very small group, not of the entire amount. When the question is put 40 percent, the assumption would be of the entire number, who are over 1,100,000 refugees, in the DP camps. It would be ridiculous——

Mr. ARENS. I do not understand your figure there.

Representative CELLER. Forty percent of a very small number. What is that number?

Mr. HARRY N. ROSENFIELD. I do not remember the number, but there was a very small sampling representing, as I understand, representing less than 1 percent of the particular group, and it was 40 percent of that group that was involved. One percent of the entire group. And that particular group had no characteristic relationship to the rest of the group, so I submit, Mr. Chairman, if I may be permitted to continue that answer, that those figures are completely uncharacteristic.

Senator DONNELL. What do you mean, they had no characteristic relationship?

Mr. ROSENFIELD. They were not typical of the entire group.

Senator DONNELL. What way?

Mr. ROSENFIELD. I don't have the figures.

Senator DONNELL. I did not say that. I say in what way were they not typical?

Mr. ROSENFIELD. I believe this was a specially chosen group of people that had gotten into difficulty and it was 40 percent, or as to whom it was claimed that they were in difficulty, and of this group, a very small group, 40 percent were found to have been fraudulent. And I believe and I submit with deference, Senator, that this 40 percent figure is completely erroneous.

Mr. ARENS. If the American consul——

Mr. ROSENFIELD. And known so to be.

Mr. ARENS. If they who are issuing these visas abroad testified that it was approximately 40 percent and that it was the general practice, the effect of their testimony that it was, you would say they were mistaken?

Mr. ROSENFIELD. Forty percent of what, Mr. Arens?

Mr. ARENS. The applications.

Mr. ROSENFIELD. Of what applications?

Mr ARENS. The displaced persons.

Mr. ROSENFIELD. How many?

Representative CELLER. One hundred thousand displaced persons.

Mr. ROSENFIELD. It was 40 percent of 1,000.

Mr. ARENS. Forty percent of those who had been processed.

Mr. ROSENFIELD. In other words, 40 percent of the criminals and you would charge that to the entire population.

Mr. ARENS. Forty percent of the applications by displaced persons for visas.

Mr. ROSENFIELD. I do not believe that is true, Mr. Chairman. I would like to submit a document to that effect but I don't believe that statement in an accurate statement.

Senator DONNELL. Will you submit a document enlightening the committee?

Mr. ROSENFIELD. I would be delighted to.

Representative CELLER. Did you question the consul as to what the 40 percent embraced, 40 percent of what?

Mr. ARENS. If it is agreeable with the Senator and the witnesses here, I would suggest I could read excerpts here from their testimony.

Senator DONNELL. Suppose you do that.

Mr. ARENS. I am not 100 percent accurate in my own thinking as to what it embraces, but from reading it, I am under the impression that it was 40 percent of the applications being detected as fraudulent at the time.

I am only reading excerpts when that subject was propounded here—I have marked two or three places in the transcript.

Senator DONNELL. What transcript are you reading from?

Mr. ARENS. Taken in Europe, October 1947.

Senator DONNELL. In what location was that taken?

Mr. ARENS. In Stuttgart, I believe, which at that time and perhaps, I assume, is still one of the centers where processing, or an area in which there are a number of DP's.

Senator DONNELL. Who was the witness under interrogation?

Mr. ARENS. The American consul general at Stuttgart, Germany, and similar testimony was taken in Berlin.

Senator DONNELL. What is his name?

Mr. ARENS. Danna Hodgdon.

Representative CELLER. When I go to Europe, I would question him.

Mr. ARENS. Speak with Mr. Vance when you get to Berlin. We had a conversation with him not more than 30 days ago on this subject. He is the American consul general in Berlin.

Mr. ROSENFIELD. He is the consul general in charge of the entire DP program for visas.

Representative CELLER. Do you know who is under Hodgdon?

Mr. ARENS. If you go to the American consulate at Stuttgart, the United States zone of Germany.

Representative CELLER. H-o-d-g-d-o-n?

Mr. ARENS. H-o-d-g-d-o-n.

I have several excerpts here on the subject:

We have now a newly formed investigation section which we have had to set up and set up during my absence. We saw it coming before I went on leave,

because of the great number of false documents which are being presented in connection with applying for visas. I asked a man in my section about what percentage of applications for visas presented were false documents, and I was greatly alarmed to hear about 40 percent, which necessitated checking all of these documents to the best of our ability.

There is another phase of it here that ties in with the false documents and I will read it, if I may. This is a question:

Has any evidence been developed which would cause you to believe that these relief agencies have been participating directly or indirectly in this false document procedure?

Answer. We are very suspicious.

Question. What is the basis of your suspicions, as against which agencies?

Answer. The basis of suspicion of one of them I have noted here is that some of the agents have brought in the documents themselves, and even when pointed out to them that these documents were fraudulent, they said "Don't blame the man, he is so anxious to get to the United States."

Now, we will proceed. There is another man here now testifying, Mr. Schilling, who is also affiliated, was at that time affiliated, with the consulate at Stuttgart. This is a question, the first part I am going to read now:

I understand that the consul general said this morning approximately 40 percent of the applications are fraudulent.

Answer. We are detecting 40 percent now.

Question. Now detecting 40 percent?

Answer. Yes, sir.

Question. In other words, you are finding 40 percent to be fraudulent?

Answer. Yes, sir.

Question. How would that run in the other areas of Germany?

Answer. About the same.

Answer. Yes, sir; the other consulates are aware of the situation.

Question. Is there any organized program under the auspices of the State Department to combat this?

Answer. It is being requested.

Question. Forty percent detection; is this detection which is manifest on the face of the document?

Answer. No, sir; 40 percent is based upon checking the official records behind which the certificate is made upon. It breaks down into the fraudulent on the face of it and the ones that are O. K. on the face, but the background is fraudulent.

Question. Every case could potentially be a case in which there is a fraud involved in the procurement of the document and in the transposition of information on the document, could it not?

Answer. Possibly.

Here we get on to the group:

Question. What percentage of fraudulent cases are primarily DP cases?

Answer. They are all DP cases. That is what we are working on.

Representative CELLER. Did he give you the date or the year when this was happening?

Mr. ARENS. That was in October 1947.

Representative CELLER. Not when he testified, but did he give the date of the occurrence of presentation of these fraudulent documents?

Mr. ARENS. He was testifying about the situation right then.

Representative CELLER. Are you sure? Did he testify as to when?

Mr. ARENS. "We are detecting 40 percent." I just read that.

Representative CELLER. Were any questions propounded as to when these practices occurred? That is very important, for the reason of what I will state subsequently.

Mr. ARENS. Yes.

In order that the records will be crystal clear on this, this 40 percent of your DP applications being fraudulent is applicable not only to this consulate, but in your judgment to the whole of Germany, in Germany and Austria.

Now, if it meets with the pleasure of the chairman and the witnesses, I would like to begin asking some questions.

Representative CELLER. May I comment on that statement? May I comment on your reading that?

Senator DONNELL. Go right ahead.

Representative CELLER. In the first place, being a lawyer who has been a little bit used to cross-examination and knowing what hearsay is, I would say that some of those statements are self-serving declarations and hearsay, when particularly the gentleman who testified said that that situation prevailed all over Germany. He does not indicate the basis of that statement. It is rather a broad statement. Secondly, he does not still say 40 percent of what group. He may be saying 40 percent of those who applied at Stuttgart, but even then he does not break it down, and if I had been present, I would have questioned him as to the dates when he spoke of the presentation of these documents.

I am quite convinced from my knowledge of this situation he refers to the presentation of passports and when these poor unfortunates were trying to get out of Poland, Yugoslavia, Hungary, in the early days of the desire to get to the camps, these people were desperate and they sought out any kind of a document they could lay their hands on in order to get beyond the barriers of Poland and Yugoslavia and Hungary and others of those countries, and a number of those passports undoubtedly were forged, but they were desperate. I would do the same thing and everybody in like circumstances would do the same thing.

He does not tell you, does the witness, as to what documents were forged?

Mr. ARENS. Yes; he tells in here, Congressman. We did not read all of that; in effect he says the birth certificates.

Representative CELLER. Part of the documents they had to prove. They had to prove, for example, in the early days, before the passage of the Displaced Persons Act of 1948, Mr. Arens, they had to prove place of birth. That was essential. That was one of the sine qua nons of getting in.

Mr. ARENS. Another document that they were actually DP's within the area as of the time designated by the President's directive.

Representative CELLER. They had to get a passport. They had to get a birth certificate. You try to get a birth certificate in Poland. How could you get one there? That was a requirement of the receiving end. How could you get a birth certificate in Czechoslovakia? Why, as a matter of fact, you try to get your own birth certificate at times, you have difficulty in getting it. I have any number of cases trying to get them, in many instances in the large metropolitan areas in our own country where there is delivery by midwives, as was the case in my mother's time and my grandmother's and great-grandmother's time in the United States. There was never any registration of births, so you could not get them. And I know from my experience as a Congressman in this very country, of innumerable cases which come to me where, because of lack of birth certificates, they have difficulty getting naturalization papers and they have to go through the

cumbersome process of filing affidavits of witnesses at their birth, either the doctor or grandmother, or somebody who was present at birth. You must have had that experience, Senator, in endeavoring to prove a birth in this country.

Imagine what the situation would be in a country, in the deep abysmal depths of ignorance, with militarism prevailing, communism prevailing, imagine the difficulties trying to get a birth certificate in those places. These people could not go through the cumbersome procedure of establishing affidavits and what have you according to the laws of those countries, indigenous to those countries, in the absence of birth certificates. They would grab whatever they could and run. There were fly-by-nights and bad people who were selling these bogus birth certificates.

Mr. ARENS. May I say here the birth certificate is only a very small percentage of the frauds. That is Mr. Schilling testifying.

Representative CELLER. Passports were issued similarly. That was different under the old DP regime, but under the new regime, those requirements are different, and I assure you he could not testify since the DP Act was enacted and promulgated that that practice obtains. So that I do not think that we must pay too particular attenttion to that situation and balloon it out of all proportion. This same thing holds and I make the same argument that I do with reference to passports and birth certificates, with visas. Visas are the same situation. They were bogusly stamped and initialed on passports. So that, frankly, I do not pay too much attention to that. If you would tell me that in the last 2 years that situation prevailed, then I would pay a great deal of attention to it.

Mr. ARENS. I would like, if we may, to just invite our attention to specific provisions of the law, and tell what the particular provision does. I do not mean to be at all discourteous, but we have about 15 or 20 particular provisions that I think it would be worthy, for the benefit of the subcommittee, to have a word of comment on, without too much elaboration as to the reason for it.

Inviting your attention to H. R. 4567, and if you please, I suggest that we take it up as briefly and as concisely as we can within the limits of the remaining time with reference to particular provisions of the bill.

Senator DONNELL. I may say with respect to the time, Mr. Arens tells me that the hearing that was set immediately after this one is not going on and wanted to know whether I could take further time this morning. At first, I stated I could not, but I have sort of relented as sometimes a person does, and if the Congressman would like to go ahead and you gentlemen, I will be glad to stay until 12 o'clock instead of 10:30.

Representative CELLER. I did contemplate getting out of here about quarter of eleven.

Senator DONNELL. We will continue. I wanted you to know that.

Representative CELLER. Thank you very much. You have been very, very kind.

Mr. ARENS. Just in order that the record may reflect the changes, and I believe you have commented pretty generally on the reasons which you advocate for the changes, first of all, in your first section, you change the date, the cut-off date of your first group until January 1 1949, from December 22, 1945. Is that not true?

Representative CELLER. That is right.

Mr. ARENS. On the second group, which is embraced in section 2 of the present law, you change the date there from January 1, 1948, to January 1, 1949, is that not true?

Representative CELLER. That is correct.

Mr. ARENS. Here is the question I have on that, if you please.

Senator DONNELL. You are referring to what line on what page where they occur?

Mr. ARENS. I was following the pattern of our law and then the bill before us, the changes he makes. There are certain changes which have not been commented on.

Now, we come to the first point where I have a particular question, Congressman, if you please, with reference to the second group, which is embraced in subsection (c) of section 2 of the present law, namely:

Those persons having resided in Germany or Austria, and were victims of the Nazi government, and were detained in or obliged to flee from Germany or Austria—

the present law, which was taken as a paraphrase from the constitution of the International Refugee Organization has this language:

* * * was subsequently returned to one of these countries as a result of enemy action or of war circumstances.

The bill H. R. 4567 omits this language—

* * * was subsequently returned to one of these countries as a result of enemy action or war circumstances—

and merely states—

* * * and subsequently returned to one of these countries.

Could you give a brief explanation as to the reason for that omission of this provision of the present law which was paraphrased from the constitution of the International Refugee Organization?

Representative CELLER. In the first place, we had to change the date, because we were changing the cut-off date. Therefore, we advanced the date that they had to be in the camps from January 1, 1948, to January 1, 1949, and there was an additional reason. Many of those who came into the camps after January 1, 1948, and before January 1, 1949, were those who fled from communism, that is, fled even with these bogus documents from behind the iron curtain and were able to get to the DP camps. We feel that we must not only give surcease from their travail to those who were the victims of Hitler, but also those who are victims and were the victims of Stalin.

With reference to the other provision——

Mr. ARENS. That is the one I was making inquiry about. I think we have had an explanation or testimony on the new date.

Representative CELLER. I do not think that it makes much difference if you eliminate that phraseology. The Subcommittee on the Judiciary having charge of this matter, felt that, as I understand it, now at this long range, that it would be smoother reading to eliminate those words which youd read—I have not checked on it—which come from the IRO Constitution.

Mr. ARENS. I could read them to you from the constitution.

Representative CELLER. I take it for granted that it is from there.

Mr. ARENS. Here is the query I have in mind, Congressman. Under the language of the present law, the individual embraced in the

second category in subsection (c) of section 2 must have returned as a result of enemy action or of war circumstances. Those words are taken out of H. R. 4567, so that an individual may return to Germany, even though it may not be as a result of enemy action or of war circumstance, and still be eligible. I would like to have a word of explanation on that, if you please.

Representative CELLER. I am trying to refresh my recollection with reference to that. There were cases where persons were in the camps and they were offered inducements to return to their countries of origin. They were of all religious denominations and when they returned to their countries of origin, they found conditions far worse than they anticipated and they were subject to racial and religious persecutions, and they went back to their place in the DP camps, because they found a situation where they were in peril of life and limb again. They went back to where they were.

Mr. ARENS. I am not trying to put words in your mouth, but to get the record clear on what the reason is for this; it is that there were people who did fall within the purview of this language at one time, the language of the law, at one time, who go to Germany as a result of war circumstances.

Representative CELLER. That is right.

Mr. ARENS. Or enemy action?

Representative CELLER. That is right.

Mr. ARENS. Then left the DP camps and went to some other country and then subsequently came back?

Representative CELLER. They were offered inducements to go to their country of origin, and then when they got there they found conditions just as bad as at the time that they fled from those countries, and again were placed in peril of their lives, because of racial and religious persecution and returned to the DP camp. They entered the DP camps twice, and in order to permit them to have relief, we changed that language.

Senator DONNELL. Might I make inquiry, so that I am sure I understand? As I understand it, under the present law, the Displaced Persons Act of 1948, there is a category of individuals who, having resided in Germany or Austria, were victims of persecution by the Nazi government, and were either detained in one of these countries or obliged to flee from the persecution, and subsequently were returned to one of these countries as a result of enemy action or of war circumstances?

Mr. ARENS. Yes, sir.

Senator DONNELL. As I understand that category, those people are persons who, as I have indicated, to quote them in the singular, the act itself refers to the person—

was subsequently returned to one of these countries as a result of enemy action or as result of war circumstances.

That would be a person who was returned, that is to say, who was a returnee not one who voluntarily returned, but a person who was returned as a result of enemy action or war circumstances.

Mr. ARENS. I think we agree on that.

Representative CELLER. Yes.

Senator DONNELL. In Mr. Celler's bill, however, as I understand it, the effect of the change in the language is that this individual who, having resided in Germany or Austria, was a victim of persecution by

the Nazi government and was either detained in one of these countries or was obliged to flee from such persecution, would become an eligible displaced person if he voluntarily returned for any reason.

Mr. ARENS. That is the point.

Senator DONNELL. That is the point. The Displaced Persons Act of today only includes in this category individuals who were themselves returned, that is to say, they were the persons who were returned as a result of enemy action or of war circumstances and do not include people who just voluntarily returned for any reason, whereas under Mr. Celler's bill, if a man moved out of Germany, went over to some other country, and then purely of his own volition, regardless of the cause, just came back, he would be embraced in the eligible displaced-persons category. Am I correct in that understanding of the distinction?

Representative CELLER. Not regardless.

Senator DONNELL. I would like Mr. Arens to give his interpretation.

Mr. ARENS. I will be glad to express my opinion.

Senator DONNELL. Am I correct in my understanding in that differentiation?

Mr. ARENS. I think that is true, because under the law he must have been returned to Germany by enemy action or war circumstances; under the proposed bill, if he just subsequently returns to Germany, irrespective of circumstances——

Senator DONNELL. Irrespective of cause.

Mr. ARENS. Then he becomes eligible as a displaced person.

Senator DONNELL. That is my understanding of it. Mr. Celler can enlighten us, if there is an error in that interpretation.

Representative CELLER. I would say it was not voluntarily, but because of force of circumstances. They were unable to remain, having gone out of the camps back to their own native countries. It was not a case regardless of causes. Those causes were so compelling that their lives were in danger.

Senator DONNELL. Might I interrupt there? I am not inquiring as to the historical aspects. I am inquiring now as to the language in your bill. Your bill changes the language of the Displaced Persons Act of 1948 in what appears to me in a very important element. In the DP Act of 1948, a person under the category we have been discussing would only become an eligible displaced person if he, and I quote, "was subsequently returned to one of these countries as a result of enemy action or of war circumstances," whereas under your bill a person would become an eligible displaced person who, having been a victim of persecution, having been detained or fled, subsequently returned to one of these countries. In other words, in the existing law, the DP Act of 1948, no person is entitled to become an eligible DP under this category unless he was returned to Germany or Austria "as a result of enemy action or of war circumstances." I would like the word "was" in quotes also—whereas under your bill a person would become an eligible DP if he just subsequently returned to Germany or Austria. I might illustrate the concept that I get, and if I am wrong I would like to be corrected. As I understand it, under the DP Act of 1948, if Hans Schmidt went from Germany, was forced out of Germany, went out of Germany to escape persecution, and landed over in some other country, and then he could only become an

eligible DP if he was subsequently returned to Germany as a result of enemy action or of war circumstances.

Mr. ARENS. That is under the law.

Senator DONNELL. The existing law. But under your bill, if the same individual left by virtue of the persecution, went off to some other country, established himself in business and was getting along fine and had the best of health and all surroundings, but just concluded that he wanted to come back to Germany, he did not have to come, was not forced back there as a result of enemy action or of war circumstances, but just came back because he wanted to come, he would be nevertheless, regardless of the fact that his return was purely voluntary, as distinguished from involuntary, an eligible DP. I think that is the meaning of the language in your bill. If you do not mean that I think your bill would have to be amended because I think that is the language of it.

Representative CELLER. No; because you omit the words "flee from such persecution." He has to be fleeing from persecution.

Mr. ARENS. That is in the first instance.

Senator DONNELL. That is true. I understood that.

Representative CELLER. He goes and opens business and everything is happy. He cannot be fleeing from persecution.

Senator DONNELL. The man I took was one who did flee from persecution and established himself over in country X. He fled over there from persecution, but he established himself satisfactorily, but later, not being forced back by either enemy action or war circumstances, he just decides he wants to go back to Stuttgart or some other place in Germany and he comes back, just gets on the road and comes back voluntarily, because he wants to, he would become an eligible DP under your bill, as I read it, whereas he is not under the DP Act of 1948.

Representative CELLER. There is one other factor. It is the following: The language eliminated is from the constitution of the IRO. There were a number of cases just which were brought to our attention of German ethnics who, despite the fact that they were German ethnics, were the victims of Hitler's persecution, and since they were German ethnics they would not come within the four squares of the IRO constitution, and in order to help those who were of German blood indigenous to these other countries, we eliminated in part that requirement that was taken from the IRO constitution, because German ethnics could not come in as a result of the restrictions of the IRO constitution, and in order to give relief to some of those who, say, were non-Jewish, were Christians, and who were entitled to some relief, we eliminated that language.

Mr. ARENS. I do not understand that. I do not understand the answer to Senator Donnell's question here.

Representative CELLER. It comes back to me. It is pretty hard to get these technical distinctions at these points. I haven't my notes.

Senator DONNELL. If you will be kind enough to let me interrupt just a moment, so I get my point before you clearly——

Representative CELLER. I get the point clearly.

Senator DONNELL. May I say just in very brief fashion, under the DP Act of 1948, a man who comes back into Germany, having fled from persecution in the first instance, left Germany because of persecution, went off to South America or anywhere, but he just gets on the boat one day and says, "I am going back to Germany; I want to

get there; I like it there; my family surrounding are there and I am coming back." He would not become eligible as a DP under the act of 1948, because he did not come back as the result of enemy action or of war circumstances.

As I read your bill, the same man who was a victim of persecution by the Nazi government went to South America and just said, "I am coming back"; he would become an eligible DP. I think that is very clear, that that is true under your bill, and if your bill does not mean to do that, I think the bill would have to be amended.

Representative CELLER. It is probably true, and it may have to be amended, but if the amending process ensues, I want to be sure to take into consideration those ethnic Germans who, despite their German blood and who were indigenous to these other satellite countries, were the victims of Hitler's persecutions and they could not come under the constitution of IRO, come in or be given relief, rather, and it was in part to take care of them that this language was eliminated. It may be that it has a broader effect than was intended, and it might be that you might well go into that phase of it.

Mr. ARENS. Before we leave this point, what type of an amendment would reach that class which the Congressman apparently wants to reach, without opening the door to permitting persons to just flock back into Germany of their own volition and then be eligible?

Representative CELLER. First, there was no intention to cover those.

Mr. ARENS. This language would cover them.

Representative CELLER. You take me rather by surprise. I have not any language in particular to offer. Certainly if you want to tighten it up so as to preclude giving relief to the types that you indicate, Senator, there will be no objection to that.

Senator DONNELL. I wonder if Congressman Celler would be kind enough to cause to be submitted to us language which he thinks would effectuate the actual intent of the framer of the bill.

Mr. ARENS. If this language were to be changed to that of the present law—I am reading from the language of the law—how would it be to say, "Who fled from such persecutions and was not firmly resettled elsewhere"?

Representative CELLER. Do you mind if I write that down. I would like to get it clear, because it is so important. I would not like to give an offhand opinion. Where would you put that, Mr. Arens, in the new bill?

Mr. ARENS. On page 2 in line 9.

Representative CELLER. Insert what?

Mr. ARENS. After the word "persecution"—"and was not firmly resettled elsewhere"—and then go on with your language—"and subsequently returned to."

Senator DONNELL. I do not think that covers the point I had in mind. That refers only to the firmness of the settlement in the foreign country.

The point I have in mind is that under the existing law, in order for a person to be able to say, "I am a DP, therefore, I am entitled to be considered to come into the United States," he must show, that in order to come in this category, that he, after having gone to another country, was himself returned to—not just did return—but was re-

turned to Germany as a result of one of two things: Either enemy action or war circumstances. Mr. Celler's bill permits anybody who goes off anywhere in the world, gets back before January 1, 1949, to Germany, to say, "I went away to South America or Australia, or some other place, because I was persecuted, but now I just want to come back to Germany, and I have come back. I can come back and be a DP, and come right under this category and be entitled to consideration by the United States as a possible entrant as a DP, because I 'subsequently returned to' Germany."

If you are going to follow the plan of restricting persons who can be displaced persons to those who, having got away from Germany, were brought back solely as a result of enemy action or war circumstances, you have to change the language more than Mr. Arens suggests there.

Representative CELLER. I think you are right. What about this case. I agree with you, Senator, in those kinds of cases, where they have gone to foreign parts, in the type of case you have indicated, they should not be given the opportunity of getting relief under this act. But what about this kind of case. I know this to be the fact. Some of those of the race of Abraham, Isaac, and Jacob were asked to go back to Poland and they did go back, and they went to Kielce.

Senator DONNELL. Went back by reason of persecution in Germany?

Representative CELLER. No, no.

Senator DONNELL. After the war?

Representative CELLER. They went back to Kielce. They were asked to go back. They were given inducements to go back. They were told either by the Polish Government or our own military authorities, "All right, you go back," and in some instances they were given their transportation.

Senator DONNELL. Back to some place in Poland.

Representative CELLER. In Poland and then there occurred the pogroms where there were many that were killed, and those who were not killed, and those who were saved, rushed out of Poland and went back to the camps. We want to take care of those.

Senator DONNELL. I can see your point there.

Representative CELLER. I think in part that is what I meant.

Senator DONNELL. I am not binding myself to the final conclusion. I simply see your point and I think it is entitled to consideration.

Representative CELLER. They must be considered. That is one of the motivating causes for that.

Senator DONNELL. I want to make it clear that from this offhand expression I am not binding myself to agree with what you suggest, but I do think the point is worthy of careful consideration and thought.

Representative CELLER. Suppose I be given a reasonable opportunity to go over that and I will submit some language to Mr. Arens.

Senator DONNELL. That is all right, so far as I am concerned.

Mr. ARENS. I will be happy to have it.

Representative CELLER. You know what it means, drafting this language is very difficult. You and I have been over this many times on other bills.

Senator DONNELL. Yes, we have. Particularly I know of one which was the portal to portal.

Mr. ARENS. There are two other provisions of the bill that I do not believe Congressman Celler has yet commented on, which I think the subcommittee would like to have his views on. On page 9 of the bill, subsection (d) there, which I shall read:

> The selection of eligible displaced persons shall be made without discrimination in favor of or against a race, religion, or national origin of such eligible displaced persons, and the Commission shall insure that equitable opportunity for resettlement under the terms of this Act, as amended, shall be afforded—

and so forth. The point I would like to ask the Congressman about is this: What do you mean "without discrimination in favor of or against a race," and so forth?

Representative CELLER. I do not want the administrative authorities to select a Czech or select anybody who is a native of any particular country or member of any race just as I do not want them to discriminate against. Discrimination may be positive, discrimination may be negative. I think the language was used for that person so as to make assurance doubly sure that there would be no discrimination in any shape or form.

Mr. ARENS. Let me ask you this question here, a hypothetical question. In the course of the consideration of the present law, an amendment was proposed to the effect——

Representative CELLER. Excuse me. For example, in the present act we have discriminations in favor of the Baltic race. In my bill that preference is eliminated. So that you could not use that language in the act of 1948, and we take out the Baltic preference and, therefore, we nail down the possibility that there would be any kind of discrimination.

Mr. ARENS. Let me ask you this: Is not the net effect of this language, if you are not to have discrimination in favor of or against a race, religion, or national origin, that the DP's will come in in the proportion of their numbers in the occupied area?

Representative CELLER. I do not get that. Will you repeat that again?

Mr. ARENS. I probably put it clumsily.

If you are not to have discrimination against or for any group, would it not then be essential that the DP's be permitted to come into the United States in the exact proportion of their numbers, the DP's of any particular group?

Representative CELLER. You cannot lift this out of its context, this particular subsection (d), you have to consider the other provisions of the bill. Those are the provisions which provide that there must be assurances, there must be housing, and in that sense there is modification. What is meant by in favor of or against a race is where giving assurances for Czechs and assurances for Hungarians, assurances for Catholics, assurances for Jews, assurances for Protestants, you cannot favor one against the other. You have to consider the four squares of the bill which provide for assurances and which provides for housing, and you cannot deliberately take one and say, "I will favor this particular one as against dozens of others," and favor that one just because of religion or in favor of race.

Mr. ARENS. Let me put up a hypothetical case. Let us assume——

Representative CELLER. Would you want to change the language? I will be glad if there is any preference for some language, in order to bring about the result, namely, that there should be no discrimi-

nation. I would be glad to take any language that would carry out that result.

Mr. ARENS. If I can just express a query in my mind. I have this query in my mind on the operation of this section. Let us assume that the Polish people, I am just pulling that out of the air now, the Polish people have a terrific backlog of assurances and that the Polish people fall within the priorities which you list here, the occupational priorities, which you list elsewhere in the bill, and that people of other groups do not have the terrific backlog of assurances or do not meet in such great numbers all of the occupational priorities. Would it be discrimination against the other races if virtually all of the people brought in were Poles?

Representative CELLER. First we got in there the provisions that people back home here must give assurances. I do not think you would have any case where there would be a superabundance of the Poles as against a paucity of other people. When you go over the lists of those for whom assurances have been given, it is pretty well divided among all races and among all creeds and among all kinds of people.

First, you must consider those assurances. Now, I would not want to strike out any provision that would be a direction to the Displaced Persons Commission that there should be no discrimination on account of race or religion. That is the common American accepted tradition. I can see what you are getting at and maybe the language we use is inept. I do not know. I do not think it is, but if you have better language to bring that about, namely, that there should be nothing in the nature of discriminations or exemplification of bias——

Mr. ARENS. How about a fair proportion provision, the thought I have in mind?

Representative CELLER. That is subject to all kinds of interpretations. Human nature being what it is, we are a country of law and not a country of men and we do not want men's judgment substituted where we can conveniently and practically outline a principle. This is a general principle.

Mr. ARENS. Would not the fair proportion provision be more a criterion of the law than a general statement that there shall be no discrimination in favor of or against?

Representative CELLER. I do not think so, Mr. Arens.

Mr. ARENS. Let us assume——

Representative CELLER. I think we would be far safer to have a general admonition like that. You could make it general if you wish. Put evenness, put it in the beginning of the act. That is a guiding principle. We do not want any discrimination. We do not want one group favored against another. I do not know how you want to place it. If you want to put it in language that would suit your intellectual taste better, fine, so long as I get the end result.

Mr. ARENS. The end result would be to have the same immigration opportunities available to each group in accordance to their numerical strength among the DP's. Would that not be the ideal?

Representative CELLER. It would be the idea? I do not want to get into the situation where we had groups and elements which was in the 1948 act. We are trying to get away from that. If you want to put groups and elements back, I would have to say "No." I would oppose that.

Mr. ARENS. Why?

Representative CELLER. Because I do not think it is fair. I think it is better to have a general admonition, no discrimination, no groups, no elements shall be favored against another. I want it equal, equal treatment to all.

Mr. ARENS. On the question of religious groups, we have the language of your bill prohibiting discrimination in favor of or against any religious group. Would you favor a provision of the law which provided for an equitable distribution on the basis of numbers among the Protestants, Catholics, and Jews in accordance to their numerical strength in the DP persons' group?

Representative CELLER. You remember, Senator, when we had the conference, we argued that, whether it should be the same proportion of Catholics, same proportion of Jews, same proportion of Protestants, and we had a very hot debate on that, and that is what we call groups and elements. And, to get away from that, we thought it better to put a provision in there that there will be no discrimination or that there would be nothing in the nature of that. I think it was Senator Ferguson who argued very hardily against groups and elements.

Mr. ARENS. Let us assume one group is bringing their people in, either on the basis of race, religion, or national origin, completely in disproportion to their numbers in the camps, and the Displaced Persons Commission would then read this language and say, "Well, we want to have no discrimination." Would it not, under this language, prohibit the Displaced Persons Commission or the administrators of the program from holding back any one group in order that the other group could come in a fair proportion to their numbers under the language in your bill?

Representative CELLER. I do not think it would have that effect, because from a practical standpoint as things developed, we find that there is a pretty even proportion of assurances given on the basis of race and religion at the present time and I think that even proportion will endure.

Mr. ARENS. Well, now, the DP's who have thus far been admitted into the United States have not under the elements and groups come in in a fair proportion to their numbers in relation to the aggregate number of displaced persons.

Representative CELLER. We covered that before, and in the beginning, it just came in in numbers beyond their proportion in the camps. That was due to the fact that the Jewish organizations, like the Joint Distribution Committee and the Hebrew Immigration Aid Society, who have been most vigilant, because the Jews have been the ones who are most persecuted, they were on the ground and, therefore, they were able to process their wards far more quickly than the others.

In order to offset that, we provide, for example, loans from the RFC to help those other organizations which limp along. But you find now the Catholic and Protestant organizations are pretty well organized and they are offsetting the greater number of Jews who were coming, so that less Jews are coming now. Their proportion is being materially reduced and the proportions of Catholics and proportions of Protestants are increasing. So that you will have a pretty good evening up of the situation at the end of the program.

I think your fears are unfounded. If, for example, I think we ought to be watchful of the situation, I think it would be well for you to have periodic check-ups on activities of the Displaced Persons Com-

mission; I think Mr. Besterman, of our committee, in conjunction with you, might make checks on that to see how that is working out all of the time. Then if you find that there is a deliberate attempt to favor one against another, they ought to be checkmated.

Mr. ARENS. How many Jews were there in the occupied areas at the close of the war; do you have any idea?

Representative CELLER. I gave you those figures the other day.

Mr. ARENS. The number of Jews in the occupied areas at the close of the war?

Representative CELLER. In the camps, all of the Jews, or which?

Mr. ARENS. In the occupied areas, in camps or out of camps, at the close of the war. That is in Germany, Austria, and Italy.

Representative CELLER. I do not know.

Mr. ARENS. What is your best estimate on that?

Representative CELLER. I would not want to hazard a guess on that.

Mr. ARENS. It was under 25,000, was it not?

Representative CELLER. At the close of the war? No; there were far more than that. My goodness, yes, far more than that.

Mr. ARENS. I mean in the DP category of Jews.

Representative CELLER. I would say that there were close to 150,000. Again, I haven't got those figures. I will be glad to submit those figures. I have not got those figures right at this moment.

Mr. ARENS. How would you explain this? I am not taking issue with you on this point. I just want to get these figures in the record to be sure that we can arrive at a conclusion on numbers. This is the briefing of the congressional committee by the headquarters, European Command of the Army.

Representative CELLER. Which committee was that?

Mr. ARENS. The committee that went over about a year and a half ago. This is the official document which was presented to us by the Headquarters, European Command, at the end of the war—and I am quoting from it:

> At the end of the war there were between ten and fifteen thousand Jewish concentration-camp survivors found in Germany. There were in all probability a number of persons who would be eligible as displaced persons of the Jewish faith who were not concentration-camp survivors.

Representative CELLER. That was in May 1945; the end of the war would be May 1945.

Mr. ARENS. Yes.

Representative CELLER. That is an important date. Now, you are asking how many Jews there were in all of the occupied areas at the end of the war?

Mr. ARENS. Yes.

Representative CELLER. That would embrace more than those who were in camps.

Mr. ARENS. That is right, who would be potentially eligible as DP's.

Representative CELLER. I would be glad to submit that information for you.

Mr. ARENS. I think it is pretty important that we have that, if you have reliable estimates on the number of Jewish people who were in the occupied areas at the close of the war.

Representative CELLER. We will get that.

Mr. ARENS. The only number we have is ten to fifteen thousand who were concentration-camp survivors.

Representative CELLER. I will be glad to get that information. Do you want to get them divided; those in the camps and those out?

Mr. ARENS. I would guess that we have the camp population here as of that date.

Representative CELLER. You have the cut-off date which was advanced.

Mr. ARENS. Seven months later.

Representative CELLER. December 1945.

Mr. ARENS. Yes.

Representative CELLER. Most of the Jews came into the camps after December 22, 1945, which is the cut-off date of the act of 1948.

Mr. ARENS. How many of the Jews did come in subsequent to the war, subsequent to 7 months after the war? That is from the eastern European countries.

Representative CELLER. You mean you want to know the number of Jews in the DP camps as of the cut-off date?

Mr. ARENS. No, no. What I would like to know, you just mentioned, I do not know what word you used, the coming in of the people of the Jewish faith from the eastern European countries in a period beginning after 7 months after the war.

Representative CELLER. That is, you want to know the number who came in from the date you indicated, which was the end of the war, May 1945, officially, until December 22, 1945, the cut-off date?

Mr. ARENS. From eastern Europe.

Representative CELLER. I understand that. I do not know. I cannot give you that off-hand, in the 7-month period. I do not know.

Mr. ARENS. No, no. After the 7-month period.

Representative CELLER. Until when?

Mr. ARENS. Until any time. Up to January 1949.

Mr. ROSENFIELD. IRO said that 81,000 Jews were rendered eligible by the 1945 date line, who would be eligible under the 1949 date line.

Mr. ARENS. That does not give the total number who have come in.

Representative CELLER. Those in the camps. Mr. Carusi testified about that before our committee.

Mr. ARENS. There are 81,000 people of the Jewish faith, as I understand it, who are presently in the DP camps who have arrived there within a period after 7 months after the war; is that not right?

Mr. ROSENFIELD. That is not right. A good many have left the camps because they were barred by the law. They came in and many have left because of discriminatory provisions of the law.

Representative CELLER. They are not now there. Most of them have gone to Israel.

Mr. ARENS. What I would like to have, if you can get the information, is the number who came in, irrespective of what has happened to them, whether they have gone to the United States or to Israel or to Great Britain or any other country.

Representative CELLER. I do not see the relevancy of it. I do not think you would be concerned about it, because most of them will have gone to Israel. I would venture an assertion that at the end of this year, even under the act of 1948, there probably may be twenty-odd thousand left in Germany altogether in displaced-persons camps.

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Mr. ARENS. As I understand from your testimony previously, it is your view that the DP program should embrace the victims of Hitler and of Stalin principally; is that not right?

Representative CELLER. That is right.

Mr. ARENS. Would you say conversely that those persons who are not victims of Hitler and Stalin, persecutees of Hitler and Stalin, should not be embraced in our central European displaced-persons program?

Representative CELLER. We have a provision in there, I do not remember the exact provision, that others who are displaced as a result of the war—and the war is a result of the machinations of Hitler—should be given relief. We mention those in various parts of the world.

Mr. ARENS. Aside from those, I mean within the central European area, to get more specifically to the point, is there not a distinction to be made between those displaced persons who were displaced directly by the war and those displaced persons who of their own volition left the eastern European countries, from the standpoint of equity?

Representative CELLER. When you say left voluntarily eastern European countries, that is subject to all manner and kind of interpretation.

A man may have left Czechoslovakia voluntarily in the sense that he applied for a passport and got it and left, but behind it was the fear that if he remained in the Stalin dictated country, he might be purged or reprisals might be taken on his children, his dear ones; because of his beliefs, he voluntarily went, in a sense, and applied for a passport, and went out.

Mr. ARENS. Congressman, when is IRO going to be discontinued in its operations?

Representative CELLER. June 1950.

Mr. ARENS. That is the expiration date of the present law, is it not?

Representative CELLER. Yes.

Mr. ARENS. Your bill extends that expiration date beyond the closing date of IRO?

Representative CELLER. Yes.

Mr. ARENS. Is it not true that the IRO under present procedures—I am informed—forgive me—Mr. Rosenfield has some comments on that.

Mr. ROSENFIELD. That is a tentative conclusion at the last General Council meeting. The General Council meets in this October for a final decision on that point.

Mr. ARENS. Is it not true that the IRO estimates that the camp population at the present rate of flow on June 30, 1950, will be approximately 172,000?

Representative CELLER. I did not see that. What is the date of that IRO report?

Mr. ARENS. July 1949.

Representative CELLER. In all camps, Italy and Austria and Germany?

Mr. ARENS. Yes. And it is not true——

Representative CELLER. What date would that be?

Mr. ARENS. The expiration date of the present law, June 1950. There will be approximately 172,000 displaced persons in displaced persons camps in June 1950.

Representative CELLER. If you state so, I guess it must be so.

Mr. ARENS. Let me read it to you.

Representative CELLER. On what do they predicate those figures? Do you have any idea?

Mr. ARENS. On the rate of flow of DP's now to the various countries of the world, including the United States.

Representative CELLER. That presumes that we will get in 205,000, but I showed you the other day that at the rate we are going, and with the arrangements, with the restrictions that we have, we will not get in 205,000.

Mr. ARENS. It is presumed on the rate of flow which is set forth here out of the DP camps. May I ask you this second question. Is it not true——

Senator DONNELL. Just a minute. I do not think he finished.

Representative CELLER. I say on the basis of the way the act is being administered, as the result of these restrictions and as the result particularly of the Baltic preference and the farm preference and the cut-off date of this, with other countries taking the cream of the crop, December of 1945, we will fall far short of our quota of 205,000. We will not get them. I do not know whether those figures would be correct. If we are not going to get in 205,000, I do not know how that would affect the figures that the IRO gives.

Mr. ARENS. Is it not true that the IRO estimates of the 172,000 persons who will be in the DP camps at the expiration date of the present law, approximately 160,000 of those persons will probably be denied resettlement opportunities because of physical, social, or economic handicaps. In other words, the hard core?

Representative CELLER. I will get those. We will check on those figures.

Mr. ARENS. Let me read this statement from the IRO on the statistics which they submit.

Balancing these facts and probabilities, we believe that of the total estimated camp population——

Representative CELLER. That is camp population?

Mr. ARENS. Yes.

Representative CELLER. That does not take out-of-camp population.

Mr. ARENS. I am talking about the camp population.

Representative CELLER. My bill considers those not only in camps but those DP's who are eligible who are out of camp also. We take in those who were frugal and desiring to make their own way and temporarily went out and took jobs in the German economy. They are still DP's.

Mr. ARENS. How many outside of the camp are presently depending on IRO for maintenance, about 38,000?

Representative CELLER. Yes; about that.

Mr. ARENS. How many persons outside of camp who are not depenedent upon IRO are integrated or working in the economy?

Representative CELLER. Not integrated.

Mr. ARENS. Working in the economy.

Representative CELLER. I gave you the figures the other day.

Mr. ROSENFIELD. No indication that are not dependent on IRO.

Representative CELLER. We gave you a rough figure the other day. The record will show it.

Mr. ARENS. Pretty close to 200,000, is it not?

Mr. ROSENFIELD. That is correct.

Mr. ARENS. Is it not a fact that in Austria, approximately 200,000 persons have applied for and received Austrian citizenship?

Representative CELLER. It is not our purpose to cover those who want to stay and become integrated in the Austrian economy, no intention to take care of them.

Mr. ARENS. If the camp population by IRO estimates on June 30, 1950, the expiration date of the present law——

Representative CELLER. Here we have it, right here.

Mr. ARENS. Let me finish the question—will be approximately 172,000?

Representative CELLER. That is in the camp.

Mr. ARENS. In the camps. And if of these persons IRO estimates about 160,000 cannot or probably will not be eligible for resettlement in any country because of physical, social and economic handicaps, then is it not true that by the expiration date of the present law, June 30, 1950, there will only be about 11,000 displaced persons in the displaced persons camps who will not by that time have been resettled?

Representative CELLER. I cannot answer that until I know the nature of those figures.

Mr. ARENS. I will read them to you right here.

Representative CELLER. I know on that basis, but the answer would be yes. I have not seen those figures. I have not examined them. I do not know how they have to be interpreted. But we cannot lose sight of the fact, for example, that as of June 30, 1949, the IRO stated that there were 626,700 total DP's, of which 383,100 were in camp, 243,000 were out of camps. Then there is a break-down as to the numbers in Germany, Austria, and Italy. The break-down as to the numbers in the United States zone, the British zone, and the French and Italian zones, you cannot disregard, for example, the 243,600 who were out of the camp, as I say, who desired to make their own way temporarily and they went out of camp, and my bill takes care of those who are out of camp, as well as those who are in camp. In other words, we should not punish by denying relief those who went out of camp to try to fend for themselves.

Mr. ARENS. Then there is a modification on your objective of closing down the camps.

Representative CELLER. No. I want to close down the camps, but I still want to give relief to those 243,000—either through immigration to the United States or other countries—those persons who are Catholics and Protestants or Jews, that want to remain in the German economy when the military government folds up, they are frightened stiff. The Nazis are gradually getting control of industries, getting control of the newspapers, getting control of the German economy. There were riots recently, very serious situation is developing and Mr. McCloy has got his hands full. The minute our troops leave Germany, I think we will have a recrudescence of nazism. Hitler's philosophy and theories sank very deep. There are youths in Germany who know nothing else but the Hitler theories and who look with anathema upon those who opposed the theories. Those 243,000 could not possibly remain with safety in among the Germans and they want to get out.

Mr. ARENS. Is it not the fact that large numbers of them, in the hundreds of thousands, have been applying for citizenship and have been granted that?

Representative CELLER. If they are satisfied to take their chances, fine, we do not have to take care of them. If they want to remain in the German economy, as I say, take their chances, fine, but there are many who do not want to take those chances.

Mr. ARENS. It is a fact, is it not, however, that of the approximately 200,000 IRO DP's who are outside of camps and centers, only approximately 38,000 receive care and maintenance from IRO?

Representative CELLER. Yes. I said they are trying to earn their way. They have earned their way, have done all sorts of things, all sorts of chores to be self-sufficient, and I would not place an insuperable burden on them, because you have been self-sufficient, you will not get any relief, and those who remainded in the camps who were not, did not, and were unable to get jobs, they will be favored. That would not be fair. They are in the same category of refugees.

Mr. ARENS. Under your bill, if we go beyond the terminal date of the present law, so far as the camp population is concerned, we will have only about 11,000 to play on, will we not?

Representative CELLER. You asked that before. I do not think that is so, but I would like to check on that. I will have that checked and put in the record for you. I want to check through the State Department. I want to check through the IRO and the Displaced Persons Commission to get those figures exact. It is very important.

Mr. ARENS. IRO estimated on June 15, the expiration date of the present law, 172,000 will be in the camps, of whom 160,000—and I use their language, "probably will be denied resettlement because of the social, economic, and physical handicaps," IRO refers to them as the so-called hard core—will have to be given care and maintenance presumably in Germany. That last phrase is my own.

Representative CELLER. Lord help them if they are in that state and have to be given care in Germany.

Mr. ARENS. Is it your objective in your law that we receive into the United States the hard core?

Representative CELLER. I did not say that. I said Lord help them. I did not say we should take those who are physical derelicts. They have to satisfy health requirements. They are screened by the public health officials.

Thank you very much, indeed. You have been very kind.

Senator DONNELL. May I ask the Congressman, has he completed his presentation of his views on his bill, and in the second place, has Mr. Arens completed his interrogation? Have you completed all that you desire to put into the record with respect to H. R. 4567?

Representative CELLER. Yes, sir. I appreciate your kindness in allowing me to do so.

Senator DONNELL. Did you desire to interrogate the Congressman any further?

Mr. ARENS. I think we have covered the field pretty well, generally speaking. I understand the Congressman will submit some additional statistical information.

Representative CELLER. I will submit some additional data. Give me a few days to do that.

Senator DONNELL. Thank you every much.

Representative CELLER. Thank you.

Senator DONNELL. Do you have a statement to make, Mr. Rosenfield?

Mr. ROSENFIELD. Yes. I am sure Mr. Arens did not imply, or mean to imply that whatever false records existed in 1947—and I again say I am going to submit evidence to prove that the 40-percent figure is a phony—I am sure he did not mean that that condition exists under the present DP law.

I state categorically for the Commission that it is not true. He may have left that impression. Under the present law, the checking of all records is so complete that there are none and there is no cause for any. Under the old law, persons under the pre-DP law tried to get in in one way or another, as the Congressman indicated and had to prove quota eligibility. Since there is no longer an item here, the major force for this very small group is gone and the situation no longer prevails.

Mr. ARENS. I can neither affirm nor deny it. I am asking questions. I will say informally that the information we have is that the situation is not only bad, but worse.

Mr. ROSENFIELD. Would you care to make it available to the agency that administers this law?

Mr. ARENS. I can show you a a letter without showing you the signature of one of the men in the operating in the Displaced Persons Commission abroad, who wrote to the committee setting forth that it was much worse.

Mr. ROSENFIELD. I do not want to imply that someone is hiding anything from the Commission, but I do think that if a public official—and Mr. Arens is a public official—has information as to the impropriety of action of a public agency, he is duty-bound to give to that agency so it can correct it. And if Mr. Arens has hidden that from us, I think that is an error on his part.

Mr. ARENS. I have not hidden a thing from you.

Mr. ROSENFIELD. He has not given it to us, certainly, except on the record. I must say that I will say for the Commission, categorically deny all of any situation that Mr. Arens has stated as a general rule exists.

Mr. ARENS. I do not know that it exists.

Mr. ROSENFIELD. I think he is duty-bound as a public official to submit it to the agency in order that we may correct a situation that he thinks exists.

Mr. ARENS. I was inquiring of the Congressman whether or not that situation still prevails.

Mr. ROSENFIELD. Just before you said that it does exist and is getting worse.

Mr. ARENS. I did not say that I know it. I said the information which has come to us. That is the reason I——

Mr. ROSENFIELD. Why was it not relayed to us?

Representative CELLER. I think we ought to have that information, in justice. If a letter is sent, it is necessary, since it contains grave implications of improprieties, that we ought to know something about the source of the letter, what prompted such a letter. Was it a disgruntled employee? Was it one who has a peeve? Was it one who has a grievance? What was the motive that prompted him to write such a letter?

Mr. ARENS. When you get to Germany, talk to Mr. Vance, who is the consul general there. Ask him about it.

Mr. ROSENFIELD. Accept a categorical denial.

Senator DONNELL. The committee will be in recess.

(Thereupon, at 11: 10 a. m., the committee recessed subject to call.)

DISPLACED PERSONS

FRIDAY, SEPTEMBER 9, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10:30 a. m., in room 424 Senate Office Building, Senator Forrest C. Donnell presiding.

Present: Senator Donnell (presiding).

Also present: Richard Arens and Thomas J. Davis, professional staff members.

Senator DONNELL. The hearing will come to order.

Mr. ARENS. The session this morning is a continuation of the public hearings on displaced persons legislation and the issue which is under consideration in this session is with reference to the Palestine refugees. The first witness this morning is Mr. George M. Barakat, executive director, American Middle East Relief, Inc.

STATEMENT OF GEORGE M. BARAKAT, EXECUTIVE DIRECTOR, AMERICAN MIDDLE EAST RELIEF, INC.

Senator DONNELL. Mr. Barakat, you may proceed with your statement.

Mr. BARAKAT. Thank you.

Mr. Chairman, gentleman of the committee: My name is George M. Barakat. I represent the American Middle East Relief, Inc., a voluntary charitable and relief organization, with no political connection or motivation. We are deeply grateful, Mr. Chairman, for the great privilege and opportunity given us today to present to you and to the other gentlemen of this commitee certain changes which we hope that you will agree with us should be made in the proposed bill to amend the Displaced Persons Act of 1948 (Public Law 774, 80th Cong.).

Mr. Chairman, at the very outset, I wish to make it clear that we are not here today, nor will we come before you at any other future time, as "professional Arab pleaders," who intend to use the forum of this committee to sound-off any views, which, as Mr. Celler recently alleged, "are bound to be anti-Israel."

Senator DONNELL. Will you please state for the record what your nationality is?

Mr. BARAKAT. I am an American.

Senator DONNELL. What State were you born in?

Mr. BARAKAT. I was born in the State of Maine.

Senator DONNELL. Are you of Arab descent?

Mr. BARAKAT. I am from Lebanon.

It is a source of great regret to us, as it must have been to all right-thinking Americans, that Congressman Celler, occupying as he does such an important position of responsibility and trust, was unable to restrain himself from injecting partisan political considerations into what was and should always remain an objective, sympathetic consideration of a great and tragic human problem.

I can assure you, Mr. Chairman, that we will never abuse the privilege offered us by the forum of this committee to sound-off any partisan political views that we may or may not have, but will take special care to always use it exclusively in the interest of promoting a clearer American understanding of a great human tragedy, in order that our response to it as a people, will be commensurate with our traditions as the greatest humanitarian nation on earth.

Senator DONNELL. Would you be kind enough to tell us what the American Middle East Relief, Inc. is, that is other than what you previously stated? You state it is a voluntary charitable relief organization. Will you tell something of the membership and who finances it and any information of that type, please?

Mr. BARAKAT. The American Middle East Relief, as I said, is a purely charitable relief organization organized under the laws of the State of New York, in February of 1948, to seek and provide relief supplies for the Arab refugees who were the victims of the Palestine tragedy. The organization is composed of old-stock Americans and new-stock Americans of Arabic-speaking extraction.

Senator DONNELL. What do you mean by "old-stock Americans"?

Mr. BARAKAT. When I speak of old-stock Americans, I am speaking of people like Virginia Gildersleeve, who is a member of our board of directors or a member of our executive committee; Dr. Bayard Dodge, who is the former president of the American University of Beirut; Dr. Allen O. Whipple, the famous surgeon of New York; William A. Eddy; and people like that, who are interested as old-stock Americans, and people like myself, who are of Arabic-speaking extraction, although I was born here.

It is a joint effort on the part of all new-stock Americans to do something to help in this tragic situation.

Senator DONNELL. By new-stock Americans, would you define just what you mean?

Mr. BARAKAT. I give myself as an example of a new-stock American.

Senator DONNELL. Your parents are, I take it, Arabians by descent?

Mr. BARAKAT. We were born on the outside. I am speaking of second- and third-generation groups.

Senator DONNELL. How large an organization is this organization?

Mr. BARAKAT. It is a purely voluntary organization. We have been seeking support from people all over the country. So far our compilation disclosed that we have received financial support, either in money or gifts in kind, such as used clothing and medical supplies, from 433 sources. That is, 433 different cities and towns in 44 States of this country. It is a very broad base. We have sent over our report as of August 31. We have shipped as of that date to our distributing committee in Beirut, Lebanon, over 83 tons of clothing, 5 tons of fruit, over 15 tons of medical supplies, and we have shipped 7 ambulances,

4,600 woolen blankets, and something like $58,000 in cash. In all, that amounts to approximately $350,000 worth of relief supplies.

Senator DONNELL. Are you employed full time by this corporation?

Mr. BARAKAT. Yes; I am.

Senator DONNELL. What is your professional background or your educational background?

Mr. BARAKAT. I am a lawyer by profession.

Senator DONNELL. Where did you practice?

Mr. BARAKAT. In Boston, Mass. I am a member of the Maine and Massachusetts bars. During the war years I was with the Board of Economic Warfare and FEA in the State Department for a period close to 3 years.

Senator DONNELL. Does this corporation have stockholders or is it a nonprofit organization?

Mr. BARAKAT. It is a nonprofit organization.

Senator DONNELL. Do you have anything in the nature of memberships or other participations of the general type of memberships that you might tell us how many members there are of this organization?

Mr. BARAKAT. You see this was an organization that was started very quickly in order to meet an emergency. We have a so-called membership basis, but so far we have not published that on a membership basis. We have been anxious to receive contributions in kind. Today we are trying to go after a million pounds of clothing to ship to the other side.

I might tell you something about our coordinated efforts. We are a member of what is called the American Appeal for Holy Land Refugees, which is composed of the Church World Services, the Near East Foundation, the Near East College Association, the Catholic Near East Welfare Association, and ourselves.

This organization was formed to promote this campaign for collecting and distributing relief supplies to the Arab refugees. On the other side, in Beirut, there has been set up a coordinating committee which does all of the distribution. In Beirut, there are representatives of these various American voluntary organizations, and over there, the supplies are collected and they are distributed according to need in all parts of the Arab countries where the refugees are.

Senator DONNELL. Your corporation has been in existence for approximately 1 year and 7 months; is that right?

Mr. BARAKAT. That is right.

Senator DONNELL. How much money has been contributed to the organization, or tell us your estimate of the value of what has been contributed, not necessarily in money.

Mr. BARAKAT. I can tell you that, as of August 31, 1949, we received in cash $200,952.06.

Senator DONNELL. Up to August 31 of this year, did you say?

Mr. BARAKAT. That is right.

Senator DONNELL. By "you," you mean your organization; is that right?

Mr. BARAKAT. That is right.

Senator DONNELL. How much of that was a noncash contribution, if you are able to estimate it in terms of money?

Mr. BARAKAT. I can give you the total. The total cash and gifts in kind as of August 31, 1949, is $402,894.36. I might say that there is much greater value there, because a good many of these things we received at a very nominal value. In other words, that might be considered a wholesale cost. For instance, the Medical and Surgical Committee of America, headed by former Admiral Halsey, has made available to us considerable amounts of medical supplies and we pay them something like 5 percent of the nominal value in order to cover their overhead charges.

I think that figure of four-hundred-and-two-thousand-and-some-odd dollars in real value is very much greater than that.

Senator DONNELL. Can you tell us what you think the aggregate value of the entire item, cash and gifts in kind, is?

Mr. BARAKAT. I have already given you the $402,000 figure as the accountant's figure, but I say we place a much greater value on it, because we have put those down merely on the basis of what we pay for them, but their actual value is very much greater.

Senator DONNELL. Does the $402,894.36 include the other?

Mr. BARAKAT. Yes.

Senator DONNELL. That leaves approximately $202,000 in gifts in kind at the accountant's figure; is that right?

Mr. BARAKAT. Yes; approximately that.

Senator DONNELL. Of this approximate $202,000 figure in gifts in kind, figured at the accountant's value, what in your judgment would be the actual value?

Mr. BARAKAT. I would say that it would be much more than double that value.

Senator DONNELL. Would it be as much as three times that amount?

Mr. BARAKAT. No; it would not. I would like to be conservative about that. We received a lot of valuable surgical instruments, such as X-ray machines and other equipment, at a nominal cost.

Senator DONNELL. If you figure its worth as much as you indicated, as twice the $202,000 figure, but not as much as three times, I take it in round figures $500,000 would represent the fair value; would it not?

Mr. BARAKAT. Yes.

Senator DONNELL. Therefore, you have received altogether since February 1948, in cash approximately $200,000 and of gifts in kind approximately $500,000 in actual value, making a total of $700,000 as of August 31; is that right?

Mr. BARAKAT. Yes.

Senator DONNELL. I wonder if I might interrupt you. Is this organization, the American Middle East Relief, Inc., registered under the lobbying statute of the Federal Government?

Mr. BARAKAT. No; we do not engage in lobbying. It is registered with the President's Advisory Committee on Voluntary Relief of the Department of State and we are certified by the Treasury as tax-exempt.

Senator DONNELL. You are about to give an example; were you not?

Mr. BARAKAT. Just as an example of value, this past Tuesday, we shipped to Beirut an ambulance, a Buick ambulance, that had a value of $8,000. We were able to buy it from the Germantown Dispensary for $750 and it had gone only about 15,000 miles, so you can get an

idea of what I mean. We put it down on the books as valued at $750, yet its value is much in execess of that.

Senator DONNELL. Have you used as much as $200,000 in cash for propaganda purposes?

Mr. BARAKAT. No; we have not used a bit of money for that.

Senator DONNELL. It is all gone so far as it has passed out of this country for relief; is that correct?

Mr. BARAKAT. It has gone to recognized charitable organizations over there.

Senator DONNELL. Who pays for the expense of your advertising, or do you have any advertising?

Mr. BARAKAT. We spend very little money for advertising.

Senator DONNELL. Approximately how much have you spent for advertising since your organization in February 1948?

Mr. BARAKAT. It depends on what you mean by advertising.

Senator DONNELL. I mean any type of advertising.

Mr. BARAKAT. If you mean getting out brochures and booklets, if you will just give me a little time I can get that from our last audit.

Senator DONNELL. If you can give it to us, approximately.

Mr. BARAKAT. I cannot do that. I do not want to make any statements that I cannot back up at this time. This is our last audit here. We have a figure of $4,022.02 for publicity.

Senator DONNELL. What is the date of this statement from which you are reading?

Mr. BARAKAT. January 31, 1949.

Senator DONNELL. Do you have a later one than that?

Mr. BARAKAT. We have it in the office, but I do not have it with me. I might tell you what we do, though. We pay a certain very small amount to the Arabic newspapers, the Arabic press in this country, for inserting legal ads.

Senator DONNELL. Would you say that this corporation has spent as much as $10,000 for publicity purposes since its organization?

Mr. BARAKAT. It definitely has not.

Senator DONNELL. Will you please file that balance sheet for the record?

Mr. BARAKAT. I will do so, sir.

(The document referred to was marked "Barakat Exhibit 1" and is as follows:)

MAIN & CO.,
New York, N. Y., February 28, 1949.

BOARD OF DIRECTORS,
American Middle East Relief, Inc., New York, N. Y.

GENTLEMEN: We have examined the balance sheet as at January 31, 1949, and the condensed statement of receipts, distributions, and expenses for the period from date of incorporation, January 20, 1948, to January 31, 1949, of the New York office of American Middle East Relief, Inc.

We ascertained that all recorded cash receipts were deposited in the bank. We did not verify pledges receivable, which amounts are not considered available until collection is effected. We made no attempt to confirm directly with the recipients the distributions of supplies, equipment, cash, or clothing, but we have seen official receipts from distributing organizations covering the distribution of relief supplies, which receipts were sent to the American Middle East Relief, Inc., by Mr. Costi K. Zurayk, chairman, Middle East Relief Association, at Beirut. While we did not attempt to reconcile the items so distributed with the records of items shipped, we did, however, satisfy ourselves that the expenditures, as

indicated in the records, fell within the scope of the purpose of the corporation.

In our opinion, subject to the foregoing comments, the accompanying balance sheet and condensed statement of receipts, disbursements, and expenses present fairly the position of American Middle East Relief, Inc., as at January 31, 1949, and the results of its operations for the period January 20, 1948, to January 31, 1949, in conformity with generally accepted accounting principles.

MAIN & Co.,
Certified Public Accountants.

American Middle East Relief, Inc.—Balance sheet as at Jan. 31, 1949

ASSETS

Cash		$9,497.89
Pledges receivable, contra		6,835.00
Furniture and office equipment, at cost		1,532.98
Promotional supplies		742.00
Deposit with public utility		150.00
Total		18,757.87

LIABILITIES

Accounts payable	$1,777.04	
Pledges receivable, contra	6,835.00	
		8,612.04
Excess of assets over liabilities		10,145.83
Total		18,757.87

(NOTE.—Subject to accompanying comments:)

American Middle East Relief, Inc.—Statement of receipts and expenditures, from the date of incorporation, Jan. 29, 1948, to Jan. 31, 1949

RECEIPTS

Cash from memberships and contributions	$173,023.61
Donations of clothing, medicinal supplies, etc. (note A)	128,899.90
Profit on exchange	2,898.99
Total receipts	304,822.50

EXPENDITURES

Distribution of—		
Medicinal and surgical supplies:		
Lebanese Red Cross	$10,850.42	
Syrian Red Crescent	7,565.96	
American University of Beirut	5,026.73	
Middle East Relief Association	41,383.92	
		64,827.03
Ambulances: Middle East Relief Association		19,369.82
Cash contributions:		
Egyptian Red Crescent	$50,000.00	
Middle East Relief Association	7,790.28	
		57,790.28
Clothing, shoes, food, etc.:[1]		
Syrian Red Crescent	538.40	
Middle East Relief Association	108,079.86	
		108,618.26
Relief supplies—blankets: Middle East Relief Association		12,026.38
Total		262,631.77

[1] Clothing which has been donated and shipped is valued with minor exceptions at $1 per pound.

American Middle East Relief, Inc.—Statement of receipts and expenditures, from the date of incorporation, Jan. 29, 1948, to Jan. 31, 1949—Continued

EXPENDITURES—continued

Administrative and promotional expenses:	
Accounting and legal	$548.80
Chapter expense	159.54
Luncheon and meetings	288.68
Postage and express	634.36
Publicity	4,022.02
Rent, light, etc	3,949.87
Salaries	15,916.00
Stationery and office supplies	1,298.49
Telephone and telegraph	1,109.15
Travel	3,630.36
Miscellaneous	487.63
Total	32,044.90
Furniture and office equipment	1,532.98
	33,577.88
	296,209.65
Excess of receipts over expenditures	8,612.85
Accounted for as follows:	
Cash in bank	9,397.89
Cash on hand	100.00
Deposit with Public Utility	150.00
Deferred charges	742.00
Total	10,389.89
Less: Accounts payable	1,777.04
Grand total	8,612.85

(NOTE.—Subject to accompanying comments:)

Contribution received[1] *by American Middle East Relief, Inc., New York, N. Y., from Feb. 1, 1948, through Jan. 31, 1949*

	Gross weight		Value in dollars
	Pounds	Tons	
Clothing and shoes	106,397	53.19	$99,832.00
Food	6,491	3.24	744.09
Medical supplies	9,343	4.67	28,323.81
Cash			175,922.60
Total	122,231	61.10	304,822.50

[1] Contributions received from 376 cities and towns in 44 States and 7 foreign countries.

Relief supplies distributed by American Middle East Relief, Inc., New York, N. Y., from Feb. 1, 1948, through Jan. 31, 1949

	Gross weight		Value in dollars
	Pounds	Tons	
Clothing and shoes	106,397	53.19	$107,710.80
Food	6,491	3.24	907.46
Medical supplies	15,347	7.67	64,827.03
Miscellaneous:			
6 ambulances	9,430	4.71	19,369.82
4,600 woolen blankets	19,550	9.77	12,026.38
Cash			57,790.28
Total	157,215	78.58	262,631.77

Senator DONNELL. You may proceed now with your statement, sir.

Mr. BARAKAT. Yes.

Senator DONNELL. Mr. Arens conducts a very large proportion of the examination, and, at the conclusion of the paragraph that you are about to read, he would desire to interrogate you on the subject matter.

Mr. BARAKAT. Very well, sir.

As Americans, Mr. Chairman, we would like to call the attention of the committee to the almost hopeless plight of the more than 1,000,000 Palestinian Arab refugees, who have been uprooted from their homes as a result of the recent conflict in Palestine. I am not here to advance any special political solution to this problem. I am very deeply concerned over the human consequences of such an attempted solution. Nor are we going to suggest that the solution to this great human problem would be found in a mass exodus to America. We fully recognize that its solution must be found at home in repatriation, resettlement, or a combination of both.

Mr. ARENS. You have just alluded to 1,000,000 Palestinian Arab refugees. Where are these refugees located?

Mr. BARAKAT. I think we have given you definite figures on those. They are located in Syria, Lebanon, Egypt, Transjordan—very few in Iraq. They are located also in what was southern Palestine in the Gaza area and also in the part of Palestine that is still occupied by the Arabs.

Mr. ARENS. Are they in camps and settlements or are they just dispersed among the general population of these areas to which you have just referred?

Mr. BARAKAT. They are both dispersed and also in camps.

Mr. ARENS. How many of them are in camps as distinguished from those who are not in camps

Mr. BARAKAT. That is something that I cannot answer. I cannot give you a ready answer on that. I would say about 225,000 of them are in the Gaza area and are in camps, because that is a sort of open country there where they have been herded together. There are some in camps in Lebanon, some in Syria. I can get you these figures at some other time if you wish. I am not ready today to give them to you.

Mr. ARENS. I would suggest that it would be helpful to the committee.

Mr. BARAKAT. I can give you some figures here which are authentic figures for Lebanon. They are between 100,000 and 150,000. They represent a little over 10 percent of the population of the country. In other words, this is a comparative figure. This is a figure of the refugees as against the figure representing the normal population of the country where they are staying.

Mr. ARENS. May I ask you, are the people who are embraced in this 1,000,000 category displaced from the place of their former habitual residence?

Mr. BARAKAT. That is right.

Senator DONNELL. You say they are uprooted from their homes. Where were the homes of these 1,000,000 Palestinian refugees?

Mr. BARAKAT. Before the outbreak of hostilities in May—the real outbreak in May, May 15, 1948, that was the time when the British mandate was terminated—the official estimates indicate that there were one million and a quarter Arab inhabitants of Palestine. Out

of that one million and a quarter, which was a total, one million have been displaced from their homes.

Senator DONNELL. Where were their homes?

Mr. BARAKAT. All over Palestine.

Senator DONNELL. They have been displaced from homes in Palestine and their present placement is elsewhere in Palestine?

Mr. BARAKAT. Elsewhere in Palestine and outside of Palestine.

Senator DONNELL. Where outside of Palestine?

Mr. BARAKAT. I can give you the figures here. In Lebanon there are between 100,000 to 150,000.

Senator DONNELL. Those people came from Palestine and they have been displaced and have gone over to Lebanon, is that right?

Mr. BARAKAT. Yes, sir.

Mr. ARENS. All of them at one time lived in Palestine, is that right?

Mr. BARAKAT. Definitely. They all lived in Palestine. We are talking about refugees who actually lived in Palestine and have been displaced from their homes, either to other areas of Palestine which were not formerly their homes, and those who had to leave the country entirely and find refuge outside.

Mr. ARENS. I wonder if you can tell us the dates of this displacement? When did the displacement start and when did it terminate?

Mr. BARAKAT. We might say that the displacement started immediately after the UN partition, November 29, 1947. Hostilities in a small measure started immediately after that, perhaps the next day, and there was some displacement then but very little real displacement came until after May 15, 1948, at the time when the British evacuated their troops and the attack was made on Haifa. I think that was the time when the real displacement in major proportions started.

Mr. ARENS. When did this displacement terminate, or is it still in process?

Mr. BARAKAT. It has not terminated. I cannot give you the dates, but if you will recall there was a siege. There was a siege in the Faluja pocket in southern Palestine and Egypt there. There was an attempt to get a commitment from the Israelian authorities so that they would respect the rights of the native inhabitants of that area. In fact, such a commitment was given to the Friends Service Committee, which is the organization in charge of refugees in southern Egypt. But unfortunately, following the evacuation of the Egyptian troops, that commitment was not respected and the native Arab Palestinians of that area were again uprooted from their homes and driven by, perhaps, irresponsible elements of the Israelian forces, so that up until a very few months ago, the process of displacement was still going on.

Mr. ARENS. Are any of these 1,000,000 people in a country or an area which is occupied by persons other than persons of their own race?

Mr. BARAKAT. Yes.

Mr. ARENS. Who are they?

Mr. BARAKAT. There are some Palestinian Arabs who are still remaining in what is now Israel.

Mr. ARENS. Are they in the refugee category?

Mr. BARAKAT. They are not included in this 1,000,000, but they are potential refugees.

Mr. ARENS. Does IRO participate in care and maintenance of the refugees?

Mr. BARAKAT. No; it does not; because IRO, as you know, was set up primarily to care for the European refugees. However, certain funds, I believe, which were made available by IRO to the UN Children's Relief fund which had been taking care of Arab children in this area were in the amount of $6,000,000 and made available when UNRRA wound up. That was earmarked for the UN Children's Relief fund. So, indirectly they have helped.

Mr. ARENS. Are there records kept of persons who are registered by somebody or by some group as refugees?

Mr. BARAKAT. Yes.

Mr. ARENS. Who keeps those records and where are they?

Mr. BARAKAT. The refugee relief work in the area under the agreement between the United Nations and the three relief organizations that are actually distributing the relief supplies in the area, and those are the Friends Service Committee in Southern Palestine; the League of Red Cross Societies in Syria, Lebanon, and the Western Part; and the International Red Cross. They have divided the area between them. The United Nations Palestine Relief Group has nothing to do with the actual distribution of supplies. They merely procure them and see to it that they are put in the hands of these organizations which distribute them.

Mr. ARENS. Is there an identifiable group?

Mr. BARAKAT. I am answering that. The relief organizations in the various areas have made a survey of the refugees who are in those areas. They are all card indexed with the names of the head of the family, the children, the various members, as to their ages. Those relief supplies are distributed on the basis of these records. When we send supplies to our committees, they have copies of the card file index on refugees given to them by the Red Cross groups. They, in turn, make up the packages containing relief supplies on the basis of the family needs or the individual needs. They are given to them in person by voluntary relief distributors, and they get a receipt from each one who receives them. In other words, the thing is being conducted scientifically and honestly.

Mr. ARENS. What is the prospect of assimilation of the 1,000,000 Palestine refugees in the areas in which they now find themselves?

Mr. BARAKAT. That is a political question and we are not interested in going into the political end of it. I think you can draw your own conclusions from the reports that are coming in daily in the news and reported in the New York Times. The reaction that the Clapp Mission, the survey mission that is going over there to survey the economic needs and requirements of the area—and I am merely reporting now—is that there is a great resistance to the idea of resettlement in Arab countries.

Mr. ARENS. I am confused here. Are not most of these people, the 1,000,000 Palestine refugees, presently in an area of their own race which is occupied by their own race?

Mr. BARAKAT. You must remember that when a person has lived in a certain part of the world, a certain area, a certain locality, for over 1,500 years and perhaps more, where his associations have become very close to that area, he does not like to move, let us say, from the city of Washington or the State of Maine, even to the neighboring

State of New Hampshire or Vermont. He wants to stay where he is and stay where his ancestors have always stayed, where his roots are, where he earns his livelihood. He does not want to go to a strange place. He wants to stay at home. This is the basic reason why these people resist. Then, of course, there are also local organizations in these various neighboring countries which make it very difficult for them to accept the burden of additional people. When you ask little Lebanon to accept refugees in the amount of 10 percent of its population it is quite a difficult thing.

Mr. ARENS. Do you mean in addition?

Mr. BARAKAT. Yes. Let us take 150,000,000 here. If we were asked to accept 15,000,000 refugees, I think we would put up quite a squawk. Syria has about 100,000, and that is 4 percent of the population. Transjordan has 85,000, and I think the figure is higher today; that is, 21 percent of the population, its actual population.

In northern Palestine there are 230,000, and that represents a 77-percent increase over the number of the original inhabitants. In southern Palestine there are 235,000 people and that represents a 224-percent increase over the normal inhabitants.

Mr. ARENS. I do not want to be at all in the position of contending with you, but I would just like to elicit your view on this. In view of your comment that the displaced Arab refugees who are outside of their area of former habitual residence who are unhappy and unwilling to become assimilated or integrated in the area in which they presently find themselves, what is your observation respecting the attitude of certain numbers of these persons to find themselves in the United States?

Mr. BARAKAT. I think that a certain number of hardship cases might be helped, because they have here in this country their own relatives and their own friends. I am speaking of Palestinians who are residing in this country. I am speaking of those who undoubtedly have mothers and fathers and sisters and brothers and nieces and cousins, who are today suffering great mental anguish because of the fact that these people are over there suffering and they can do nothing to help them, except send them a little money or some supplies.

Mr. ARENS. Do you have information respecting the total number of persons of Arab descent in the United States at the present time?

Mr. BARAKAT. About half a million was the figure that we understood to be correct as an estimate of the figure during the war years.

Mr. ARENS. Are these one-half million people pretty well scattered throughout the United States or are they in one locality?

Mr. BARAKAT. Oh, they are over every town and hamlet in the country. As I indicated to you, we have received support from 433 separate towns and cities in 44 States in the country. That gives you an indication of their spread.

Mr. ARENS. I wonder if you mind expressing yourself for the record as to the cultural background and the beliefs and educational philosophy of the people of the Arab race?

Mr. BARAKAT. The language is Arabic in all of that area. As far as philosophy, and I think you are interested in that part of philosophy which has to do with our own thinking as a people and in our basic functions of our own political theories, I think it is enough to say that the concept of democracy originated in that area from which these

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people have been dispossessed. The idea of one God, the concept of the dignity, and things of that sort I mean.

Mr. ARENS. What is the religious education of the people, by and large?

Mr. BARAKAT. By and large, they are Moslems, but there is a fairly large group of Christians.

Mr. ARENS. What is the religious philosophy of the majority of the persons of Arab descent in the United States?

Mr. BARAKAT. They are predomiantly Christian. There is a very small Moslem group here in this country. The great majority, however, are Christian and the great majority have emigrated from Lebanon and some from Syria purely for economic reasons. That was the start. That little country could not support its population. Each year, the people would leave the country to find homes all over the world.

Mr. ARENS. What is the principal vocation or occupation of the people among the Palestine group?

Mr. BARAKAT. I think they are mainly agriculturists, they are mainly farmers.

Mr. ARENS. What type of farming do they do?

Mr. BARAKAT. They just do the ordinary type of farming. A lot of them are experts in the citrus line. That is a great citrus-growing area in Palestine and a good many of them were engaged in that work. There are many professional people. There are many teachers. These people are oriented toward the democratic way of thinking.

Mr. ARENS. Can you tell us a word about their political affiliations or institutions, their form of government?

Mr. BARAKAT. Unfortunately they have not been able to have a form of government of their own. They have been, first, under the Turks, and then subsequently, mandated under the British, referring now to Palestine. Now they find themselves in a rather difficult position. They have not been able to enjoy the privileges of self-determination for many hundreds of years. So far as political institutions are concerned, they do not have any of their own, except what has been imposed upon them.

Mr. ARENS. To what extent has communism made inroads among them?

Mr. BARAKAT. Communism today is threatening to make at very great inroad among them and that is due to their physical wants. Intellectually and spiritually, they would resist it, but a man who is in danger of starving to death, who is diseased, who sees his family and children dying before his eyes, will grasp anything, that is what we are concerned with. There is a threat of communism sweeping into that vital strategic area due to the great suffering that is going on there.

Mr. ARENS. When were you last there?

Mr. BARAKAT. I have not been there since 1914.

Mr. ARENS. You have maintained close contact with the situation there, have you not?

Mr. BARAKAT. Yes; I have always been interested in the affairs on the other side, in helping to maintain and strengthen close, friendly ties with the peoples of the Arab countries and Americans.

Mr. ARENS. What is the attitude of these people if there is a crystallization of attitude toward the United States?

Mr. BARAKAT. If there is a crystallization of attitude?

Mr. ARENS. Yes; what is that attitude? Are they friendly?

Mr. BARAKAT. I think that is a matter of record. The committee can take judicial notice of it, as the lawyers say, because it is quite currently known that there has been a rather adverse feeling toward the United States, because they believe that the United States was mainly responsible for the plight that they find themselves in.

These are not my views. I am speaking of the views expressed by these people, officially and unofficially. They feel that if it had not been for the moral and political support given by the United States, if it had not been for the millions of dollars in money that were poured in there from this country, not from the Government but from American citizens, the State of Israel would not have come into existence.

Mr. ARENS. On the basis of your study of the situation there and your knowledge of the situation, do you care to express your views respecting the effect on the attitude of the people of the Arab groups on legislation which might give recognition to a number of the Arab refugees for purposes of immigration to the United States?

Mr. BARAKAT. I have that in my statement here if you prefer to have me finish it.

Senator DONNELL. May I ask you one or two questions before you proceed, Mr. Barakat? You say that these more than 1,000,000 Palestinian Arab refugees have been uprooted from their homes as a result of the recent conflict in Palestine. Who has done this uprooting? Has it been by force by troops or has it been by decree or by voluntary action of the refugees?

Mr. BARAKAT. It is a combination of all of these things that you have mentioned. There were atrocities committed.

Senator DONNELL. By whom?

Mr. BARAKAT. By the Israeli troops. There was the Deir Yasin massacre which was publicized here in this country in the press. I think I have it here, but I will give the date later.

Senator DONNELL. In what year was that?

Mr. BARAKAT. It was in 1948.

Senator DONNELL. Was it before or after May 15?

Mr. BARAKAT. It was after May 15. There were other subsequent incidents. I mentioned the Faluja pocket already.

Senator DONNELL. Did that cause fear to arise in the minds of the Arabs, and was it imminent and active, because it brought about the leaving of their homes?

Mr. BARAKAT. It definitely was. That spread fear throughout the area, because it was rather a cold-blooded, cruel thing.

Senator DONNELL. In addition to the Israeli troops as being the cause of the uprooting of these refugees from their homes, what other contributing factors were there?

Mr. BARAKAT. I do not know of any. It was fear, imminent fear of bodily injury.

Senator DONNELL. From the Israeli troops?

Mr. BARAKAT. Yes.

Mr. ARENS. Are there, in addition to the Arab refugees concerning whom we have been speaking thus far, refugees of other races

or elements or groups who are displaced in the Palestine area generally?

Mr. BARAKAT. No.

Mr. ARENS. Are there not some persons of the opposing forces who were displaced?

Mr. BARAKAT. There were some in the original estimate. There was an appeal made by the late Count Bernadotte[1] on behalf of the Palestinian Arab refugees. Mention was made of some 7,000 Jewish refugees who came, perhaps, from areas that had been previously occupied by Arab forces.

Mr. ARENS. Where are they?

Mr. BARAKAT. I think they are today in Israel.

Mr. ARENS. Are they taken care of?

Mr. BARAKAT. I presume they are. It seems to me that it would not be very difficult to take care of 7,000 in Israel.

Mr. ARENS. I am not quite clear in my mind yet, Mr. Barakat, respecting the numbers who may be in an identifiable group in settlements or camps, as distinguished from the refugees who would just be scattered over the countryside and perhaps living with someone.

Mr. BARAKAT. Mr. Arens, as I said, I cannot give you a definite figure. Given a little time, I would be very glad to get you an accurate figure.

Mr. ARENS. Are you sure in your mind there is an identifiable group?

Mr. BARAKAT. I have mentioned at least one group, which is 225,000 in size, in the Gaza area in the southern part of Palestine.

Mr. ARENS. Do you mean within the Gaza area they are in an identifiable confine?

Mr. BARAKAT. They are in camps. I am sure that very accurate information could be given and that information could be given by the Friends Service Committee who administered relief to them in that area.

Mr. ARENS. Do you have information respecting the break-down within the refugee group as among orphans, families, and the like?

Mr. BARAKAT. They are roughly 85 percent of the refugees listed as infants, young children, pregnant women and nursing mothers, and old and feeble people. Fifteen percent are aged, sick, and infirm.

Mr. ARENS. Where did you get those figures?

Mr. BARAKAT. These official figures came from the United Nations relief group.

Senator DONNELL. What is the Gaza area? Is that inside or outside Israel?

Mr. BARAKAT. Presently, it is outside of it and it is occupied by Egyptians. Under the terms of the truce, it is still outside of Israel.

Mr. ARENS. Would you kindly proceed with your statement then, Mr. Barakat?

Mr. BARAKAT. I am not going to make an emotional appeal on behalf of these Arab refugees, Mr. Chairman, nor am I going into great detail in describing the untold hardships and physical and mental suffering endured by them during the past year. All this is a matter of record from the highest and most objective authorities.

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[1] Count Folke Bernadotte, UN Mediator who was murdered in Israel.

And what of the future? Again, on most reliable testimony, it is painted very dark. Former Ambassador Stanton Griffis, now United Nations head of Arab refugee relief, on his return from Geneva in early July, predicted mass starvation among the refugees by September unless new aid becomes available.

I believe that there is general agreement on the proposition that the sheer size of the problem will continue to demand action on an international basis. No one nation or group of nations can meet its heavy requirements. The neighboring Arab countries who, from the outset, have been bearing the burden of sheltering and feeding the refugees, are by general agreement considered to have greatly overstrained their weak economies in so doing and are no longer able to provide any material support in any great measure.

What of our responsibilities in the matter? Congress has already provided a generous share to the United Nations arab refugee fund and I am confident that it will once again respond should another appeal be made to it by the United Nations. Many American voluntary relief organizations, along with American business interests, have responded and are continuing to respond most generously to this great humanitarian appeal. Among such organizations are the Church World Service, the Catholic Near East Welfare Association, the Lutheran World Relief, the Friends Service Committee, the Unitarian Service Committee, the Watch Tower Bible and Tract Society, the Near East Foundation, and the Near East College Association.

The key to all this great outpouring of sympathy and material support, is that great American Christian humanitarian tradition which we all cherish, and, which is most eloquently and effectively spelled out in an editorial appearing in the June 19 issue of the Living Church, the weekly organ of the Episcopal Church, under the caption of "Palestine—a Christian problem." I am entering a copy of this issue in order that the above-mentioned editorial may be made a part of this record.

(The editorial referred to was marked "Barakat exhibit 2" and is as follows:)

PALESTINE—A CHRISTIAN PROBLEM

With the close of hostilities in the Holy Land, and the admission of Israel to the United Nations, the public—particularly in this country—is inclined to believe that the Palestine problem is solved. This is hardly true, even in the political sphere. And in terms of the people of Palestine, and of the future of the holy city of Jerusalem, the problem is far from solved.

The United Nations is on record as favoring the internationalization of Jerusalem, with protection of the holy places of Christianity, Judaism, and Mohammedanism. More than a year ago, the Security Council submitted to the Assembly the draft of a statute for the city of Jerusalem, based on a detailed study of the proposed international administration. The Israeli Government has promised to cooperate with the UN Palestine Conciliation Commission for a settlement of the Jerusalem question, and the Israeli spokesman, Mr. Eban, has given the Assembly the somewhat negative assurance that his nation has at least "not rejected the principle of an international regime in Jerusalem."

A recent study on the Churches and the United Nations, published by the Federal Council of Churches, notes that the Conciliation Commission has been directed to take into consideration the views of representative religious bodies in regard to the status of Jerusalem, and summarizes important actions and statements made by responsible Christian leaders on this subject. Four in particular are quoted, each asking that the city of Jerusalem and other sacred shrines be placed under the guardianship of the United Nations. The five presidents of the World Council of Churches wrote to the Patriarch of Jerusalem in April

1948: "We desire that the land of our Lord's earthly ministry shall be a land where men can live in peace and quietness and where the status of the holy places shall be secured and access to them freely maintained." The Federal Council in this country expressed the "deep concern" of American Christians for the holy city, asking that it be made a trust territory under the United Nations. The Near East Christian Council made a similar plea, as did the Ecumenical Patriarch, in an appeal directly to the United Nations.

Meanwhile Jerusalem continues as a divided city under two flags. The old city, the smaller of the two sections but the one containing most of the holy places, is under the administration of a military governor appointed by King Abdullah of Transjordan. The new city, in which some 100,000 Jews now live, is administered by the civil government of Israel. Persistent rumors suggest that both King Abdullah and the Israeli Government would like eventually to make Jerusalem the capital of their respective nations. Clearly this is a situation requiring constant vigilance and an early settlement by the United Nations.

Even more immediately pressing is the problem of the million or more Arab inhabitants of Palestine, Moslem, and Christian, who are still suffering from the war conditions of a year ago, and nearly three-quarters of whom are displaced from their homes. We publish in our news columns this week an appeal to the Secretary General of the United Nations on behalf of these refugees, signed by the Eastern Orthodox, Anglican, and Roman Catholic leaders in Palestine. Between the lines of this cautious understatement, the discerning reader may glimpse the suffering of hundreds of thousands of men, women, and children, who look to the Christian nations of the west for help in resettlement and for relief from the destitution to which they have been reduced by the war in Palestine.

While Christians rejoice that the homeless and persecuted Jews of Europe are increasingly finding a haven in the new state of Israel, the plain fact is that the cost of their security is the displacement of the Arab population, which has lived in Palestine for many centuries. Unfortunately this problem does not yet seem to weigh very heavily upon the consciences of the Zionists throughout the world, who give generously for the needs of their own people but who have not come forward in defense of those whom the security of the Israeli immigrants have made insecure.

The most fertile portions of Palestine have been assigned to or seized by the Israelis. Here lived the greater part of the Arab population. True, the Israeli Government has professed a willingness to have some of them back, when other negotiations are complete, but it has made clear that it does not really want them and thinks they should be settled elsewhere.

The resettlement of so many displaced farmers and townsmen in the arid, unfruitful mountain districts which alone remain in Arab hands is impossible, short of vast expenditures for the long-term cultivation and fertilization of the bare hills. King Abdullah's land beyond the Jordan, too, could absorb more people only after large irrigation and rehabilitation schemes had been effected. Meanwhile the displaced persons, who have become refugees under a plan to solve another refugee problem, are almost wholly dependent upon outside aid.

It is unthinkable that the Christian nations of the world, and especially the Christian people of this country, should suddenly stop all relief in November and expose the hapless victims of the Palestinian war, many of whom are themselves Christians, to the hazards of a winter without adequate food and shelter. But that is exactly what will happen unless prompt steps are taken, both by the United Nations officially and by private agencies unofficially, to work out a long-time plan for relief and ultimate resettlement and rehabilitation.

REPEAT PATTERN IN GERMANY

The pattern of the 1930's is beginning to repeat itself in eastern Germany. Once more a courageous German religious leader has called upon his people to resist repressive governmental tactics and "not to give in to the spirit of force and falsehood."

A dozen years ago it was Pastor Niemoeller who led the Protestant forces of Germany in their opposition to Nazi measures in restriction of the religious and civil liberties of the people. Today it is Dr. Otto Dibelius, evangelical bishop of Berlin, and chairman of the German Council of Churches, who issued a three-page Whitsunday letter to the clergy under his leadership in the Soviet zone denouncing practices of the Communist regime.

Bishop Dibelius charged that the situation in the Soviet-governed areas of Germany "now takes on a shape that bears the features that we resisted by the

will of God during the nationalistic (Nazi) period." He compared the political department of the Soviet police with the Gestapo, pointing out that their methods "are those of former times—gathering of material by spies and informers, nightly arrests, and weakening of men in jails." The bishop, himself a victim of Nazi concentration camps, undoubtedly knows what he is talking about—and what the personal consequences of his plain speaking may be.

ARMS (MORAL) AND THE CONGRESSMEN

There is something humorous in the precipitate way in which five Members of the House of Representatives were virtually snatched out of the Capitol and flown at the taxpayers' expense to Caux, Switzerland, for a "moral rearmament" rally. The resolution providing for "observers" was passed one day, the five Congressmen appointed the next, and by the third day they were on their way. One of the Congressmen was reported by his secretary to have "heard only vaguely" of moral rearmament, another was disclosed not to have known where he was going or why until he reached the airport to board the special plane; but, always ready for a good junket, the Representatives were Johnny on the spot when duty called them away from the Halls of Congress for a free flight to Europe.

Knowing the propensity of the Buchmanites to exploit prominent or official names, we are not surprised at their desire to have a congressional delegation at their world assembly. And as junkets go, it is a fairly inexpensive one, the cost to taxpayers being limited by the terms of the resolution to $5,000—a mere drop in the Washington bucket. We hope the Congressmen had a good time, and we trust they made an adequate contribution to what Dr. Buchman has defined as a Christian revolution to eliminate personal, political, and racial antagonisms throughout the world.

But we wonder what the Roman Catholic press would have said if Congress had sent an official delegation to, say the Assembly of the World Council of Churches in Amsterdam last year. And we are appalled at the thought of the hue and cry that would be raised by the Protestant press and pulpit if a congressional delegation were to be appointed to wait upon the Pope in the holy year that has been proclaimed for 1950. On the whole, we think it would be better for Congressmen to stick to their job in Washington and not to make trips to religious conventions at public expense, especially at the height of the legislative season.

THE PRESIDING BISHOP'S FUND

It is good to learn that, with the year less than half over and many returns not yet in, the presiding bishop's fund for world relief was nearly up to its goal of a million dollars, as of June 1. Well does the treasurer, Mr. Russell E. Dill, write: "It is the first time since I became treasurer of the national council that I have had the opportunity of seeing the church rise en masse to relieve modern world needs. It has been a thrilling experience. There is no strength greater or more far reaching than the church in action. I am proud to have had a part in this magnificent venture."

The people of the church have done well, and the words of praise are well deserved. We have no doubt that for the third consecutive year the million-dollar fund will be oversubscribed. But need knows no quotas, and we hope that parishes and dioceses that have not yet made their full contribution to this fund will do so. We have no doubt that the presiding bishop could usefully allocate 2 or 3 million dollars for the purposes of this fund—and there would still be many urgent needs unmet. We trust, therefore, that bishops and rectors will continue to keep this fund before their people, and that the people will continue to respond generously for the relief of needs growing out of the war, giving freely in the name of the Church of Christ.

Mr. BARAKAT. Mr. Chairman, we Americans have traditionally responded and will continue to respond to the call of human suffering and distress upon solely humanitarian grounds. We do not need selfish motivation to play the role of the good Samaritan. But in this particular situation, we can, if we so choose, Mr. Chairman, call upon a very selfish motive to fortify our instinctive humanitarian impulse. A friendly, stable Middle East is of great strategic and

economic importance to us, at a time when the onrush of an alien ideology is poised to strike in that vital crossroads of the world.

Senator DONNELL. You are referring to communism there.

Mr. BARAKAT. Yes.

Our investments in the area are in the billons. Their safety and our own security are dependent upon the maintenance of stability and security in that area. Such stability and security cannot possibly be maintained with over a million ragged, hungry, disillusioned, and embittered human beings seeking to find shelter and sufficient food to keep body and soul together. These conditions can breed only chaos, and the areas and countries in which they are scattered are rapidly becoming the happy hunting grounds of Communist agitators.

Mr. ARENS. Are the Arab refugees embraced within the definition of refugees and displaced persons as contained in the constitution of the International Refugee Organization?

Mr. BARAKAT. No.

Mr. ARENS. Are you sure of that?

Mr. BARAKAT. I am fairly positive of it, because I will indicate later in my statement that a test case came up before the Justice Department involving a Palestine student who tried to come within the provision of the act which permits nonquota immigrant students to come in. The examiner ruled very recently this past month that he did not come within the scope of that provision, that he was really a citizen of Israel, that the reason for his displacement was not due to anything that occurred after the outbreak of World War II, but was rooted way back further. They have completely ruled him out and ruled out the idea of a Palestinian refugee as being a displaced person.

Mr. ARENS. I know the definitions as contained in the constitution for refugees and displaced persons are very complicated and have a number of provisos and exceptions, and I am just wondering if there has been a determination as to whether or not the Arab Palestinian refugees are technically embraced in that definition?

Mr. BARAKAT. They are not, because the IRO itself has ruled that it is not under its constitution concerned with the Palestine refugees.

Mr. ARENS. If some provision were to be made in an enactment by the Congress embracing these persons as displaced persons, there would have to be a section there stemming separately from the present law; the present law, which starts with the definition as contained in the Constitution of the International Refugee Organization; is that right?

Mr. BARAKAT. That is right. We are proposing certain amendments to the various sections which will take care of that.

As Americans, what can we do for these wretched people? We can continue to give them a greater measure of our moral and material support. We can, if we choose, give an additional lift to their morale by some friendly gesture, which will help to revive their hopes and make them feel that there are people in Americaa who take a special interest in their welfare.

I would like to suggest, Mr. Chairman, that the inclusion of a limited number of Arab refugees in the Displaced Persons Act of 1948, would constitute such a friendly gesture on our part. We are, accordingly, proposing several amendments and additions to the Displaced Persons Act of 1948 which will be found on pages 1, 2, and 3 of the attached supplement.

Senator DONNELL. Are you filing the supplement to which you are referring?

Mr. BARAKAT. Yes.

Senator DONNELL. How lengthy is that?

Mr. BARAKAT. It is two and one-third pages and I will file it at this time.

(The document above referred to was marked "Barakat Exhibt 3," and is as follows:)

PROPOSED AMENDMENTS TO THE DISPLACED PERSONS ACT OF 1948, PRESENTED BY GEORGE M. BARAKAT, EXECUTIVE DIRECTOR, AMERICAN MIDDLE EAST RELIEF, INC.

SUGGESTIONS FOR AMENDMENTS TO THE DISPLACED PERSONS ACT OF 1948 (PUBLIC LAW 774, 80TH CONG.)

SEC. 2. Subsection (g) is added to section 2 of the Displaced Persons Act of 1948, to read as follows:

"(g) 'Eligible displaced person shall also mean an Arab native of Palestine, as it was constituted prior to November 29, 1947, who on or after November 29, 1947, and on or before September 1, 1949, as a consequence of hostilities, and out of fear of bodily harm or persecution, fled or was driven from his home in one part of Palestine, to another part of it, or sought refuge in Lebanon, or Syria, or the Hashemite Kingdom of Jordan, or Iraq, or Egypt, or Saudi-Arabia, and who on September 1, 1949, remains outside his home, in any part of Palestine, as defined above, or in any of the above-mentioned countries, either because he is not permitted to return to his home or that he has not been firmly resettled, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) for whom assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, and the members of such person's family who shall accompany such person and who propose to live with such person, shall not become public charges, and such assurances shall be sufficient for the purpose of all immigration laws of the United States. The spouse and unmarried dependent child or children under twenty-one years of age, if such an eligible displaced person shall, if otherwise qualified for admission into the United States for permanent residence, also be deemed eligible displaced persons.'"

SEC. 2. Subsection (h) is added to section 2 of the Displaced Persons Act of 1948, to read as follows:

"(h) 'Eligible displaced orphan' shall also mean a displaced person (1) who is under the age of sixteen years, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) who is an orphan because of the death or disappearance of both parents, and (4) who on or before the effective date of the act, was outside of his home, in any part of Palestine as it was constituted prior to November 29, 1947, or was in Lebanon, or Syria, or Hashemite Kingdom of Jordan, or Iraq, or Egypt, or Saudi-Arabia, and (5) for whom satisfactory assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be cared for properly."

SEC. 3. Section 3 of the Displaced Persons Act of 1948 is amended to read as follows:

"SEC. 3. (a) During the four fiscal years following the passage of the Act, eligible displaced persons and eligible displaced orphans seeking to enter the United States as immigrants shall be issued special nonquota immigration visas: *Provided*, That not more than four hundred thousand such visas shall be issued under this Act, including visas heretofore issued, and visas heretofore issued under this Act charged against future months as of the date of this Act as hereby amended shall have no effect on the immigration quota of any country: *Provided further*, That not more than two thousand visas shall be issued to eligible displaced persons as defined in subsection (d) of section 2 of this Act, not more than four thousand visas shall be issued to eligible displaced orphans as defined in subsection (h) of section 2 of this Act, and not more than ten thousand visas shall be issued to eligible displaced persons as defined in subsection (g) of section 2 of this Act, and not more than fifteen thousand visas shall be issued to eligible displaced persons as defined in subsection (f) of section 2 of this Act.

Subsection (b) of section 4 of the Displaced Persons Act of 1948 (Public Law 774, Eightieth Congress) to be amended to read as follows:

"(b) When used in this section the term 'Displaced Person residing in the United States' means a person who establishes that he lawfully entered the United States as a nonimmigrant under section 3 or as a nonquota immigrant student under subdivision (e) of section 4 of the Immigration Act of May 26, 1924, as amended, and that he is a person displaced from the country of his birth, or nationality, or of his last residence as a result of events subsequent to the outbreak of World War II; and that he cannot return to any of such countries, either because he is not permitted to do so by the occupying authorities, or because of persecution or fear of persecution on account of race, religion, nationality, or political opinions. A Palestinian Arab student shall be deemed to be included in the definition of a nonquota immigrant student eligible for admission under section 4 (a) of this Act.

Senator DONNELL. You may proceed with your statement now.

Mr. BARAKAT. I will briefly discuss these suggested amendments and additions.

First: We are proposing that section 2 be amended by adding subsection (g), so that a Palestinian Arab refugee would come within the definition of an "eligible displaced person" as defined in the act.

Second: We are asking that section 2 be further amended by adding subsection (h), in order that a Palestinian Arab orphan might come within the definition of an "eligible displaced orphan" as defined in the act.

Third: We are requesting that section 3, subsection (d), be amended so as to increase the number of orphans admitted under the act from three to four thousand and are proposing the addition of subsection (h), so as to permit the entry of 10,000 Arab displaced persons as defined in subsection (g) of section 2 of this act.

It will be noted that we are not asking for an increase in the total number of displaced persons to be admitted under this act, but are merely proposing that Arab displaced persons be given a fair allocation within that total.

Senator DONNELL. It would have the effect of reducing who would be eligible from other countries?

Mr. BARAKAT. I quite agree with you.

Fourth: We are requesting that subsection (b) of section 4 of the act be amended so as to make certain by clear and unambiguous language that Congress intends to include Palestinian Arab students now studying in the United States within the definition of a "nonquota immigrant student" under subdivision (e) of the Immigration Act of May 26, 1924, as amended, and to further make certain that he comes within the definition of a displaced person as defined in subsection (b) of section 4 of this act.

Senator DONNELL. Approximately how many Arab students are there?

Mr. BARAKAT. One hundred and twenty-five.

Mr. ARENS. Is there a decision handed down by somebody in the Government to the effect that a Palestinian student could not be embraced under what we call section 4 of the present law?

Mr. BARAKAT. That is right. I will give you the name if you would like to have it.

Mr. ARENS. I would like to see the opinion.

Mr. BARAKAT. I do not have the opinion before me. I merely have here the copy of a letter that I wrote to the student after I was shown the opinion, and commented on each one of the decisions.

Senator DONNELL. You have the citation of the opinion, where it may be found, do you not?

Mr. BARAKAT. Yes, I have the reference number to it. It is Mr. Zachary A. Zacharias, the Graduate Hospital, Nineteenth and Lombard Streets, Philadelphia, Pa. His reference number is Philadelphia No. 0400–31764, central office No. V–34462.

Mr. ARENS. Was that an opinion by the Board of Immigration Appeals or of the Immigration and Naturalization Service or by whom?

Mr. BARAKAT. It was one of the examiners of the Department of Justice, I think. Although this particular student had the opportunity to appeal from that decision—it was not the final decision—and I advised him to appeal it and commented on the various parts of it. The facts on which the decision was based were not quite right.

Senator DONNELL. What was the approximate date of the decision?

Mr. BARAKAT. This letter here is written as of July 25. I think it must have been a few days before that.

Senator DONNELL. Was that of this year?

Mr. BARAKAT. Yes.

Mr. ARENS. Is the net effect of that opinion, as you understand it, that an Arab student is ineligible for adjustment of status as a displaced person under section 4 of the 1948 act?

Mr. BARAKAT. Definitely. That was a clear statement made by the examiner. He went to great length to say, here, there is a boy who never lived in Israel as such, because he left there after the state of Israel came into existence. Yet the examiner ruled he was a native of Israel.

Secondly, you don't come within the classification anyway because you don't come within the category of those who are displaced as result of events following the outbreak of World War II. Your trouble started some time way back before that.

Mr. ARENS. What is the name of the man that rendered that opinion?

Mr. BARAKAT. I do not have it, but as I say, you can get all that information by referring to that number which I gave you.

The plight of the more than 125 Arab Palestinian students now studying in the United States is an especially difficult one. Since the commencement of hostilities in their former homeland, they have been cut off from all financial assistance. In view of the fact that our present immigration laws do not permit full-time employment of foreign students, those who are unable to obtain funds for the continuation of their academic work find themselves in a dilemma. Unless they can obtain funds, they cannot remain in school. And unless they remain in school, they cannot remain in this country because of the loss of their student-visa status. They cannot work to maintain themselves once they are out of school and they cannot be repatriated to their former home, because they will not be permitted to do so by the occupying authorities. In short, they are boys, not men, without a country.

A recent application of a Palestinian Arab student to qualify under the provisions of subsection (h) of section 4 was turned down by an examiner of the Department of Justice on the ground that he did not come within the scope of that provision.

Senator DONNELL. That is the Zacharias case, is it not?

Mr. BARAKAT. Yes. The examiner concluded that he was a citizen of Israel although he never resided in that country and would not at the present time be permitted to enter it.

Before I conclude, Mr. Chairman, I want to stress just one more thing, and that is the great desirability and need for maintaining and further strengthening our friendly relations with the peoples of that vitally strategic area. There was a time when America possessed a great reservoir of good will among the peoples of the Arab countries. I have every confidence, Mr. Chairman, that that reservoir will once again overflow with good will toward us if we, on our part, give them a living demonstration of our good will toward them.

Mr. ARENS. I have just one more question. Mr. Barakat, of the sixteen-odd bills which are pending in the Senate at the present time on the displaced-persons law, is there any provision in any of the proposed amendments which would embrace any of the persons who have been displaced in the Palestine area?

Mr. BARAKAT. I don't know. I cannot answer that at all, but I would say offhand that it is extremely doubtful. I do not know the bills pending, but I am doubtful that anyone would have sought to make such a provision.

Mr. ARENS. Thank you very much, Mr. Barakat.

Senator DONNELL. Thank you very much, Mr. Barakat. Is there anything else that you would like to add?

Mr. BARAKAT. I would like to add this document here which contains excerpts from letters from Dr. Costi K. Zuraky, chairman of the distribution committee of the Middle East Relief Association.

(The document referred to was marked "Barakat Exhibit 4" and is as follows:)

EXCERPTS FROM LETTER OF DECEMBER 11, 1948

Besides the Central Government Committee we have cooperated with and given supplies to the relief committee of the Permanent Palestine Office. This is a very trusted committee among whom are some of our graduates whom we know personally. It has done a really first-class piece of work. It runs three hospitals in Lebanon and does other notable relief work. Its accounts are audited by a trusted accountant.

In Syria we have worked with the Syrian Red Crescent and the Society for the Liberation of Palestine. The latter is the agency through which the Government is distributing relief to the refugees in Syria. I am enclosing a copy of a letter received from Mr. Eyer, program director of the Near East Foundation in Damascus, who personally supervised the distribution of the 15 bales of clothing we sent to that society. You will note that this agency is very cooperative and efficient. Mr. Eyer has told me personally that he kept in touch with their work and is impressed by the way they are undertaking their task. I think we can be sure that the goods we sent them will be properly distributed. They are willing at any time to have Mr. Eyer supervise or himself do the distribution of such goods.

In Palestine our agents have been the Arab Medical Association and the Palestine Public Health Service. The former is composed mostly of our graduates. Its chairman, Dr. Tawfuc Canaan, is a very trusted and respected leader in public service. Many of its members have remained at their posts and run the hospitals at great personal danger to themselves. We have no worry about goods sent over to them. The Palestine Public Health Service is run by Dr. Rafat Faris, another of our graduates and a brother of Dr. Nabih Faris whom you know. He has done splendid public-health work in Jerusalem. The third group is the General Committee for Displaced Persons in Palestine, whose vice president is Mr. Musa Nasir, one of our graduates, and a very, very honest and efficient worker. We have sent them 30 bales of clothing through the United Nations but

we have not yet heard from them regarding their distribution. The chief difficulty with regard to Palestine is the problem of transportation. Goods have to go over a long and insecure way before they reach their destination. Mail and other means of communication are very irregular, but I personally have no doubt that any goods received by Mr. Nasir will be properly and profitably distributed.

Recently we have been approached by a committee of Palestinian ladies in Lebanon for the distribution of some supplies to refugees who are not in camps and whose position does not allow them to solicit government aid but who are in dire need of help. The chairman of the committee is Mrs. Dimitri Salameh, and the secretary is Mrs. Munib Shaheed. We have begun to cooperate with this committee. They have agreed to volunteer to sort out clothing and to distribute supplies to needy persons under our supervision. We expect that we will benefit a lot from their help.

Finally let me mention the first-aid unit organized by our medical students under the chairmanship of Dr. George Fawwaz, of our medical school. This group is organizing a campaign for volunteers among the students and others to sell blood to the blood bank of the University Hospital. The money thus gathered they spend on the medical care of two camps, one in Sidon and other in Tyre. And now they propose to set up a delivery center for the many expecting women among the refugees. Thus they are serving this cause not merely by their time and energy but by their very blood. We have turned over to them one of the ambulances for the pursuit of this fine work. * * *

This committee has an investigation subcommittee which receives requests from individuals and organizations. Then its members go out and check on the need. Lists are made up, according to which supplies are allocated and packed by another subcommittee. Then the investigating committee goes out and distributes according to the lists. On many of their trips they have been accompanied by Mr. Shehadeh, the secretary of our committee, who has personally supervised all this work. Very careful records are kept. I enclose a sample form of the family distribution, as well as a sample page of the book in which their records are kept. I have asked the committee to prepare a detailed report of their work which will be forwarded to you.

Coordinating Committee of Voluntary Agencies: When Dr. Dodge was here he called representatives of voluntary agencies to study the ways and means of coordinating their work. This is in line with the work of the coordinating committee of the American Appeal for the Holy Land Refugees. I was not able to attend the preliminary meeting, but those who were present elected me as chairman, and I am calling a meeting early next week to proceed with the work. I am very anxious that some kind of organization be achieved both here and in the States to do away with every waste of funds and energy. Of course the main handicap at present is the fact that we do not know what the League of Red Cross Societies will actually be able to do. If we are to know how best to supplement their work we need a clearer picture of their plans and possibilities. Unfortunately, this has not been achieved as yet, but I propose to have a liaison officer between our coordinating committee and the league so that our work will proceed in close cooperation with all those concerned and give the best possible fruits.

In the first meeting it was decided tentatively that we concentrate on medical relief, other organizations to take other phases of the work such as education, recreation, etc. But of this I will be able to tell more after next week's meeting.

EXCERPTS FROM LETTER OF MARCH 17, 1949

Your letter of February 11, 1949, was received with its enclosure in due time. I have not been able in the last 2 or 3 weeks to write to you and give you a report of our work, first, because of my heavy duties at the university and, second, because we have been engaged in reorganizing our distribution according to the new situation which has arisen as a result of the transfer of the responsibility for the refugees from the Arab Governments to the League of Red Cross Societies and associated organizations. After long negotiations with the league, it was agreed that the various voluntary organizations would try to supplement the distribution of basic commodities which the league is at present undertaking. These commodities are now restricted, almost exclusively, to foodstuffs. As you may have noted from the minutes of the Coordinating Committee of Voluntary Agencies which I sent you and from the enclosed ones, the voluntary organizations decided to concentrate their efforts on seeking appeals for, and distributing,

clothing, medical supplies and educational and recreational equipment. The YMCA and the YWCA are specializing on the last phase of relief, namely, educational and recreational activities, to help the children of the refugees and to raise the morale of the camps in general.

The Near East Foundation is undertaking a sanitation project in Damascus and is also helping in sanitation work in the Bekaa, Lebanon. Church World Service, the Lutheran World Relief Organization, and ourselves will be concentrating on clothing and medical supplies. This does not mean that we will not be glad to receive and distribute other commodities, but that for the purpose of good organization among the various agencies and between them and the league, each one of them will take one aspect of the work as its main interest and responsibility. According to this, we have agreed with the league that we divide the distribution of clothing in Lebanon between us and the Belgian Mission with whom Mon. Hakim is associated. They will take the responsibility of distributing in Lebanon and we in the city of Beirut proper. There are at present about 22,000 refugees in Beirut. Our organization has begun to carry on this distribution in a very methodical way. The system is as follows:

We use the records of the league. The refugees are listed there on cards by families. Each card has the names, ages, and sexes of the members of the family. Our own staff and volunteers copy these cards on our own lists. These lists are then sent to our parceling center. At this center the lady volunteers are working daily in arranging the contents of the bales and making parcels. The bales are opened and their contents divided into various categories: Men's clothing, women's clothing, underwear, shirts, shoes, etc. As the lists come the ladies make parcels according to the number, the ages, and the sexes of the members of the families. Each parcel is then given the name of the responsible member of the family and the number of his card. On the parcel is tagged also the name of the Middle East relief association. The parcels are then carried to the distributing center where distribution takes place. The responsible member of the family brings his card, receives his parcel, and signs our list. We in our turn stamp his card with the stamp of our organization. Previous to the distribution, announcements of it appear in all the Beirut papers.

According to the recommendation of the league we began with the most needy quarter and during last week and the week before we distributed about 1,500 parcels to the same number of families totaling 5,331 persons. We are now awaiting the securing of proper depots and distributing centers in other parts of Beirut to begin our distribution there. In the meantime, the parceling work is going on and when the league begins its new monthly distribution of foodstuffs we will distribute clothing at the same time. We are at present allocating between 1 and 1½ kilos of clothing per person. If we are to fulfill our responsibility and distribute to all the refugees in Beirut proper, we will need about 35 tons.

I need not tell you that this system has received the approval of Government officials, the league, other voluntary organizations, and individual workers. It has taken much effort and time to organize it, but now that it is under way it is running smoothly.

Our secretary, Mr. Ramiz Shehadi, who has done exceedingly good work in organizing this distribution as well as in the various other activities of our association, has, unfortunately, left us recently, as he is planning to join his family in Mexico. Mr. Selim Macksoud, director of the Agricultural Section at the AUB, and an equally efficient young man, has taken his place and is doing very good work.

The centrifuge: I enclose a memorandum from Dr. Pinkston with regard to the centrifuge. I gave you a short statement about it in my last letter. I hope that this memorandum will give you an idea of the past use of this equipment and the possibilities for the future.

Lutheran World Relief Organization: As you will note from the enclosed minutes, we have established good relations with the Lutheran World Relief Organization. At our last meeting there were representatives from their centers in Lebanon and Palestine. In Lebanon they have a center at Shemlan in which they have established an orphanage and from which they undertake distribution to villages in Lebanon. In Palestine they have done good work in supporting a camp for boys at Jericho, and in other ways they are very fine workers and extremely cooperative.

Mon. Hakim has gone back to Haifa temporarily. When he returns, I will take up with him the question of his own participation in our work. I may say that Mon. Hakim is closely affiliated with the Belgian Mission, and our agree-

ment with this Mission on the distribution of clothing in Lebanon was made in his presence and on his recommendaton.

Statement in Al-Hayat newspaper: I read the statement enclosed in your last letter copied from the Al-Hayat newspaper concerning maldistribution and dishonest handling of relief supplies. As I said in my last letter, these reports are grossly exaggerated. Many accusations which have been directed against the Government relief agencies have proved to be false. There were, for instance, reports that blankets meant for the refugees had been exchanged for old and worn ones and sold in the market. Reliable persons who have had something to do with the clearing of these blankets through the customs have assured me that this is not true and that the blankets were originally received in the form and shape in which they were distributed. I have heard also from the Lutherans that when they opened the bales they received they were surprised to see how damaged and torn their blankets were.

Now that the Lebanese and Syrian Governments are no more responsible for the total care of the refugees, there are many refugees who see the situation in a brighter light and realize that the efforts of the Governments were not as bad after all.

In any case, you may assure your contributors that, whatever may be the situation outside our own organization, what is contributed through you and received by us is most honestly and meticulously distributed.

With best wishes for your continued endeavor and with warm regards to you and to all mutual friends in the States, I remain, * * *.

EXCERPT FROM LETTER OF APRIL 13, 1949

I am in receipt of your letter of March 28, 1949, together with its enclosures. These enclosures included four bills of lading (Nos. 142, 64, 24, and B/2). The shipments covered by these bills of lading are being cleared through the customs. We have taken note that the last one is to be turned over to Dr. George Schearer. I have already spoken with Dr. Schearer on the subject and as soon as the goods are cleared we will turn them over to him.

We appreciate these shipments tremendously as we are assuming increasing responsibilities for the distribution of clothing to refugees. Our committee is one of a few agencies which are now receiving clothing, and our distribution is filling a very strongly felt need. The League of Red Cross Societies, which is distributing relief on behalf of the United Nations in Lebanon, Syria, and Transjordan, has not yet distributed any clothing. Most of its relief so far has been in foodstuffs.

We are proceeding with the work of distribution in the Beirut area according to the plan outlined in my letter of March 17. We have now covered almost half the refugees in Beirut. Our work is very systematic and appreciated by all concerned.

I am enclosing three receipts and statements of appreciation from agencies that have received supplies from us: one from the chairman of the Social Services Committee of Jerusalem and the mayor of that city; the second from the Secretary of the Arab Protestant Evangelical Council in Amman; the third from Mr. Feldmahn of the Near East Foundation.

I enclose also a report about the situation of Palestinian refugees in Transjordan prepared by the Salt Relief Committee, together with seven receipts of supplies that we had sent to Transjordan through Reverend Cubain.

You will note how appreciative these agencies are. Please note also that these goods were not given to refugees of any particular sect but were distributed to needy individuals and communities without any distinction. Some pictures of refugees at the Zerka camp in Transjordan are also enclosed.

You may be interested to know that the Lebanese Government has recently decided to give our committee a monthly grant in aid of LLeb. 1,000.00 to meet our secretarial and other expenses. This is in recognition of the services of our committee to the cause of relief and it shows that the Lebanese Government has been appreciative of the help that you have been sending. I have now before me the first check covering payment for the month of March, and we have every good reason that these payments will continue so long as we are carrying on our present work.

COSTI K. ZURAYK,
Chairman, Middle East Relief Association.

EXCERPTS FROM A REPORT ON THE PALESTINIAN ARAB REFUGEES IN TRANSJORDAN

Lastly we must state with gratitude that the blankets and clothes that were kindly sent to us by the Near East Relief Committee through the Reverend N. A. Cubain, the chairman of the Arab Evangelical Episcopal Community, were of great value. They were distributed to over 100 families and we still look forward for further help, foodstuffs, medical drugs, and cash are urgently needed, there are still hundreds of families awaiting to receive help which God moves His faithful children to provide.

B. BOULOY.
S. S. SALEH.

COPY OF LETTER TO REVEREND CUBAIN FROM THE ARAB EVANGELICAL EPISCOPAL CHURCH

AMMAN, *January 3, 1949.*

DEAR REVEREND CUBAIN: The bales of old clothes and blankets which we have received from the Near East Relief Committee through you were really a blessing to many refugees in Amman. It is surprising to know how much help one can make with such a little quantity. The clothes were distributed to about 120 families of the poorest class. No denominational preference was followed. They were given to needy people of all faiths who were driven out of their houses and were not allowed to carry with them their belongings and even extra clothing. The people of Lydda and Ramle brought nothing with them, even their money was confiscated from them by the Jewish Army. The people of Lydda and Ramle and many others have settled in their refuge with no money, no clothing and no work. Such bad cases we have to face and try to help. Many of them have found their refuge to dwell in caves or in unhealthy rooms. From this brief description you can imagine the bad state they are in. Some of them were people of means and of good families but appear insufficiently dressed especially in this severe winter.

As the state is bad it was a gain to receive any sort of clothing by any family, rich or poor. This gift was greatly appreciated by all. I can assure you that the need is still great.

May I state that most of the clothing were summer clothes and mostly they were for ladies. The need is great for men's clothing and shoes for men, women, and children.

May I take this opportunity to thank you and the Near East Relief Committee for this help with the hope of receiving more of these aids in order to meet the prevailing need among the refugees.

Yours sincerely,

FAIK I. HADDAD,
Chairman of the Amman Relief Committee.

N. B.—I can see that the need is great to help the refugees by giving them money. This is clear because the Red Cross League is unable to cope with the heavy responsibilities of feeding big numbers. They give a partial help of flour, oil, and beans. This is not sufficient, and people need money to buy other things.

Senator DONNELL. Thank you very much, Mr. Barakat.

STATEMENT OF MRS. LOUIS NASSIF, WHEELING, W. VA.

Mr. ARENS. The next witness is Mrs. Louis Nassif.

Senator DONNELL. Will you please state into the record your name and address, and whether you are appearing personally or for some organization.

Mrs. NASSIF. I am appearing for both. I am a widow from Wheeling, W. Va. I would like to tell you a little bit about myself, because I noticed you asked some of these questions of Mr. Barakat.

Senator DONNELL. Please proceed.

Mrs. NASSIF. I served in the American Red Cross in the First World War and all through the last war as area instructor in surgical

dressings in over 22 counties in West Virginia, and I am commander of the First Division in the Cancer Control, Public Information Set-up Bureau for the Red Cross in Ohio County. So, you will know that I am speaking as an American who is on the scene and who saw the refugees with my own eyes.

Senator DONNELL. Have you been delegated by some organization to appear here as its representative?

Mrs. NASSIF. I have been asked by the American Middle East Relief, Inc., but I had volunteered long before they had asked me last March.

Senator DONNELL. You are appearing here at the request or through the request of Senator Neely of West Virginia, is that right?

Mrs. NASSIF. Yes, sir. I approached Senator Neely on this subject in March. If there are any questions you would like to ask me, I would be very happy to answer them.

I was over there in 1946 and I noticed you asked about communism. I noticed there was a great deal of talk about communism in 1946 and 1948. In 1948 it had lessened.

Senator DONNELL. The American Middle East Relief, Inc., for which you appear, is the same organization for which Mr. Barakat appears, is that right?

Mrs. NASSIF. I told you that I am appearing individually and through the request of Senator Neely.

Senator DONNELL. Very well, you may proceed.

Mrs. NASSIF. I have written a very short statement.

As an eyewitness of the misery and suffering of the Palestinian refugees I would like to intercede in their behalf. These poor, hapless people are unwilling guests of Syria, Lebanon, Egypt, and other Middle East countries, unwilling because they cannot believe they are never going back to their own homes again.

There are over 1,000,000 of these refugees, and their hosts have been strained to the breaking point in trying to care for them. They, the host governments, have assessed their own people surplus taxes of all descriptions for the purpose of keeping the Palestinian refugees alive. It is true that outside governments are contributing to help meet the need but it can never be enough. When you take a poor relative into your home, no matter how much the other relatives contribute toward his upkeep it is you who must bear the brunt of the burden. How, then, can these Middle East countries, not rich in any sense, continue to house these refugees? They will just have to be absorbed elsewhere, because they are the world's responsibility.

And since we do have a bill coming up, it behooves us as true, humanitarian Americans, to include these, the most unfortunate of all the world's displaced persons today. And if not from a humanitarian standpoint, which is the one we have always stood for, then from the standpoint of better understanding with the Arab countries. We must not be indifferent or lethargic about our relationships in the Middle East. We in America, in our greatness, suffer from a smugness that sometimes pays back in bad coin.

As a true American, whose devotion and loyalty to America can never be questioned, I recommend, wholeheartedly, the inclusion of Arab refugees in the S. 311 bill.

Senator DONNELL. Did you hear the testimony of Mr. Barakat this morning?

Mrs. NASSIF. Yes.

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Senator DONNELL. He said in substance, and if I misquote him I am sure he will correct me, that in his opinion the uprooting of more than 1,000,000 Palestinian Arab refugees from their homes was as a result of the fear of bodily injury from the Israeli troops. Do you concur in that?

Mrs. NASSIF. Senator Donnell, I have been lecturing on this since I have been back from there, and if you do not mind, I never bring the political angle into it. I am just speaking as a witness of the suffering of these people. Of course, I know what I read in the papers as everyone else does. We know there was a war, and we know of the unjustness of the war.

Senator DONNELL. You are not expressing an opinion as to the cause of their uprooting? You are simply testifying as to the suffering that you have seen; is that right?

Mrs. NASSIF. That is right, absolutely.

Mr. ARENS. Are these persons in an identifiable group?

Mrs. NASSIF. Yes.

Mr. ARENS. In other words, if one were going there tomorrow and say, "I want to see the 1,000,000, or at least part of the 1,000,000 Palestinian Arab refugees," he could be taken to some area where they all are?

Mrs. NASSIF. Yes; I visited the camps in Damascus and in Baalbek and Sidon, and I saw these people.

In Lebanon they had broadcasts in the evenings broadcasting to the men who were not in the countries where their families are and every evening for one solid hour the time is devoted to finding families and relatives for these people.

Mr. ARENS. How many of these persons are children or orphans?

Mrs. NASSIF. There are a great deal of them. I saw one group of orphans who had been adopted by Syrian volunteer women and they were dressed alike. I think there were 60 of them. They were being educated by the Syrian Government. These are the groups I saw in Syria.

I saw a great deal of orphans, of course, but this is one group that was being educated as a group by these volunteer women's organizations just like we do here such as adopting someone and doing things for them. I saw a great deal of death. I saw diseases. I saw a lot of things. There was an English girl with me and we did not eat for 3 days. We just had rolls and coffee, because we could not eat after the horrible sights that we saw.

Senator DONNELL. Did you see any able-bodied persons among these refugees?

Mrs. NASSIF. I brought pictures with me and I took the movies indiscriminately. I have not seen any one person that looked able-bodied. There might have been some that I did not see, and they certainly were not putting them there specially for me to view, because we just went there any time without being expected.

Senator DONNELL. Approximately how many individuals do you think you saw while you were over there?

Mrs. NASSIF. I am not very good at numbers.

Senator DONNELL. How many people did you see who came within the refugee class?

Mrs. NASSIF. I saw tents and tents full. I saw a whole tent city full of people and I saw them cooking with the smoke coming out of the tents. They were also in French barracks. The French are in Syria and in Lebanon, because of the mandate. They had them housed in there. They had them in tents. They had them in private homes. Some of the wealthy people had given up their homes for the summer and had gone somewhere. Some people just took them over and asked permission to live there.

Senator DONNELL. These refugees, as I understand it, were, I gather from your comments, Palestinian refugees and were not able-bodied, is that right?

Mrs. NASSIF. No.

Senator DONNELL. Am I correct in my statement?

Mrs. NASSIF. You are correct.

Senator DONNELL. You would divide them into what classes, old men, old women, and children, is that it?

Mrs. NASSIF. There were old men, a lot of young girls, women, a lot of children. I saw an awful lot of children.

Senator DONNELL. The children were able-bodied children, were they not?

Mrs. NASSIF. They helped, for instance, in the camps. Naturally, these camps are set up with some system. They have nurses and then they have the children doing certain chores. They have them set out for them. One collects the towels, for instance. They have these hydrants or faucets where they wash, you know. One is to see that the soap is there and one is to see that the towels are collected and one is sweep up. One is to inspect the rooms at certain times. There are three or four families in one room and somebody has to inspect and see that those rooms are kept clean, because after all, the main thing is to fight disease.

Senator DONNELL. The adults whom you saw were not able-bodied persons, were they?

Mrs. NASSIF. No, I did not see any able-bodied people. As I say, perhaps I was blinded to them by so much misery, seeing the old people and the children in ragged clothes, et cetera.

Senator DONNELL. How long were you there?

Mrs. NASSIF. Six months.

Senator DONNELL. You were seeing people constantly of this refugee class during that period, were you not?

Mrs. NASSIF. Yes.

Senator DONNELL. I wonder if you have anything else to say?

Mrs. NASSIF. I visited soup kitchens and I met the Danish commission that were there to set up their soup kitchen. I met the English committee there. I spoke with the American Red Cross people, being an American Red Cross person myself, naturally.

I wanted to know what they were doing, but it got to the point where I did nothing but go around over the State of West Virginia when I came back lecturing on the refugees.

Senator DONNELL. Are there any questions, Mr. Arens?

Mr. ARENS. I have no further questions.

Senator DONNELL. Is there anything further? If not, we will hear from the next witness.

STATEMENT OF PROF. JOHN G. HAZAM, PRESIDENT, INSTITUTE OF ARAB-AMERICAN AFFAIRS

Mr. ARENS. The next witness is John G. Hazam.

Mr. HAZAM. I am John G. Hazam, professor of history at the College of the City of New York, and president of the Institute of Arab-American Affairs. I come as an American, as a representative of the institute to testify before this committee. I, too, come not as a representative of any minority or well-heeled pressure group seeking for itself special privileges at the expense of the whole Nation, but I come as an individual American to plead for the maintenance of the traditional American practices of justice, fair play, and nondiscrimination in our dealings, particularly with the peoples of the Near East.

I beg the chairman's permission to suggest that in any proposed displaced-persons bill or alterations therein some consideration be given to the sad plight of the Palestine Arab refugees. As has already been pointed out, there are nearly a million of these innocent unfortunates, including about 150,000 Christian Arabs, uprooted from their homes by the terror and ravages of war. Of course, I do not propose that we attempt to solve this grave problem by allowing the Arab refugees to enter the United States en masse, but I do recommend on humanitarian grounds that part of the globe.

For the last hundred years, American missionary and educational enterprise in the Near East has laboriously built up a vast reservoir of good will among the Arabic-speaking people. Indeed, most of the present leaders of the Arab world and representatives in the United States and UN were trained at the American University of Beirut and taught the love of America and an admiration for its institutional ideas and ideals. That in itself is a precious spiritual heritage for Americans to preserve, protect, and cherish. We were popular in the East also, because unlike the covetous European powers, we had no political axes to grind. We were there to serve and not to exploit.

It is precisely because of the existence of this American trust and popularity and good will that American businessmen were accorded tremendous economic advantages and valuable concessions in this area, commercial rights, air rights, mining rights, and especially the right to tap the largest petroleum oil reserve in the world.

Our defense officials have repeatedly warned us that the Arabian oil is vitally necessary to the success of the Marshall plan and, hence, to our ultimate national security. Yet, all of this is seriously endangered, if not already sacrificed, by the short-sighted policy which we have been compelled to pursue, mainly under powerful and incessant pressure from highly organized minorities whose interests appear to be diametrically opposed to those of the Nation.

In the last few years, when American actions took the form of outright support of zionism and rammed through the UN assembly the plan for the partition of Palestine in November 1947, American prestige in the Near East suffered a deep slump. When this was followed by immediate recognition of Israel and a huge loan, admiration for America was converted to disillusionment. Now with three-quarters of the Arab population of Palestine made destitute refugees, living under tents and trees, it is very sad. They have lost their lands, their meager savings, their ancestral homes, now taken over and occupied

by Jewish immigrants brought from Europe by money largely collected in America. The State of Israel has so far refused to permit their unconditional repatriation, has not compensated them so far as damage for their losses is concerned, has contributed not a single penny to alleviate their suffering.

Is it any wonder then that the Arabs feel that they have lost a battle only and not the war and are feverishly building up their armies? Many of them believe that they have been betrayed by their incapable leadership and defeated by American dollars and by failure properly to present the Arab case to the American people. If goaded regarding the Arab refugees, they might retaliate on the million innocent Jews residing within the Arab world. They are unwilling to be absorbed into the population of the surrounding Arab countries and they are too poor to stand the strain. These countries want Israel to allow the repatriation of those who wish to return.

The Arab refugee problem is a festering sore in the body politic of the Middle East. It bodes ill for the peace and stability of this region. Hungry and homeless and hopeless people are a reservoir of hate and chaos and whose troubled waters Soviet Russia, which voted for partition probably to bring about this condition, can successfully fish. Failure to care for the refugees adequately will strengthen the hands of the Arab extremists, either as ultra nationalists who wish to renew war with Israel and/or as revolutionaries use the widespread misery and discontent to extend the cancer of communism to the Middle East.

I agree fully with the detailed recommendations for amendments to the displaced-persons bill made by Mr. Barakat. Archbishop Arthur Hughes, papal representative in Egypt, is reported to have said regarding the Arab distressed persons: "The primary responsibility for the refugees rests with those states who supported the partition of Palestine."

As admittedly the major factor in bringing about this tragic drama, we should at least make a gesture of renewed friendship and understanding toward the Arab world by accepting a relatively small number of their refugees. We owe this to our self-respect, reputation, and prior position in history. The eyes of 50,000,000 Arabs and 300,000,000 Moslems, not to mention all Asia are upon us. Let us not be led astray. Let us stand by our traditional humanity for peace and justice and equity, and not forget our moral stake in the issue.

Senator DONNELL. Is the partition the cause of the displacement to which reference has been made by you?

Mr. HAZAM. Partly.

Senator DONNELL. What are the other causes, if any?

Mr. HAZAM. The other causes are the terrorizing of the population by the Israeli forces.

Senator DONNELL. What do you regard as the major cause of the displacement?

Mr. HAZAM. We will go back to the Balfour Declaration of 1917, the partition plan, the proclamation of the State of Israel. Those are the major points which brought about the situation which is confronting us.

Senator DONNELL. Do you consider the fear of bodily injury from troops has contributed to it?

Mr. HAZAM. Definitely.

Senator DONNELL. Do you think it has brought about a very large proportion of vast displacement?

Mr. HAZAM. Definitely, and there is a feeling among the Arabs themselves that the State of Israel deliberately went into terrorism in order to frighten the rest of the population out of the country.

Senator DONNELL. I suppose it is impossible to ascertain statistically the cause of each of the displacements, but are you able to tell us from your study of the matter what proportion of the 1,000,000 displaced Arab refugees have become displaced by reason of fear of body injury from the Israeli troops?

Mr. HAZAM. I would say that most of them, a large part of them.

Senator DONNELL. Do you mean by that most of them, or just a bare 50 percent plus?

Mr. HAZAM. Nearly all of them.

Senator DONNELL. Mr. Hazam, your name would indicate that you are of Arabic descent, are you not?

Mr. HAZAM. I am of Arabic extraction.

Senator DONNELL. You are an American yourself, are you not?

Mr. HAZAM. Yes, sir.

Senator DONNELL. From what place did your parents come?

Mr. HAZAM. They came from Lebanon.

Senator DONNELL. The same country from which Mr. Barakat's parents came, is that right?

Mr. HAZAM. That is right.

Senator DONNELL. You spoke of being here representing an institute, did you not?

Mr. HAZAM. The institute of Arab-American Affairs. That is an organization which was organized in 1942, I believe, with the idea of promoting understanding and better relations between America and the Arabic-speaking people on the other side.

Senator DONNELL. Are you the president of that institute?

Mr. HAZAM. I am the president of that institute.

Senator DONNELL. Who are some of the other participants in the institute, either officially or otherwise?

Mr. HAZAM. The director is Mr. Khalil Totah. He is a doctor of philosophy from Columbia and for some twenty-odd years was head of the school run by Quakers in Ramallah just outside of Jerusalem. He has been residing permanently in America since the war.

Senator DONNELL. Where is the office of the institute located?

Mr. HAZAM. 160 Broadway, New York City.

Senator DONNELL. Mr. Arens suggested that we might have the record show something of your background as to your study of this situation. You are a professor of history at the City College of New York. Have you given special attention to the study of history of these Palestinian situations?

Mr. HAZAM. I have studied Near Eastern history.

Senator DONNELL. How long have you specialized in that line of work?

Mr. HAZAM. Ever since I went to college I began to study Near Eastern courses and have taught courses on the history of Asia and the Near East in several institutions.

Senator DONNELL. What degrees do you hold?

Mr. HAZAM. I hold a degree of B. A. from Yale and an M. A. and Ph. D. from the University of California.

Senator DONNELL. In what year did you take your Bachelor's?

Mr. HAZAM. 1923.

Senator DONNELL. And what about your subsequent degrees?

Mr. HAZAM. 1928 and 1932 I believe.

Senator DONNELL. Have you been in Palestine yourself?

Mr. HAZAM. Yes, I have.

Senator DONNELL. When were you there?

Mr. HAZAM. The last time I was there was about 10 years ago.

Senator DONNELL. For how long a period were you there?

Mr. HAZAM. For about 8 months.

Senator DONNELL. Had you been there before that?

Mr. HAZAM. Yes, before that in the thirties.

Senator DONNELL. Were you there any other time?

Mr. HAZAM. I made several trips.

Senator DONNELL. Are there any questions, Mr. Arens?

Mr. ARENS. No, sir.

Senator DONNELL. Had you finished your statement, sir?

Mr. HAZAM. Yes, sir.

Senator DONNEL. Thank you very much for your testimony.

Mr. ARENS. In order to complete the record there are some additions to the record that I would suggest be received, some communications received by the subcommittee from persons who have expressed themselves on this issue but who apparently were unable to be here or at least have not appeared here in person to express themselves.

Senator DONNELL. Very well, the communications will be received into the record at this point.

Mr. ARENS. The communications referred to are as follows:

SEPTEMBER 9, 1949.

Senator PAT MCCARRAN,
Chairman of the Immigration Subcommittee,
Room 424, New Senate Building, Washington, D. C.:

Would appreciate your help and influence to amend the provisions of S. 311 to include Arab refugees for the need to strengthen American friendly relations with Arab countries.

MRS. CLYDE MALSON.

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Chairman, Immigration Subcommittee,
Room 424, New Senate Building, Washington, D. C.:

Very much in favor of new bill on displaced persons allowing Arab refugees in United States.

Sincerely,

NICHOLAS BAHOUTH.

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Chairman, Immigration Subcommittee,
Room 424, New Senate Building, Washington, D. C.:

Very much in favor of new bill on displaced persons allowing Arab refugees in United States.

Sincerely,

FRANK BAHOUTH, Sr.

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Chairman Immigration Subcommittee,
Room 424, New Senate Building, Washington, D. C.:

Would appreciate your help and influence to amend the provision of S. 311 to include Arab refugees for the need to strengthen American friendly relations with Arab countries.

MRS. ARNOLD KELLER,
Elmgrove, W. Va.

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Chairman Immigration Subcommittee,
Room 424, New Senate Building, Washington, D. C.:

We urge further amending the Senate bill S. 311 a proposed amendment to the Displaced Persons Act of 1948 to include Arab refugees to enter the United States.

S. Z. SHEHAB.

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Senate Office Building, Washington, D. C.:

Amendment of Senate bill S. 311 to include admission of Arab refugees is an urgent moral obligation for America whose powerful support and governmental policy assisted the armed invasion that resulted in the loss of homes, property, and country by these tragic suffering people.

ELIZABETH REYNARD.

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Senate Office Building, Washington, D. C.:

Strongly urge amendment of Senate bill S. 311 to include admission of Arab refugee these now constitute by far the largest and most tragic group of displaced persons and as our country's policy and money were largely responsible for their plight we should do everything possible to relieve their suffering.

VIRGINIA C. GILDERSLEEVE.

SEPTEMBER 8, 1949.

Senator PAT MCCARRAN,
Chairman of Immigration Subcommittee,
Room 424, New Senate Building, Washington, D. C.:

I have received many letters from the Arab refugees and know they are suffering greatly since being forced to leave their homeland it would be nice to strengthen our relations with the Arab countries by including the Arab refugees in the Displaced Persons Immigration Act and giving these people a chance to make their homes in our country.

Rt. Rev. GEORGE KATTOUF.

SEPTEMBER 8, 1949.

Hon. PAT MCCARRAN,
Chairman of Immigration Subcommittee,
Room 424, New Senate Building, Washington, D. C.:

Am convinced that the proposed amendment to Senate bill 311 now before your committee to include Arab refugees is humanitarian and will strengthen our world-wide relations. Will appreciate your support of this amendment.

SARAH DIXON MAY.

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Chairman of Immigration Subcommittee,
Room 424, New Senate Building:

Would like to have you amend the provision of S. 311 to include Arab refugees from a humanitarian standpoint.

ANNE JOHNSON.

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Chairman of the Immigration Subcommittee,
Room 424, New Senate Building:

Would like to amend the provision of S. 311 to include Arab refugees for the need to strengthen American friendly relations with Arab countries.

Mrs. JESS SLEIME, *Elm Grove, W. Va.*

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Chairman of the Immigration Subcommittee,
Room 424, New Senate Building:

Would appreciate amendment of provisions of S. 311 to include Arab refugees for the need to strengthen American friendly relations with Arab countries.

Miss HILDEGARD M. WOLF,
Wheeling, W. Va.

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Chairman of the Immigration Subcommittee,
Room 424, New Senate Building:

Please amend the provisions of S. 311 to include Arab refugees for the need to strengthen American friendly relations with the Arab countries.

Mr. and Mrs. FRANK ESTEP,
Elm Grove, W. Va.

SEPTEMBER 1, 1949.

Senator PAT MCCARRAN,
Chairman, Senate Immigration Committee,
Room 424, New Senate Building:

In behalf of 200,000 Syrian and Lebanese Americans throughout the Southeast we strongly urge the amending of the Displaced Persons Act of 1948, S. 311, to include Arab refugees. We strongly believe this would strengthen and create a better understanding and a more friendly relation between United States and the Arab countries.

M. C. ZANATY,
Director General, Southern Federation of Syrian Lebanon American Clubs, Birmingham, Ala.

SEPTEMBER 7, 1949.

Senator PAT MCCARRAN,
Chairman, Immigration Subcommittee,
Room 424, New Senate Building:

Very much in favor of new bill on displaced persons allowing Arab refugees in United States.

Sincerely,

BERT E. BALDWIN.

SEPTEMBER 3, 1949.

Senator PAT MCCARRAN,
Chairman of the Immigration Subcommittee,
Room 424, New Senate Building, Washington D. C.:

The men that gave their life for the rights of man would go in vain if the United States were now to relax its humanitarian deed to give relief to those needy and displaced persons of Europe and the Near East. I respectfully urge your every effort to assist this worthy cause by allowing their immigration to America. The Arabs of Palestine and the Near East are in dire need of American assistance and their cause should not go unheeded.

ELIE EASSA.

HOUSTON, TEX., *August 31, 1949.*

Senator PAT MCCARRAN,
Chairman, Senate Immigration Committee,
Room 424, New Senate Building, Washington D. C.:

We urge amendment of Displaced Persons Act of 1948 by altering S. 311 to include refugees from Lebanon, Syria, and other Middle East countries. This would strengthen friendly relations between ourselves and the nations of the Arab world. Your cooperation would be humanitarian and timely.

SOUTHERN FEDERATION OF SYRIAN-LEBANON-AMERICAN CLUBS,
K. E. ANTONE, *President.*

Senator PAT MCCARRAN,
Chairman, Senate Immigration Committee,
Room 424, New Senate Building, Washington, D. C.:

Through resolution the Western Federation of Syrian-Lebanon-American Clubs urges the adoption of amendment to S. 311 to include Arab refugees. This resolution is based upon humanitarian grounds and the great need of strengthening friendly relations between ourselves and Arab countries.

GEORTE EL KOURI,
Director, General Western Federation.

AUGUST 31, 1949.

Senator PAT MCCARRAN,
Chairman, Senate Immigration Committee,
Room 424, New Senate Building, Washington, D. C.:

The Syrian and Lebanese American Federation of the Eastern States consisting of over 100 clubs and representing almost 25,000 Americans of Arabic-speaking descent strongly urge that your committee adopt amendment to bill S. 311 so as to include Arab refugees. Such adoption will be humanitarian act and will serve to strengthen and renew the friendly ties and relations long existing between our United States and our ancestral Arab homelands. In name of God and humanity we plead that you will help the plight of the innocent and unfortunate Arab refugees by adopting this amendment.

COSMO M. ANSARA, *President.*

SEPTEMBER 1, 1949.

Senator PAT MCCARRAN,
Chairman, Senate Immigration Committee,
Room 424, New Senate Building, Washington, D. C.

DEAR SENATOR MCCARRAN: Our attention has been called to S. 311, which bill is intended to amend the Displaced Persons Act of 1948.

"The Omaha people of Syrian and Lebanon descent, we are sure, are interested, as good American citizens, in cementing the relationship between this country and the States of Syria and Lebanon. Based upon this assumption, we urge your active interest in promulgating, for the benefit of the displaced persons in Syria and Lebanon, any act which would tend to enhance the welfare of these people and to minimize the hardship which is prevalent among so many peoples today.

Very truly yours,

BOLUS J. BOLUS.

BROOKLINE, MASS., *September 7, 1949.*

Senator PAT MCCARRAN,
Chairman of the Immigration Subcommittee,
New Senate Building, Washington, D. C.

MY DEAR SENATOR MCCARRAN: We, the undersigned, American citizens of Palestine Arab extraction, professing the Christian faith, beg of Your Honor and of your committee to give kind and sympathetic consideration to the extremely lamentable condition of the hundreds of thousands of Arab refugees.

It is needless to go into details about the pitiful and almost hopeless situation to which the vast majority of these unfortunates have been reduced.

Whether by terrorism, sheer force or fear, these helpless people fled from their homes, villages, and towns with hardly any clothing but what they had on their backs.

Many poor people, with hardly any money, had to walk long distances to escape impending danger. Those who in their great fright and hurry succeeded in taking all the money they could get, saw their funds dwindle away to face as well as many other thousands extreme hardships, deprivations, hunger and sickness.

As many of them as was possible were accommodated in friendly homes. Others were lucky to find lodging places in damp basements or in unhealthy deserted buildings. The rest had either to creep into uninhabitable caves, remain along the highroad, take shelter under the small fig and olive trees or under the torn canvas or burlap tents.

Many a pregnant woman—even of the formerly wealthy class—were delivered alongside the country roads without any consideration to sanitation, privacy, or professional care.

Ah, what a life of constant anguish, of disrupted families, untold moral and physical sufferings and precariously high rate mortalities.

Due credit and recognitions should be given to neighboring countries, philanthropic organizations, and charitable friends who did their utmost in helping these displaced persons.

But the lamentable sitaution dragged longer than was ever expected. The responsibilities of these different bodies became greater and the burden heavier than they could possibly bear. Unless speedy help is given and a satisfactory solution is provided for, the tragedy will be complete.

It may interest Your Honor to know that the Arab Palestinians—whether Christians or Mohammedans have always been great admirers and lovers of the American people. They have truly sustained a severe blow. But hopes are entertained that future favorable policies and sympathetic attitude toward the refugees will soften and alleviate the effect. These as well as the rest of the Arab world were, and could be won over again, to be the best friends the United States have in the Middle East.

A multitude of these refugees—grown-up men, women, and youths—have already been and are still being educated in American institutions. The lofty American principles and the magnanimous ideals which were and are being engraved on their hearts have already been and will surely be amply manifested in future years. They are an asset for the general welfare, that could be relied on.

Enthused by this reservoir of good will, loyalty, confidence, and friendship of the Arabs toward the American Government and Nation, we the undersigned loyal American citizens beg of Your Honor to amend and act favorably on the Senate bill S. 311, so as to include the Arab refugees who have lost their homes, belongings, and property.

While we ask this favor in a purely humanitarian spirit and as a good gesture to the rest of the Arab world, we feel quite confident that these newcomers will make good, loyal, and law-abiding citizens.

Sincerely yours,

E. J. SAWABINI, M. D.

BOSTON, MASS., *September 7, 1949.*

Senator PAT MCCARRAN,
New Senate Office Building, Washington, D. C.

DEAR SIR: My attention has been called to Senate bill S. 311 which authorizes the entry to this country of certain number of refugees but makes no provision for depopulated Arabs in Palestine who were driven out of their homes,

their property looted, burnt, or confiscated. I understand that a hearing is scheduled to take place on the 9th of this month before a senatorial committee to look into this matter, and try, if possible, to grant the same concession to some of those unfortunate Arabs.

I was born and raised in Syria, came to this country 49 years ago. I am therefore in a position to understand conditions in Palestine although I have no immediate interest there. I am also well-posted on the Palestinian question, and I think it was most unfortunate this country did not adopt a neutral position toward this hideous breeder of complications. However, the die is now cast, and we can only hope the distressed Arabs of that country will be placed on the same footing as the distressed refugees of other countries. I am adding my appeal to the unbiased and sound judgment of your committee. Having such important stakes, at present and for many years to come, in Arab countries, it behooves this Nation to give the Arab element of the world little more consideration.

I am, sir,

Very cordially yours,

E. J. MARIA.

BOSTON, MASS., *September 7, 1949.*

Senator PAT MCCARRAN,
Chairman, Immigration Subcommittee,
New Senate Building, Washington, D. C.

DEAR SENATOR MCCARRAN: I note with a great deal of interest that you are conducting hearings on Senate bill S. 311 which is a proposed amendment to the Displaced Persons Act of 1948, under which a limited number of duly qualified European refugees are to be permitted to enter the United States.

At present the draft of the above amendment does not include any provision for the entry of Arab refugees.

In spite of the strained relations between the middle eastern governments and our own which have been wholly caused by developments in Palestine, the great humanitarian work of American organizations such as the American Near East College Association, American Near East Foundation, American Middle East Relief, and the American missionary groups of all denominations have nevertheless helped to partially maintain American prestige and good will during a trying period.

Through no fault of their own, hundreds of thousands of Arabs have been dispossessed of homes and livelihoods. Their bitterness is not only directed at their immediate adversaries but also at the major powers whom they hold partially responsible for their present sad plight.

A friendly Middle East is of great strategic importance to the United States. In order to win back some of our good will and at the same time maintain our tradition as the greatest humanitarian Nation on earth I respectfully urge you to further amend Senate bill S. 311 to include Arab refugees.

Sincerely yours,

JACOB SALIBA.

SYRACUSE, N. Y., *September 7, 1949.*

Senator PAT MCCARRAN,
Chairman of Immigration Subcommittee,
Washington, D. C.

DEAR SIR: We, the undersigned wish to express our opinion of what we think to be the moral obligation of America concerning the Arab refugees of Palestine.

The Arabs have lost faith in America. Once, and that was until recently (about 4 years ago), America and democracy were identical terms to the Arabs. They have always realized that a great deal of their modern awakening was due to the patient efforts of American universities and schools in their countries. Their faith in America was as deep as those efforts were. But by one stroke of short-sightedness and due to the unproportional Zionist pressure that faith was almost completely destroyed.

We believe that for a long-term and wise policy America should restore the faith of the Arabs in us. Only through concrete examples that faith could be restored. One of the good gestures to build up and revive the good will

between us and the Arabs is to include their helpless refugees among the categories of the Displaced Persons Act, S. 311.

We remain,

Truly yours,

ALI OTHUAN.
AHMED LUGHOD.
AHMAD HINDI.
BICHARN MUUDI.

ALLSTON, MASS., *September 6, 1949.*

In re S. 311.

Senator PAT MCCARRAN,
New Senate Building, Washington, D. C.

DEAR SIR: I am very strongly and sincerely of the opinion that we would be performing a most humanitarian deed by the enactment of any legislation which would be helpful to the displaced persons of the Near East.

Among these are many of Christian faith who have been dispossessed of all their worldly goods and their homes.

In addition to the humanitarian side of the picture, I believe that the Arab world would recognize your consideration as unmistakable evidence of our good will and impartiality.

Very truly yours,

ABRAHAM HADDAD.

THE FIRST PRESBYTERIAN CHURCH,
Syracuse, N. Y., September 6, 1949.

Senator PAT MCCARRAN,
Chairman of the Immigration Subcommittee,
New Senate Building, Washington, D. C.

MY DEAR SENATOR MCCARRAN: I have just received information that the present draft of Senate bill S. 311 relating to the admission of displaced persons to the United States does not include a provision for the entry of refugees from the Arab countries of the Near East. It seems to me that this omission is very grave and has very serious political as well as social implications. We certainly should have learned from our tragic experience with the Chinese Exclusion Act and the other unfortunate legislation relating to the immigration of orientals that it is a grave mistake to discriminate against any people. This is particularly true today as the world is relatively so much smaller than it formerly was.

I would like to suggest with all possible emphasis on both humanitarian and practical grounds that the proposed bill be altered to include a provision for the entry of the peoples of Arab countries on an equality with those of other lands.

Very sincerely yours,

HARRY B. TAYLOR.

ALLSTON, MASS., *September 7, 1949.*

Senator PAT MCCARRAN,
United States Senate.

MY DEAR SENATOR MCCARRAN: It was called to my attention that a hearing will take place September 9, 1949, on Senate bill S. 311.

The Arab people, refugees from Palestine, who are at the present time homeless, destitute, and hungry need a place and a home to go to. I believe and I beg of you as an American citizen to make an amendment to Senate bill S. 311 which will include these poor, hungry, and destitute Arab refugees to be considered displaced persons and to permit them to enter our beloved country, the United States of America.

I am sure that you will see with me the need for strengthening our friendly relations with the Arab countries and that you, as chairman of the Immigration Subcommittee will do your utmost to include these Arab refugees as displaced persons and allow them to enter the United States.

Thank you very much.

Sincerely yours,

ANTOUN MUDARRI.

PITTSBURGH, PA., *September 6, 1949.*

Hon. Senator PAT MCCARRAN,
Chairman, Immigration Subcommittee,
New Senate Building, Washington, D. C.

DEAR SENATOR MCCARRAN: We urge further amending the Senate bill S. 311, a proposed amendment to the Displaced Persons Act of 1948, to include Arab refugees to enter the United States.

Surely great democratic and humanitarian America would not exclude those poor starving people whose plight is now known to the whole world from such a privilege.

We believe that such an amendment would strengthen badly needed friendly relations between ourselves and the peoples of Arab countries.

Dr. M. H. BITAR,
Member, Board of Directors, American Middle East Relief, Inc.

PITTSBURGH, PA., *September 3, 1949.*

Senator PAT MCCARRAN,
Chairman of Immigration Subcommittee,
New Senate Office Building, Washington, D. C.

DEAR SENATOR: We urge further amending the bill, S. 311, proposed amendment to the Displaced Persons Act of 1948, to include Arab refugees to enter the United States, and this would help to amend badly needed human relations between the United States and the people of Arab countries.

Sincerely yours,

GEORGE S. KHOURY,
Chairman of American Middle East
Relief, Pittsburgh Chapter.

SYRIAN PROTESTANT CHURCH, BROOKLYN, N. Y.

Senator PAT MCCARRAN,
Washington, D. C.

HONORABLE SIR: I understand that the Immigration Subcommittee will hold a hearing on Friday, September 9 inst., on Senate bill S. 311, relative to permitting a duly qualified number of "refugees" to enter the United States. May I, in this connection, call your attention to the Palestinian refugees, 900,000 of them, who have spent a year of misery away from their homes, and who are facing another cruel winter in tents and under trees.

I am strongly hoping that our Government, nothing the world under God and our glorious flag of mercy and righteousness, will overshadow these worthy but unfortunate people in the land of the Prince of Peace and Lord of Mercy, until the problem of Palestine is justly solved to the permanent advantage of all parties concerned. Thank you.

Respectfully yours,

Dr. KALIL A. BISHARA.

Senator DONNELL. Is there anything further? Are there any other persons who desire to be heard on this matter of the Palestine refugees? Apparently not, so the meeting is recessed subject to the call of the Chair.

(Whereupon, at 12 m. the hearing was recessed subject to the call of the Chair.)

DISPLACED PERSONS

FRIDAY, SEPTEMBER 16, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10 a. m., in room 424, Senate Office Building, Senator Herbert R. O'Conor presiding.

Present: Senator O'Conor.

Also present: Richard Arens, staff director of the special subcommittee.

Senator O'CONOR. The hearing will please come to order. The subcommittee will proceed to the consideration of the displaced persons legislation.

We are honored by the presence of the very able Senator from California, Mr. Knowland, and we will be very happy, Senator, if you would proced to give us the benefit of your views on the matter.

STATEMENT OF HON. WILLIAM KNOWLAND, A UNITED STATES SENATOR FROM THE STATE OF CALIFORNIA

Senator KNOWLAND. I appreciate the opportunity to appear before your subcommittee. During your discussions of the displaced persons legislation, I would like to direct your attention to the situation of the White Russian refugees.

Section 4, which amends section 3, subsection (b), of the Displaced Persons Act of 1948, provides that the visas may be provided for displaced persons or refugees defined by the constitution of the IRO who (1) either resided in Shanghai on July 1, 1948, or who (2) qualified under the immigration laws of the United States; and in that connection I would like to call your attention to Senate bill 666, which I introduced on January 27, 1949, and which is presently before the Judiciary Committee.

When Senate bill 666 was introduced in Congress, the situation in Shanghai and in China had not deteriorated completely. That bill provides that not to exceed 8,000 persons may be admitted to the United States from the date of the enactment of the amendment to January 1, 1951. Since that time, as the committee knows, Shanghai has been occupied by the Communists and something over 5,000 White Russian refugees were evacuated to Samar, Philippine Islands. Many of these evacuees will remain in their present status as stateless persons until some affirmative action is taken by the Congress of the United States.

I would like to point out that the Philippines made Samar Island available to the IRO for White Russians for a short period of time, and had no intention that they would remain there at most longer than for more than 6 months.

In that connection, Mr. Chairman, I would like to read two letters I have recently received. One is from Mr. G. K. Bologoff, leader of the group on Samar, and from Mr. Ernest A. Gross, Assistant Secretary of the Department of State. I would like to ask, Mr. Chairman, at this time to have made a part of my remarks printed in the record a copy of the cable that I received from Mr. Bologoff, leader of the White Russian national group on the island of Samar, a copy of the letter I wrote to the Secretary of State, Mr. Acheson, under date of August 29, in which I said:

DEAR MR. SECRETARY: I am attaching a copy of a telegram I have received from one of the stateless Russian refugees now living in the IRO camp at Samar, Philippine Islands.

This message is self-explanatory. I am wondering whether the State Department can take steps to look into conditions at this camp, to ascertain whether everything possible is being done to maintain these people under decent and healthful conditions.

The cable reads:

On behalf White Russian anti-Communists express our profound gratitude for your untiring endeavor in aiding our cause. With approaching typhoon and rains, situation growing desperate. Tents leaking and first gale will smash our canvas town, making us homeless beggars with women and children under open sky. Only passage DP bill will save us. May God bless you.

BOLOGOFF, *Leader, Russian National Group.*

I also wish to read the letter and ask that the entire letter from Mr. Bologoff, sent under the same date, be placed in the record. It reads:

TUBABAO, SAMAR, *August 16, 1949.*

Hon. Senator WILLIAM F. KNOWLAND,
United States Senate, Washington, D. C.

DEAR MR. KNOWLAND: I have the pleasure to forward herewith a copy of my radiogram of even date, which speaks for itself.

In the meantime I have duly received your very kind letter of July 7, 1949, the contents of which were noted with interest and for which I thank you.

Permit me to express, on behalf of the White Russian refugees on Tubabao, our profound gratitude for your untiring efforts in the solution of the DP problem, and especially for your defense of our cause and sympathetic understanding of our plight and for your patience in handling the tremendous work connected with the passing of the DP bill.

Situation here is growing desperate because of the approaching typhoons and rains. Gales are so ferocious here that our canvas town may be smashed by the first strong storm. The majority of the tents are leaking, being exposed to the scorching sun and torrential rains, which destroy the material so that the patches will not hold. You can easily imagine that one day we may become homeless beggars with women and children left to stay under the open sky.

It would be useless to repeat our readiness to fight against the common enemy—communism—and fifth column of the Reds, because we have been fighting this menace during the last 32 years. There is ample proof for it, and every suspicion against us as possible subversive agents should be discarded forever.

The majority of us are English-speaking people. This fact will greatly facilitate our life in America and will lead to better understanding and closer cooperation with the American people.

The admission of 4,000 refugees from China to the United States will solve a great problem which the International Refugee Organization is faced with at the moment, at least in the Far East.

You may easily understand our feeling, depressed in the atmosphere of uncertainty in regard to our future life and final resettlement.

We are in close contact with American and Russian welfare and public organizations in California and New York. We have furnished them with full details, lists of names, qualification particulars, addresses of relatives, etc., etc. The preparatory work has been completed and all is in readiness.

On behalf of the White Russians residing in this camp, I request you, dear Senator Knowland, to exercise your influence in assisting the passage of the DP bill in the Senate.

Taking the liberty of thanking you in advance, I am,

Sincerely yours,

G. K. BOLOGOFF,
Chairman, Russian Emigrants Association
and Leader, Russian National Group.

Mr. Chairman, in reply to the letter I sent to the State Department, I received a letter from Mr. Gross under date of September 9, in which he said:

MY DEAR SENATOR KNOWLAND: I have received your letter of August 29, 1949, with which was enclosed a copy of a cable sent to you on August 16, 1949, by Mr. G. K. Bologoff, leader of the Russian National Group at the refugee colony at Samar in the Philippines. Mr. Bologoff suggested in his cable that approaching rains and typhoons may make living conditions in the camp intolerable.

The Department of State has been following developments at the Samar camp very closely since the refugees were moved to Samar from Shanghai early in the year. Every effort has been made in cooperation with the International Refugee Organization, which is responsible for the operation of the camp, to improve living conditions in the emergency situation in which the refugees were placed owing to the necessity of immediate evacuation from Shanghai. Mr. Thomas Jamieson, personal representative of the Director General of IRO, recently returned from the Philippines and reported to the Department that the typhoon season had been anticipated by IRO and that suitable huts formerly used by the United States Navy in that area had been procured and would be ready for occupancy before the typhoon season arrives.

Now, Mr. Chairman, in California, we have a considerable number of White Russians who have become American citizens and others who are in the process of doing so. They have been good citizens in every sense of the word. They are industrious and have a sense of community responsibility. Having themselves or through their relatives experienced the terror of communism, they want no part of it.

In your consideration of H. R. 4567, I am sure you will take full cognizance of the situation facing these people and I trust you will be able to assist them.

Senator O'CONOR. We are grateful to you for your presentation. I will say that each of the communications will be incorporated in the record in conjunction with your remarks.

Senator KNOWLAND. I might also ask that you have incorporated as a part of my remarks a copy of Senate bill 666, which I introduced in January.

Senator O'CONOR. We will be very pleased to have that included in the record.

(S. 666 is as follows:)

[S. 666, 81st Cong., 1st sess.]

A BILL To amend the Displaced Persons Act of 1948 to provide for the admission into the United States of certain persons of Russian origin residing in China

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 (b) of the Displaced Persons Act of 1948 (Public Law 774, Eightieth Congress) is amended to read as follows:

"(b) 'Displaced person' means (1) any displaced person or refugee as defined in annex I of the Constitution of the International Refugee Organization and who

is the concern of the International Refugee Organization, and (2) any person of the classes described in subsections (f) and (g) of this section."

(b) Section 2 of such Act is amended by adding at the end thereof the following new subsections:

"(f) 'Eligible displaced person' shall also mean a native of Russia who for political reasons emigrated to China in the period from October 1917 to January 1, 1925, and (1) who on January 1, 1949, was residing in China, and (2) who has never applied for or accepted status as a citizen of the Union of Soviet Socialist Republics, or who, having applied for or accepted such status, withdrew such application or renounced such status (as the case may be) on or before January 1, 1949, and (3) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (4) for whom assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such person, and the members of such person's family who shall accompany such person and who propose to live with such person, shall not become public charges and will have safe and sanitary housing without displacing some other person from such housing. The following also shall be deemed eligible displaced persons within the meaning of this subsection:

"(A) The child or grandchild of such eligible displaced person (or of a deceased native of Russia who, if alive and living in China, would be an eligible displaced person under the preceding sentence) who fulfills requirements (1) to (4), inclusive, set forth above in this subsection;

"(B) The lawful spouse accompanying any such eligible displaced person, if such spouse fulfills requirements (1) to (3), inclusive, set forth above in this subsection;

"(C) The unmarried dependent child or children under twenty-one years of age accompanying any such eligible displaced person, if such child or children fulfill requirements (1) to (3), inclusive, set forth above in this subsection; and

"(D) The parent accompanying any such eligible displaced person, if such parent fulfills requirements (1) to (4), inclusive, set forth above in this subsection (in the case of such parent accompanying an eligible displaced person or persons all of whom are under twenty-one years of age), or requirements (1) to (3), inclusive, set forth above in this subsection (in the case of such parent accompanying an eligible displaced person over twenty-one years of age).

"(g) 'Eligible displaced orphan' shall also mean a displaced person (1) who is under the age of sixteen years, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) who is the child of any person qualified as an eligible displaced person (or of a deceased person who, if alive and living in China, would be qualified as an eligible displaced person) under subsection (f) of this section, and (4) who is an orphan because of the death or disappearance of both parents, and (5) who, on or before January 1, 1949, resided in China, and (6) for whom satisfactory assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be cared for properly."

(c) Section 3 (b) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*And provided further*, That this subsection shall not apply to immigration visas issued under subsection (c) of this section."

(d) Section 3 of such Act is amended by adding at the end thereof the following new subsection:

"(c) In addition to the number of immigration visas authorized to be issued under subsection (a) of this section, a number of special nonquota immigration visas not to exceed eight thousand may be issued in the period from the date of enactment of this subsection to January 1, 1951, to eligible displaced persons and eligible displaced orphans of the classes described in subsections (f) and (g) of section 2 of this Act as nonquota immigrants."

Senator O'Conor. We are very glad to have had you with us.

Will all of the persons in attendance who expect to testify kindly stand that the oath might be administered jointly to all who are here to testify at this time? Raise your right hands.

In the presence of Almighty God do you swear that the evidence you shall give in this hearing will be the truth, the whole truth, and nothing but the truth.

(Robert Pilpel; Simon Bergmann; Archbishop John of Shanghai, China; Dr. Nicholas Alexander; Bowman MacArthur; and Vladimirl Zagayko were all collectively duly sworn.)

TESTIMONY OF ARCHBISHOP JOHN OF SHANGHAI, CHINA, RULING HEAD OF THE ORTHODOX MISSION IN CHINA

Senator O'CONOR. Archbishop John, what is your full name, please?

Archbishop JOHN. Archbishop John of Shanghai, ruling archbishop in China and the Philippines.

Senator O'CONOR. What is your residence, there? What is the seat of your archbishopric?

Archbishop JOHN. In Shanghai.

Senator O'CONOR. How long have you been in that area?

Archbishop JOHN. In Shanghai?

Senator O'CONOR. Yes.

Archbishop JOHN. From 1934.

Senator O'CONOR. Have you any prepared statement?

Dr. ALEXANDER. Yes, I have written already.

Senator O'CONOR. The statement which the gentleman holds is your statement which gives your views on this legislation?

Archbishop JOHN. Yes, sir.

TESTIMONY OF DR. NICHOLAS ALEXANDER, DEAN, HOLY TRINITY ORTHODOX SEMINARY, JORDONVILLE, N. Y.

Dr. ALEXANDER. Mr. Chairman, Your Excellency, Archbishop John, I am so happy and so glad to be here and I should say that I am more than highly honored to be present here in front of such a distinguished body.

May I introduce myself to you. I was born in Russia, 1886, was graduated from the Imperial Naval Academy in 1906, and one of the witnesses is my former professor, right here on the witness stand.

Next I was invited by the Massachusetts Institute of Technology to teach, in the United States, engineering in 1926, and finally, I took my American citizenship in 1934. Since that time, for the last 16 years, I was professor of aeronautical engineering in Rhode Island State College and now I am dean of the Holy Trinity Orthodox Seminary, Jordonville, N. Y.

I am assigned to be here for hearing by Archbishop Vitaly, ruling head of the Russian Orthodox Church in the United States, who does not recognize the Soviet Red patriarch.

His Excellency, Archbishop John of Shanghai, is present here and is the ruling head, as he said, of the China mission. He came to the United States to join our church by the order of Metropolitan Anastasi, who is the chairman of the Holy Synod of the World Russian Church outside of Soviet Russia, and his headquarters are in Munich, Germany, under the American zone of occupation.

His Excellency, Archbishop John, who is spiritual leader of the Russian emigrants, left Shanghai in a few days after the last evacua-

tion ship with Russian emigrants sailed from Shanghai on May 2. He remained after that date in the Philippine Islands until July 11, and finally he came from there to San Francisco, Calif., on August 12. Just a couple of weeks ago, he joined our Holy Trinity Monastery, at Jordonville, N. Y., and he is under the ruling archbishop of the United States Orthodox Church.

May I present to you my side. I am speaking of over 5,000 White Russian compatriots who signed this petition and they are residing now in the United States. The majority of them are American citizens who are very much concerned about the fate of these White Russian refugees in Shanghai. The purpose of my brief address is to present to you, Mr. Chairman, our strong support for the bill on displaced persons, H. R. 4567, specifically section 3, paragraph (2), page 6, lines 8 to 18.

I would like to have your approval, Mr. Chairman, to say a few words by way of introduction concerning the brief summary of the beginning of the "Shanghai tragedy," which I call to your attention.

First, about evacuation: Before the occupation of Shanghai, by the Communists in May 1949, about 6,000 White Russian emigrants and about 600 other stateless persons were evacuated from Shanghai by the International Refugee Organization to Samar Island in the Philippines, to be exact, the little island on the southwest end of Samar, about 1,500 miles square in area.

This evacuation was the result of many petitions with thousands of signatures, letters, and telegrams addressed to President Truman, General MacArthur, Senators, and various humanitarian organizations, as the Russian emigrants, being anti-Communist, could not and would not remain in that city under Communists. They were in fear of their very lives, because of their well-known hatred and opposition to communism. Fortunately, the order for their evacuation was given.

The evacuation was arranged through IRO and started by air and surface ships in January 1949, and was completed before the Communists entered into Shanghai last May. Not many were left behind and only those who were very sick or those who themselves postponed their decision to go until the last moment when it was too late.

Now, I would like to say a few words concerning the life in Shanghai. According to what Archbishop Hope told me, the Russian emigrant's colony in Shanghai was settled there very, very deeply. Some had been there over 30 years and many of them had properties and good jobs for many years. They were regarded everywhere as trustworthy, good and reliable workers. Even in Shanghai, with two regiments composed of former military men used to defend the city of Shanghai.

They had several beautiful churches built by these people, schools, two orphanages, and a hospital. They succeeded in establishing the best relations among many nationalities, including Chinese.

Now, then, the "Shanghai tragedy" begins. Then suddenly the whole community left. Properties were liquidated. Good jobs were dropped. Schools, clubs, and orphanages were evacuated. The whole libraries which we have even right now some of them already in the Holy Trinity Monastery and Seminary, rare books, even church equipment, were sent to the places of security, mostly to the United

States, in care of friends, relatives, and social organizations and church organizations.

When the first party landed on Samar with women and children, absolutely nothing was prepared for them except bare lands. Everything was done with the emigrants' own hands, unloading ships, fixing the tents, digging canals, electric wiring, water supply, and so forth, and finally the whole tent town, may I say, that way grew up remarkably with order and unity.

Now, that is my base of my statement. All of these facts prove to me that the Russian race is an honest, industrious, and independent one, and their admission to the United States will bring good stock of refined people. They are most eager to give to the United States their great experience in life and their skill. Almighty God vouchsafed on them very deeply, which He did.

Now, the characteristics I can present to you, Mr. Chairman, concerning these people, the important, the most important characteristics of these people are the following: They did fight their whole life against Bolsheviks. They are really White [1] people, absolutely unquestionably White people, bitter and strong enemies of communism, excellent fighters for freedom and prospective defenders of the Constitution of the United States. Of that I am positively sure.

Now, my support is coming from the following fact again: We American citizens of Russian extraction support strongly the DP bill, No. H. R. 4567, because it is a real problem to find a place to go for permanent life for the people who cannot be sent to Soviet Russia, as this will be death sentence for them, because they refuse flatly, they oppose firmly communism.

Now, I am going to present the following reasons to you, Mr. Chairman. We American citizens of Russian extraction guarantee to the United States that these people, our coreligionists and compatriots, will have employment which will not deprive anyone of work and they will be entirely self-supporting, because we have great confidence in them.

We also can prove that we process many strong national and religious organizations, churches, monasteries, seminaries, which are willing to help in finding suitable work for these people. We can assure you that we have enough fellow countrymen to guarantee that they will not be a burden on the taxpayers of the United States. We are perfectly convinced that these refugees will be loyal citizens of the United States who are seeking for their religious freedom and human liberty.

I would like to take this opportunity to point out to this committee the simple fact that if some opportunity is not given to them to begin new life in the United States, they are completely lost. They must move from the present so-called temporary haven in the Philippines and time is running out on them. They look to America, the great defender of human liberty, to assist them in their great difficulties.

If America will only help them, then they and their children will be forever grateful to the United States. They pray that our great country will not forget them.

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[1] The witness is apparently referring to the political, anti-Communist persuasion of these refugees, rather than their color. The term "White" means anti-Communist, as distinguished from the term "Red," which, of course, means Communist.

Now I would like to say a few words concerning the deadline. Originally the agreement between IRO and the Philippine Government was the refugees would be on their soil until June 1, 1949. Later, the Philippine Government was most considerate in extending this date to November 1, which is the deadline. Now, the Philippine Government has ordered to begin the departure even on October 15, 1949. This fact strengthens the earnestness of our plea that immediate action be taken on the bill H. R. 4567.

I can mention more. The archbishop gave me this morning, after I wrote this speech, the letter was here received just now, which says, and I translate: "We have information from Shanghai that 25 men generally" and so forth, they give names here "already fired in Shanghai, and the poor children, because he is in charge of that orphanage, crying about their parents, they have no chance to leave Shanghai." That is the latest news what I have from the archbishop this morning.

Now, about the affidavits. About 1,500 from the 5,000 having assurances for homes and jobs from relatives and friends in the United States are now in really desperate situation of confronting deportation and are extending their hands to our great country of equality, freedom, and friendship for help.

Now, the following reasons I have to prepare myself for my question: In answering any objection to the admission into the United States of these homeless people, we must be specific, namely, first, these people are anti-Communists. They are strong fighters for the defense of the United States. They had to flee from Shanghai or die in terrific tortures invented by Communists and not seen by the whole world for 20 centuries. I can certify to these facts myself.

Second, the Philippine Government is very young and, therefore, it needs assistance from the older, more prosperous nations of the world. Third, many White Russians in this country are ready to support these combatants without public charges.

Fourth, the United States Government has friendly interest in the Philippines and should be consistent for their relief, because the Philippine Government has no possibility for permanent life for these refugees, as Senator Knowland mentioned a few minutes ago.

Fifth, other governments open their doors for these White refugees, Australia has taken 600, France, Dominican Republic, Paraguay, Argentina, and others, and a few of them are going by *General Gordon* ship sailing on September 17 to Australia, trying to help the few people there. So as an American citizen, we must say from the bottom of our American many-faced heart, we have to do our part and our share. That is my opinion.

Sixth, ruling archbishop of the Russian Orthodox Church in the United States Archbishop Vitaly, is also asking it and making the same request to the Canadian Government, and we have good reason to believe in success.

Now, Mr. Chairman, I have to make my confession in conclusion. We American citizens of Russian extraction were expelled from Russia, but we were accepted by the United States, the best country in the world. We believe strongly in this and we are happy to be American citizens, loyal American citizens, to be protected of our democratic Government and to be under American flag, which is so dear now to our heart.

More, we have lost our native cities, towns, villages, our neighbors, and we have gained the American States, cities, towns and villages, and neighbors, where we have the equal opportunity and happiness.

It is true that we have lost our cathedrals, our churches. As you know, 90 percent of them were converted into museums, into dancing places; they dynamited the most beautiful cathedrals in Russia. In spite of these facts, all of these facts, we are building her churches and the American citizens of Russian extraction have built more than 380 churches from Russian extraction.

One of them—you can accept the picture of the latest product at the Holy Trinity Monastery, a beautiful piece of work, with 350 frescoes inside, to be completed soon, visited by 4,000 people since June 1949. That is proof that we are not lost.

Next, it is true that we have lost our property, our possessions, our ranks, our savings, we have lost even more, our parents, our children, and our relatives. We came here almost bare, Mr. Chairman, with only one brass cross on our breast, that we brought to you our dear Orthodox faith, and in spite of these things, we are not lost. We are still happy because we have liberty, freedom, friendship, and we have great faith in Almighty God, who has in an inconceivable wisdom and incomprehensible providence, who has invisible mind, who knows what is best for us.

I believe, in my personal opinion, the Bolsheviks made a great mistake, that is, ladies and gentlemen, they forgot to take our brains. So we can use them very wisely and we are happy to give to the United States, to our new country, the best that Almighty God gave to us in great, great abundance, that is, our knowledge of sciences, our experience in life, our zeal of youth, and our great Christian love for America.

Senator O'Conor. I must compliment you on the very intelligent presentation. You certainly have made a most impressive statement, and we are grateful to you for giving the subcommittee the benefit of your views.

Counsel may desire to ask you a few questions.

Mr. Arens. I wonder if you have the statistics on the number and location of the White Russian refugees at the present time? I am under the impression from what was said this morning about 4,000 are in the Philippines and certain numbers are in Shanghai. I would like if you can do so to have you tell us the exact number.

Dr. Alexander. I believe you have a copy in your file. I have here, Shanghai, the Russian emigrants who have been domiciled there, Tientsin, Peking, Tsingtao, and Hankow. I will give you that copy.

Mr. Arens. Give us the net figure at the moment, and we will put that in the record.

Dr. Alexander. Up to June 1949, June 20, 1949, number of residents in the camp of the island of Tubabao in the Philippines, 5,465; from them Russian emigrants from towns of China, 3,848; miscellaneous nationalities, Polish, Latvian, Estonian, Ukrainian, 705; stateless, 912. After June 20, 1949, about 100 left. That is the latest.

Mr. Arens. May I just inquire, if you please, these persons for whom you have just give the statistics are all presently in the Philippine Islands or in islands adjacent to the Philippines.

Dr. Alexander. They are in Tubabao in the Philippines. Those are the figures from there.

Mr. ARENS. Is that in or adjacent to the Philippines?

Dr. ALEXANDER. Yes; it is. It is a little island. That is Samar. That is Little Tubabao Island.

Mr. ARENS. How many of the White Russian refugees are now in China, either in Shanghai or some of the other metropolitan areas?

Dr. ALEXANDER. About 1,000 left in Shanghai.

Mr. ARENS. Those are the White Russians?

Dr. ALEXANDER. White Russians, yes.

Archbishop JOHN. 1,000 White Russians in Shanghai.

Dr. ALEXANDER. 1,000 in Shanghai.

Mr. ARENS. May I make a statement back and then you gentlemen correct me if I am in error. Of the White Russian group concerning whom you have addressed yourself, approximately 5,465 are in or near the Philippine Islands.

Dr. ALEXANDER. On Tubabao. That is in the camp.

Mr. ARENS. Approximately 1,000 of these persons are in Shanghai.

Dr. ALEXANDER. Besides that, we don't count in that figure those in Shanghai.

Senator O'CONOR. The 1,000 White Russians are in addition.

Dr. ALEXANDER. In addition. In my opinion, they are lost. We don't mention them.

Mr. ARENS. There were 1,000 in Shanghai.

Dr. ALEXANDER. 5,465 in Tubabao.

Mr. ARENS. In addition to the White Russian refugees, are there not also some other refugees who initially originated in Europe, who are presently in Shanghai?

Dr. ALEXANDER. That thousand is altogether. That is White, 1,000; that is correct.

Mr. ARENS. I don't believe I made my point clear. I am under the impression, and if I am wrong, correct me, that there are a little over 5,000, about 5,465 White Russian refugees in or near the Philippine Islands.

Dr. ALEXANDER. That is right.

Mr. ARENS. In addition to the White Russian refugees in or near the islands, there are approximately 1,000 in Shanghai.

Dr. ALEXANDER. That is correct.

Mr. ARENS. Let us assume that is all one group. Is there not in addition to the White Russian refugee group, also some other Europeans who are presently either in Shanghai or in the Philippines?

Dr. ALEXANDER. Some Greeks there, he said, in Shanghai, left there, about 200 Greeks.

Mr. ARENS. Aren't there, to be more specific, aren't there a number of refugees from Germany who were run out of Germany during the Hitler regime?

Dr. ALEXANDER. No; not at all. They were before that, I understand. They didn't come from Germany; no.

Mr. ARENS. Could you kindly tell us now the approximate dates upon which these White Russian refugees actually entered China from Russia?

Dr. ALEXANDER. In 1924, in 1922 and 1924.

Mr. ARENS. At that time, were there not approximately 20,000 who were involved in that migration from Russia into the Shanghai area?

Dr. ALEXANDER. Thirty thousand, but many of them left, of course. About 100,000 in Manchuria and China.

Mr. ARENS. Were in Manchuria and China?

Dr. ALEXANDER. Yes; Manchuria and China.

Mr. ARENS. Confining our attention, if you please, just to the Shanghai group or the group initially that went in or around Shanghai, what were the numbers that came in there in the early twenties?

Dr. ALEXANDER. About 100,000 persons, only it was in Shanghai in 1920. In Shanghai about 100,000 people only of Russian extraction in 1920.

Mr. ARENS. I was under the impression from what the archbishop said a moment ago that there were 30,000 came in in the early twenties.

Dr. ALEXANDER. In China, he means, 30,000, except Manchuria.

Mr. ARENS. If you please, let us confine our attention for the moment just to the Shanghai area. What were the total or aggregate numbers of refugees?

Dr. ALEXANDER. In 1920?

Mr. ARENS. Yes.

Dr. ALEXANDER. 1930, 1940, it was almost 30,000 in Shanghai.

Mr. ARENS. Those were White Russian people?

Dr. ALEXANDER. White Russian.

Mr. ARENS. That came into Shanghai area.

Dr. ALEXANDER. Yes. It is 1939, 1940; it was about 30,000.

Mr. ARENS. Could you kindly tell us what happened to the 20,000 who are apparently not embraced in the group that you gentlemen have been discussing today?

Dr. ALEXANDER. About 20,000 of what?

Mr. ARENS. I understand, if I may make a comment, that the group concerning whom you are talking, initially consisted of approximately 30,000 people.

Dr. ALEXANDER. Yes.

Mr. ARENS. Somehow or other that number has dwindled now until you have altogether about 6,000 people, about 5,500 of whom are in the Philippines and about 1,000 in the Shanghai area. What I would like to ask you, where are the other persons who initially constituted this group of 30,000? Are they still in China?

Dr. ALEXANDER. They moved to the United States and to different countries. They are in different countries, he mentioned, in the United States or other countries.

Senator O'CONOR. In what other countries principally?

Dr. ALEXANDER. Argentina, 5,000 to Soviet Russia.

Mr. ARENS. They were repatriated?

Dr. ALEXANDER. They changed. They repatriated to Soviet Russia.

Mr. ARENS. Would you ask the archbishop please, does he understand English?

Mr. ARENS. Bishop, do you know how many have migrated from the Shanghai area to the United States of the 30,000?

Dr. ALEXANDER. About three or four thousand.

Mr. ARENS. Three or four thousand, you think, of the 30,000 have thus far migrated to the United States?

Dr. ALEXANDER. Yes.

Mr. ARENS. Over what period of time was that migration from the Shanghai area to the United States of the persons who initially were embraced in this 30,000 group?

Dr. ALEXANDER. About 7 or 8 years.

Mr. ARENS. You mean the last 7 or 8 years?

Dr. ALEXANDER. Yes.

Mr. ARENS. Retroactively from today?

Dr. ALEXANDER. Yes; that is right; about 7 or 8 years.

Mr. ARENS. Ask him if he knows what happened to the several thousand Jewish refugees who fled during the Hitler regime in Germany to the Shanghai area.

Dr. ALEXANDER. Many of them went to America. Some of them returned to Germany and some to Palestine, and a little portion are still left there.

Mr. ARENS. I would like to have his best estimates, if you please, gentlemen, what were the aggregate, how many of the Jewish refugees fled Germany and went to the Shanghai area?

Dr. ALEXANDER. About 20,000.

Mr. ARENS. I assume that was during the Hitler regime beginning in 1933, something like that.

Dr. ALEXANDER. About 20,000.

Mr. ARENS. Of those Jewish refugees who fled to Shanghai from the Hitler regime in Germany, how many are presently remaining in or around Shanghai?

Dr. ALEXANDER. A couple of thousand, two or three thousand, he thinks.

Mr. ARENS. Two or three thousand?

Dr. ALEXANDER. About that.

Mr. ARENS. About two or three thousand.

Dr. ALEXANDER. About.

Mr. ARENS. In Shanghai, in addition to the White Russians who are currently in Shanghai; is that right?

Dr. ALEXANDER. He is not sure, because some of them—he is not sure that they are refugees. He cannot guarantee from that 2,000 if they are White or if they are otherwise.

Mr. ARENS. May I ask the archbishop if he knows what happened to the 20,000 Jewish refugees from Germany who initially went in there?

Dr. ALEXANDER. Some of them went to the United States, first. Some of them came to Austria.

Mr. ARENS. Does he know how many came to the United States?

Dr. ALEXANDER. He does not know about that figure.

Senator O'CONOR. May I just ask a question or two? In respect to the number of approximately 5,000 who were repatriated, would you ask the archbishop over what period of time that took place, whether or not it was in one or several general movements, or whether it was gradual over a period of years?

Dr. ALEXANDER. You are speaking about what figure?

Senator O'CONOR. The number who were repatriated.

Dr. ALEXANDER. '46, '47, '48.

Senator O'CONOR. Did they leave in large groups at one time or was it just gradual?

Dr. ALEXANDER. You mean Jewish?

Senator O'CONOR. Yes.

Dr. ALEXANDER. They are spread over.

Senator O'CONOR. That is all, Doctor. We are very grateful to you and to the archbishop.

(The following additional information was ordered made part of the record:)

STATEMENT OF THE WHITE RUSSIANS FROM SHANGHAI

Reference: Telegram just received dated February 24, 1950, from G. E. Bologoff, Russian representative in Tubabad, Samar, Philippines.

Kindly note age classification of 3,000 political refugees on Samar desiring immigration to United States of America.

Children up to 19	500
From 20 to 44	1,100
From 45 to 59	1,100
Over 60	300

Out of last 2 groups total 1,400 at least 60 percent have children or close relatives in United States of America. Single male and female with no children or relatives here or in United States of America less than 150.

BOLOGOFF.

TESTIMONY OF ROBERT PILPEL, AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE

Senator O'CONOR. Your full name is Robert Pilpel?

Mr. PILPEL. That is right.

Senator O'CONOR. It is spelled P-i-l-p-e-l?

Mr. PILPEL. Correct.

Senator O'CONOR. What is your official position?

Mr. PILPEL. I represent the American Jewish Joint Distribution Committee.

Senator O'CONOR. And the headquarters?

Mr. PILPEL. Are in New York.

Senator O'CONOR. At what location?

Mr. PILPEL. 270 Madison Avenue.

Senator O'CONOR. How long have you been connected with the organization?

Mr. PILPEL. Something over 10 years.

Senator O'CONOR. In appearing before the subcommittee, do you appear on their behalf as well as your own individually, or do you appear just as an individual?

Mr. PILPEL. I am representing the joint distribution committee.

Senator O'CONOR. Do you have a prepared statement which you would like to make?

Mr. PILPEL. No; I do not.

Senator O'CONOR. Are there any comments or remarks which you would like to offer at this time, after which you might be interrogated?

Mr. PILPEL. Yes; I would like to make some.

Senator O'CONOR. Proceed, then.

Mr. PILPEL. In view of some of the questions which counsel asked, I might begin by saying that from 1938 through 1941, or most of it, about 23,000 European refugees came to Shanghai. Most of them were Jewish refugees and among them were also Protestants and Catholics, and the joint distribution committee has maintained an office in Shanghai since May 1941, although its representatives were in turn for 1 and 3 years, there were two at that time, and we today have an office and an American director of that office in Shanghai and work very closely with the International Refugee Organization.

The people who remain today number about 1,500, of whom perhaps two or three hundred are Protestants and Catholics, and the balance Jews.

Mr. ARENS. Mr. Pilpel, may I just interrupt so that we have a clear picture here? Is the group that you are now describing separate and distinct from the group that the gentlemen were describing a few moments ago?

Mr. PILPEL. Yes.

Mr. ARENS. Your group is not the White Russian group.

Mr. PILPEL. Right.

Mr. ARENS. Your group consists chiefly of persons who fled from Germany or central Europe during the Hitler regime, is that correct?

Mr. PILPEL. That is correct; yes.

Mr. ARENS. Over what period of time did this group flee from central Europe?

Mr. PILPEL. They began probably in 1938. It became intense in 1939 and 1940, and some even large numbers came in 1941.

Mr. ARENS. You would say from '38 to '41, then, would pretty well embrace most of the refugees from central Europe?

Mr. PILPEL. Virtually all of them.

Mr. ARENS. And they came in an aggregate number of how many?

Mr. PILPEL. About 23,000, twenty-odd thousand.

Mr. ARENS. You would say about twenty-odd thousand.

Mr. PILPEL. Yes.

Mr. ARENS. How many of these persons still remain in Shanghai or in the Shanghai area?

Mr. PILPEL. About 1,500.

Mr. ARENS. Do you have statistics or estimates on the whereabouts of the rest of those persons, other than the 1,500 who still remain?

Mr. PILPEL. Yes; I can give you a rough estimate.

I think about 8,000 have come to the United States in the 11 years from 1939 to 1949.

Mr. ARENS. Eight thousand that came to the United States came from Shanghai to the United States?

Mr. PILPEL. Yes. About 1,500 have gone to Australia, about 400 to Canada, about 2,500 to Israel, about 700 to 1,000 to various Central and South American countries, and some 3,000 died.

Mr. ARENS. That would pretty largely account then for the bulk of them in rough estimate.

Mr. PILPEL. Yes; it would. There are about 1,500 left.

Mr. ARENS. The group that you are talking about, namely, the central European refugees, are any of those folks in or around the Philippine areas?

Mr. PILPEL. No. They are all in Shanghai or Tientsin, or in other words, in China itself and not in the Philippines.

Mr. ARENS. Over what period of time did the 8,000 migrate to the United States, during what years?

Mr. PILPEL. From 1939 through 1949, with the exception of course of the war years, but over the period of 11 years.

Mr. ARENS. Are they presently maintained by IRO in Shanghai?

Mr. PILPEL. Yes. The basic responsibility for their care as displaced persons is that of IRO, and the joint distribution committee is also actively and has always been interested in providing for their

care and in helping them to get along and maintain their hospitals and provide other necessary welfare and emigration services.

Incidentally, the joint distribution committee has represented the Church World Service and the National Catholic Welfare Conference; the latter recently, though, has its own representative in Shanghai.

The problem with respect to the remaining group is that they have no place to go, particularly those who long ago registered for emigration to the United States, and the reason for that is that although most of them came from Germany and Austria, most of them were born in Poland, some in Rumania, and some in Czechoslovakia. Quotas under the quota law for those countries, as you know, are oversubscribed, so that it would take many years before these people's turn would come to get a quota number.

Mr. ARENS. You mean most of the remaining 1,500?

Mr. PILPEL. Yes.

Mr. ARENS. The others apparently were chargeable to the German quota.

Mr. PILPEL. Yes.

Mr. ARENS. Or at least were sufficiently high on the list of the eastern European countries that they already arrived.

Mr. PILPEL. Yes. Obviously, too, these people cannot be said to have lived in Shanghai during the past 10 years. They have existed in a suspended state. The Chinese are antiforeign. The Europeans have not been able, because they are not welcome, to enter into the economic and community life of the country or the city. As the number grows smaller, the intensity of the feeling on the part of those who remain, of their insecurity, becomes greater.

After the end of the war, with the processing of these applications for the United States, particularly, and with the activity of our own office there, the group of refugees felt that they had someone who was interested in them and speaking for them. The action of the American consulate, of course, in that respect was not explicit, but it was implicit in the manner in which the consulate received applicants and dealt with them, so that I think it was generally known that these people, although stateless, were nevertheless human beings who deserved attention and consideration.

Mr. ARENS. Are these folks in the Shanghai area, the 1,500 who remain, in settlements, or camps or are they just dispersed over the Shanghai area, getting along the best they can on their own resources?

Mr. PILPEL. They are pretty much concentrated in the Hongkew area of Shanghai, which is that area bombed out by the Japanese in 1935 and 1936.

Mr. ARENS. Are they in IRO camps or settlements, or are they just living wherever they can find a place to live?

Mr. PILPEL. Some of them are living in one or two compounds which the joint distribution committee has leased. There are several hundred others living in apartments, only they may not perhaps be worthy of the name of apartment, in rooms, which the joint distribution committee has also leased, but all in that particular area of Shanghai and all under certainly not comfortable, to put it mildly, circumstances. But the provisions insofar as foods and the like and clothing are provided, as I said, basically by the IRO and supplementally by the joint distribution committee.

Another element which enters into their insecurity results from the fact that the IRO by its charter is to cease operations in June 1950. It does not enjoy any official status in Shanghai, because the Communists are not recognized by the governments which are members of the IRO.

Mr. ARENS. You mean Russia is not a member of IRO?

Mr. PILPEL. No; I mean that the Communists, Chinese Communists, with respect to the areas of China which they control, which includes Shanghai, are not recognized by the IRO nor is the IRO, therefore, recognized by Communist China.

Mr. ARENS. Have you been to Shanghai or the Shanghai area in the course of the last few years?

Mr. PILPEL. No; that is why I am unable to talk so positively about it.

Mr. ARENS. Have you ever been there?

Mr. PILPEL. No.

Mr. ARENS. I am wondering if there is an imminent threat of Communist persecution of the central European refugees who are presently in the Shanghai area.

Mr. PILPEL. No; there is no indication of any threat of that kind on the part of the Communists who are in control. However, as I think everyone knows, Shanghai is a highly overpopulated and undernourished city, and the Chinese have a very strong nationalistic and antiforeign feeling, and they cannot be easily controlled.

Mr. ARENS. Is there or has there been any persecution of the refugees who are in or around the Shanghai area since they fled into Shanghai?

Mr. PILPEL. No; there have been isolated instances, but there certainly has not been any persecution, just this feeling that they have very strongly that they are not wanted, that it is not a place in which they can have a hope or expect to take root. They have, most of them, relatives or children here in this country. The children have come here because while the parents were born, let us say, in Poland, the children were born in Germany, the children could apply and secure United States visas because the German quota was not used up, while their parents, who were born in Poland and could not come or could not get visas, because it would take many years before their turn would come.

Mr. ARENS. Specifically, if you know, how did the folks get out of Germany into China, by what route, or how did they do it?

Mr. PILPEL. They went by various routes. In 1940 and 1941 thousands went in sealed trains through Russia and Siberia to Japan and from Japan to Shanghai. Others went by way of India. They traveled halfway around the world.

Mr. ARENS. Were there any other areas in China which received refugees from central Europe, other than the Shanghai area?

Mr. PILPEL. No; if you include in the Shanghai area Tientsin and Harbin and several other small cities.

Mr. ARENS. Are they adjacent to the metropolitan area of Shanghai?

Mr. PILPEL. No; they are some distance away. The great bulk of them came to Shanghai. Mr. Simon Bergmann, who is here and who was in Shanghai for 8 years, can, I think, give you more accurate figures and facts in that connection.

Mr. ARENS. In order that we may recapitulate here for just a moment, if you gentlemen who previously testified would not mind

giving your attention here for a moment, is this the true state of facts:

That there were of the central European refugee group approximately 20,000 who fled during the Hitler regime into Shanghai, of whom approximately 1,500 remain in Shanghai. Of the balance, the United States has thus far received approximately 8,000. Is that correct?

Mr. PILPEL. Yes.

Mr. ARENS. On the White Russians, your aggregate figure was approximately thirty-thousand-odd; is that correct?

Dr. ALEXANDER. Thirty thousand, you said?

Mr. ARENS. Yes.

Dr. ALEXANDER. What time.

Mr. ARENS. Who are in the White Russian category who fled to Shanghai.

Dr. ALEXANDER. About 20,000.

Mr. ARENS. And of that number 1,000 remain in Shanghai, is that correct?

Dr. ALEXANDER. Yes; 100 in Tsientsin.

Mr. ARENS. And about 5,500 in or near the Philippines.

Dr. ALEXANDER. Yes.

Mr. ARENS. You testified, if I am not mistaken, that the United States has thus far received of that group approximately three to four thousand, is that correct?

Dr. ALEXANDER. Before, you mean; not now.

Mr. ARENS. We have already received into this country between three and four thousand.

Dr. ALEXANDER. Yes. That is from the 30,000.

Mr. ARENS. Is there anything else that you care to say, Mr. Pilpel.

Mr. PILPEL. Thank you; no.

Mr. ARENS. We appreciate very much indeed your courtesy in appearing today.

Mr. PILPEL. Thank you for permitting me to come.

TESTIMONY OF SIMON BERGMANN, AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE

Mr. ARENS. Mr. Simon Bergmann. Mr. Bergmann, would you kindly identify yourself by occupation and residence?

Mr. BERGMANN. My name is Simon Bergmann. I resided at 1941 in Japan and was in charge of the Committee for Refugees from Europe, and since 1941 until May 1949 in Shanghai, and was connected since 1945 with the American Joint Distribution Committee as Director of the American institutions and member of the executive staff. I am on my way abroad for another assignment, and will go to Israel.

Mr. ARENS. Will you kindly for the purpose of having us be able to give your present address, give us that?

Mr. BERGMANN. Present address is 240 West One Hundred and Second Street, apartment 42, New York City.

Mr. ARENS. All right, Mr. Bergmann, if you please, proceed.

Mr. BERGMANN. I have no special statement prepared, but judging by questions asked and answers given, I may supplement certain state-

ments. I may be able to give a more accurate picture of what you asked about Shanghai, having been myself a part of that movement.

Mr. ARENS. First of all, would you care, Mr. Bergmann, so that we may have a clear picture of the statistical situation, direct your attention to the numbers who came in, the numbers who are there, and where they are located and what has happened to the rest of these folks.

Mr. BERGMANN. The numbers given by Mr. Pilpel are generally accurate. There was a number, about 20,000 refugees. We came in between 1938 and 1941 from Germany, Austria, and Czechoslovakia. Another thousand joined in in 1941 from Japan, mostly Polish war refugees who found their way via Siberia to Japan, and from Japan were compelled to go to Shanghai, which brought the number to the general amount mentioned before.

Just as an illustration of the general situation in Shanghai, the so-called apartments and camps, and having had something in common with the medical problems, I want to mention that. Out of a community of 21,000, over two and one-half thousand, approximately 3,000 people died, which is a percentage of over 10 percent, which is an abnormal percentage for a short period of time of 8 or 9 years.

Mr. ARENS. May I ask you a word or two about that. What was the cause of the death of these people?

Mr. BERGMANN. I intended to go into that. What has to be borne in mind is that the community that reached Shanghai was maltreated in the camps in Germany and in Austria. When you ask about the way they got into China, I want to state one thing. Everyone who came to China actually came illegally.

Mr. ARENS. Why was that?

Mr. BERGMANN. They had been compelled to leave Austria and Germany very often with 24 hours' notice, leaving directly from the camps and taking whatever route was open to them and taking whatever haven was open to them. The only place where they could go was actually the international settlement of Shanghai where, according to the international status of the British and American concession, no entry visas were required, but certain kind of financial guaranties, so that people could find only this place which was not a place of their choice, was the place of something that was given to them. It was the only place to go to.

Some people came in rather bad physical shape. The very bad Shanghai climate, which is generally known, and the age of the people who came in and their situation in Germany before had affected them immediately. It will be sufficient to say that in 1945 there were many cases of death caused by malnutrition, by lack of vitamins, both A and B; dysentery was the most acute medical problem, and tens of people were dying every summer of dysentery. That, if you include into it lack of medicine during the war period, lack of medical training and progress in treating different contagious diseases caused by lack of contact with foreign countries, especially with the United States, had created a medical picture that was tremendously unpleasant and tremendously large.

Then, in 1942, a lot of people died because of heart attack and terrific summer. So if I add to the—for instance another thing, that until 1947, the community has never reached a balance between the number of people who died and between the number of children who

were born. Until 1947, there was single cases of children, because families could not afford and did not intend to afford children in China.

Mr. ARENS. May I just ask you from the standpoint of your background, Mr. Bergmann, have you personally been in around the Shanghai area?

Mr. BERGMANN. Yes; I spent 7½ years in there and I spent it with the refugees in their district.

Mr. ARENS. What were the years of your service there? Was that in connection with refugee work that you were there?

Mr. BERGMANN. Yes.

Mr. ARENS. What were the years of service, please?

Mr. BERGMANN. I was with the refugees, especially the Polish national group, since 1941 until 1942, until the evacuation of the Embassy, and from 1945 up to May 1, 1949, was with the American Joint Distribution Committee, which Mr. Pilpel represents. I had the possibility of seeing the tremendous damage that was done in physical and moral sense to the community because of the general and objective conditions prevailing in Shanghai.

As to the question whether they were subjected there to any kind of persecution, they were subjected to persecution in Europe before they reached Shanghai, and in 1941, when the Japanese occupied Shanghai, they have shown a rather unpleasant and general well-known attitude of occupational forces, and in 1943, in February, they have proclaimed a ghetto for the European refugees and have concentrated them by force in a very small part of the Hongkew area, which was mentioned by Pilpel.

Mr. ARENS. Does that situation prevail today?

Mr. BERGMANN. Officially, the ghetto was closed, or if I may say, reopened on VJ-day, but people remained in the district where they were concentrated by the Japanese, because of the following things: 99 percent of the people are people who are still depending on social charity and support. People came to Shanghai without any possibility of getting involved or incorporated into any kind of economic life in China. It was closed to them. They have come there in order to run away from Europe and run away from Shanghai, as soon as they could, in order to establish themselves and settle down in any one of the regular countries they could go to. If it had not been for the war, 1941, they might have succeeded in getting out a larger number of people to different countries. The war interrupted it.

You asked about the concentration point. We had a number of camps. If I speak about camps——

Mr. ARENS. You say "we had" or "we have"?

Mr. BERGMANN. We had a number of camps. We still have two camps. The camps consisted of barracks or old godowns and merchant marine school or buildings that belonged to different foreign missions that were taken over or given as a gift, or both, from the respective countries in 1938 and 1939.

We had dormitories in the camps for 250 or 300 people, with conditions that are quite deplorable for me even to speak of. So far, inasmuch as we have at present only fifteen to sixteen hundred, as Mr. Pilpel mentioned, there is only one camp that is still housing about 500 people. If, to speak of apartments, those who live privately, you would have to have a description of somewhat of what a Chinese

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house is. Our people do not live in the foreign section of Shanghai, in the French town or so-called western area. They live in the actual Chinese section, Hongkew, with rooms lacking any kind of sanitary installations; 90 percent of our people use the bucket system, so far as lavatory system is concerned, and garbage was always one of the main reasons of dysentery, typhus, and cholera, or whatever you want.

In 1946, there were 20 cases of cholera in the small community of the refugees. Of those, four died.

Mr. ARENS. Now, may I ask you, is there imminent prospect of persecution of those fifteen to sixteen hundred persons, concerning whom you have been addressing yourself, by the Communists, who apparently are presently in control of the area?

Mr. BERGMANN. If I would say "Yes" or "No," it would be very uncareful in a very definite way, because the tactics of the Communists, are, as you well know, something that is very difficult to predict. There is no—there have been no indications from that of what I know of any physical persecution at present. There is, however, a strong feeling of insecurity in connection with the general situation of foreign people in China and we know from papers what happens today to foreigners in China, from people who are protected by strong governments, so it is very difficult to predict what may happen to people who are defenseless and protected morally by an international institution which is not recognized by the Communists, or by relief agency, which is American, and with the general anti-American sentiments that is not too secure.

Mr. ARENS. May I ask you this, Mr. Bergmann, and I invite attention of the gentlemen who previously testified, we have thus far spoken of the 1,500 remaining central European refugees in Shanghai and the approximately 1,000 White Russians who remain in Shanghai. Are there any other groups that are in or around Shanghai, the refugee category, that we have not talked about yet?

Mr. BERGMANN. To the best of my knowledge, there is none, because the White Russians comprise a very special group of people and this group has been represented by the associations of the gentlemen before.

The group I was speaking of is a group that comprises central European refugees of Rumania, Czechoslovakia, Poland, Germany, and Austrian origin, coming from central Europe, as comprised of Protestants, Christians, and Jews.

Mr. ARENS. Do you have information respecting the proportions of the 1,500 to 1,600? That is on a religious affiliation basis?

Mr. BERGMANN. I think I could—figures so far as they are related to the time I left. There were 300 Protestants and Catholics together and about 1,200 to 1,300 Jewish refugees. As far as relief and any other kind of representations are concerned, we don't know that difference, because the registration in our committee has never been made out in the form of asking anyone about his religion.

Mr. ARENS. Are the other relief agencies operating there other than the AJDC?

Mr. BERGMANN. No other. And the affiliated organizations which AJDC represents.

Mr. ARENS. Do they handle relief for other groups in the Shanghai area? Apparently AJDC is the only one that operates there.

Mr. BERGMANN. The relief of central European refugees. IRO has been extending in the last one and a half years there support to the

White Russian group as a matter of a new interpretation of the peace statute which they——

Mr. ARENS. What does IRO do other than give technical assistance to the refugees there? Does it also supply food requirements and housing requirements?

Mr. BERGMANN. IRO has taken over the whole project from UNRRA in China and has continued up to now with distribution of food. Military and K rations today, and today are extending no financial support. IRO is sometimes giving when they get the necessary shipments from abroad of clothes, medical supplies, if they have them, but relief in any other form, housing, hospital, and old-age care, orphanage care and old age, and so on, have been also responsibility of AJDC which has been operating before 1941, before IRO came.

Mr. ARENS. Mr. Bergmann, the preceding witness, Mr. Pilpel, estimated roughly that of the 20,000 central European refugees who fled to the Shanghai area, the United States has thus far received approximately 8,000, Australia approximately 1,500, Canada about 400, Israel about 2,500, and about 1,000 to the South American countries. Are those estimates on the basis of your knowledge and experience with the problems substantially correct?

Mr. BERGMANN. They are correct. About 700 people were repatriated to Austria and about 100 or 120 to Germany. It has never been strong among the refugees, however.

Mr. ARENS. Are there any of your folks, the folks that you have been talking about, presently in the Philippine area?

Mr. BERGMANN. No.

Mr. ARENS. Are there any of your folks who are presently in some area on a temporary basis similar to the status of those folks in the Philippine area?

Mr. BERGMANN. Not abroad. There are two small communities of refugees which were mentioned by Mr. Pilpel; this is about 100 people in Harbin and some 20 or 25 in Tientsin and Tsingtao, which would round up the figures to 1,600 and something, who are trying to obtain any kind of employment and trying to build some kind of an existence, have tried to go to other cities, mostly musicians, and who, however, made the responsibility of our central agency in Shanghai, even if they are geographically located a hundred miles from Shanghai. We would consider them as if physically there.

Otherwise, we don't have people who are waiting as a concentrated group anywhere abroad. It is very possible that among the people who went to Europe are people whose original intention was to get to the final and real country of their destination, but, in order to get away once and forever from Shanghai, have taken a certain road from where they may try to reach their final goal. But this is very difficult to say, because we can't go into the minds of everybody. Otherwise we don't have any groups concentrated abroad.

Mr. ARENS. Mr. Bergmann, the subcommittee is at this time, as it has been in the preceding session, considering displaced-persons problems on the basis of issues. For example, the issue we have today is the Shanghai refugees, consisting of two groups. I wonder, however, in view of your background and experience and familiarity with the problem, if you could at this time give us the benefit of your information on the areas of the world into which the refugees from central

Europe fled and an estimate of the numbers during the Hitler regime. I assume you have information on that.

Mr. BERGMANN. I could not give you very accurate figures, but we have to agree on the date, but it will be 1933 when Hitler came into power, or it will be 1938 or 1939 when the real persecution and the war started. It depends which point you would like to consider.

Mr. ARENS. I would just like to have as much information which would be of value to the subcommittee in making an over-all appraisal of the displaced-persons problem.

Mr. BERGMANN. In 1933, when Hitler came into power in Germany, there were about 600,000 Jews in Germany, of whom I think, if I am not mistaken—I can take no responsibility for the figures—about 300,000, I think, left in time before 1938, before November 1938, when the real persecution started.

Mr. ARENS. Just to get the record clear here, now, you are starting in 1933.

Mr. BERGMANN. 1933, yes.

Mr. ARENS. Until 1938.

Mr. BERGMANN. Referring only to the German Jews.

Mr. ARENS. There were approximately 600,000 German Jews.

Mr. BERGMANN. Yes.

Mr. ARENS. And you say approximately 300,000 left Germany between 1933 and 1938?

Mr. BERGMANN. Yes.

Mr. ARENS. Can you tell us, to the best of your knowledge and recollection, where those 300,000 went?

Mr. BERGMANN. The major part of them was accepted by Palestine under special arrangement with the British mandatory power, and especially children, youth, and other people. I know that quite a number of them went to the United States, because the German quota was always rather large and open.

Mr. ARENS. About how many of them went to Palestine on the basis of your experience and judgment?

Mr. BERGMANN. I think about 120 to 150 thousand.

Mr. ARENS. About how many of those persons of German Jews who fled from Germany, 300,000 between 1933 and 1939, came to the United States?

Mr. BERGMANN. I could not tell you that. The figures which I am giving now are based on my general recollection when I was living in Europe. I am not coming from Germany. I am myself of Polish origin, so the figures I have at present are only a general recollection.

Mr. ARENS. I don't want you to feel that we are trying to get information here that you don't know about.

Mr. BERGMANN. I don't feel that. The only thing is I would be rather afraid to give anything like a figure, because the statistics of the entry into the United States is something is not being published. It is not published according to country's quota or, if it is, I have never studied it.

Mr. ARENS. May I make it clear that such point as we are asking questions about which you do not have information which you feel is reasonably reliable, that you just tell us so.

Of the 300,000 German Jews who fled from Germany, between 1933 and 1938, you say roughly you would guess or estimate 100,000 went to Palestine?

Mr. BERGMANN. One hundred or one hundred twenty thousand.

Mr. ARENS. What is the best information which you have respecting what happened to the rest of the 300,000?

Mr. BERGMANN. I know that quite a number of them went to France and were caught in 1939 by the war, 1940 and '41, by the German occupation. Large numbers of them went to Austria and faced the same fate in 1938. They went to Czechoslovakia and faced the same thing in 1939. Then a number of them have gone to the United States on regular quota.

Mr. ARENS. We know that 21,000, on the basis of the testimony, got into Shanghai.

Mr. BERGMANN. This 21,000 are from 1938 on, not before that.

Mr. ARENS. For the moment, let us confine our observations to the 1933 to 1938 group of 300,000.

Mr. BERGMANN. I know quite a number of them must have come to the United States, to South America, quite a number of large or small Jewish communities have received them. Otherwise they have disappeared. I could not tell you. Quite a large number went to Austria and Paris.

Mr. ARENS. Would you care to give us the same over-all picture on the refugees from 1938 on to the best of your knowledge and information.

Mr. BERGMANN. So far as 1938 goes, one thing has to be said, that, inasmuch as different international conferees on refugees did not have much success, not very many of them had the good luck to escape. So far as I can say, the 21,000 that escaped to China was one of the largest concentration points of German and Austrian refugees abroad. A small number of them succeeded in getting through to Italy and to Lisbon, where different activities during the war under the auspices, if I am not mistaken, of the War Board of Refugees established here has taken out a certain number. The rest were deported and gassed, because at present there are not more than five or six thousand Jews left in Germany who before 1938 really lived there.

Mr. ARENS. Do you know how many Jews remained in Germany at the close of the war?

Mr. BERGMANN. In 1945?

Mr. ARENS. Yes, sir.

Mr. BERGMANN. You have to distinguish again between the original native German Jews and the DP's who were concentrated in different munitions factories, farms, for compusory labor.

Mr. ARENS. Could you give us the best information you have available on that?

Mr. BERGMANN. When the war ended, I think that there were about 250 or 300 thousand people in different camps in Germany. There has never been more than 15 to 20 thousand of so-called native German Jews.

Mr. ARENS. You mean at the end of the war there.

Mr. BERGMANN. In 1945.

Mr. ARENS. In 1945.

Mr. BERGMANN. After VE-day.

Mr. ARENS. There were approximately how many native German Jews remaining in Germany?

Mr. BERGMANN. I don't think more than 20,000.

Mr. ARENS. Not more than 20,000.

Mr. BERGMANN. Out of 600,000.

Mr. ARENS. Out of 600,000 who were there prior to the war?

Mr. BERGMANN. Yes.

Mr. ARENS. What is this figure, this other figure you used a moment ago, 200,000?

Mr. BERGMANN. This is the number of people found in different concentration camps.

Mr. ARENS. Which would not——

Mr. BERGMANN. They are people from all over the world.

Mr. ARENS. Non-Jews.

Mr. BERGMANN. No, no; I am not referring to the number of Jewish DP's, because the general number of people found in different camps was almost 1,250,000.

Mr. ARENS. At the end of the war, it is your judgment——

Mr. BERGMANN. 250,000 I think in camps.

Mr. ARENS. 250,000 in camps.

Mr. BERGMANN. Yes.

Mr. ARENS. Aside from the approximately 15,000 German Jews at the end of the war who were the others?

Mr. BERGMANN. Just deported from Poland, Czechoslovakia, Rumania, Bessarabia, Belgium, Holland, France, Russia, Italy, people from all over Europe, that were deported and who either were taken for labor in different places in Germany.

Mr. ARENS. Brought in as slave labor.

Mr. BERGMANN. Yes; or who had the good luck to be taken to the crematoriums, likely to be late in the queue, because the war ended rather unexpectedly for the Germans and they were saved this way.

Mr. ARENS. Are there any areas of the world other than the Shanghai area where there is a concentration of refugees from central Europe?

Mr. BERGMANN. There are still in Germany and in Austria in the camps.

Mr. ARENS. I mean who fled from central Europe.

Mr. BERGMANN. From central Europe abroad outside Europe?

Mr. ARENS. Yes.

Mr. BERGMAN. I don't think so; not to my knowledge.

Mr. ARENS. Is there anything else, Mr. Bergmann, that we have not touched on here in the course of your testimony which you would like to give us?

Mr. BERGMANN. There may be one thing that I would like to elaborate on. This is the question of the immediate or not-immediate danger of persecution. As I said, I have absolutely no indication whether there has been any immediate or direct threat or physical violence or political persecution in regard to any one of the refugees who are remaining today in Shanghai, but what may throw a little bit of light on the special kind of this group is what Mr. Pilpel mentioned already. That is that a very specific group of people who have family ties already with the United States and who will never, or who are simply from the purely human point of view unable to, take any other chance or have no other way out—disrupted family units.

Mr. ARENS. Would you mind elaborating on that again?

Mr. BERGMANN. People who have not any other way left for them than to wait for the day when they will be able to arrive in the United States, parents to their children, or husbands to their wives, or wives

to their husbands. We have family units where the wife left, but the husband was left because of the difference in quota. We have families where the children are here and the parents are still waiting. We have the brother is in one quota and the second brother is in the next quota, especially Jewish refugees. Every member of the family who is alive and remains somewhere is counted more than anybody before the war when families were rather large. This group is in a very specific situation, and even if they had another possibility to go anywhere else, they would be perfectly unhappy there. They haven't anybody else there. That is one part.

The second thing is that as I mentioned, because of the very specific political situation today, the more foreigners who leave China, the more dangerous will be the situation of the foreigners who will remain there, because the smaller will be the number, the more they will be exposed. This is my impression based on the little I know about China and it was the general antiforeign feeling very much aroused by the Communists. The situation may be something not to envy.

Mr. ARENS. May I ask you there, the 1,500 who remained, would they not be chiefly people who came in from countries initially other than Germany?

Mr. BERGMANN. In Europe, you mean?

Mr. ARENS. Yes. The thought I have in mind, the German quota is about 26,000, and if they are predominantly from Germany itself, they could use that German quota.

Mr. BERGMANN. But if I may say this, there is a certain illusion that is in it. People who were on the German quota, an overwhelming majority have left. Those who remain today and have focused their eyes and attention on entry here, are not from the German quota. They are Polish, Czechoslovak, and Rumanian, and other quotas, that are popularly known as frozen quotas in Shanghai.

Mr. ARENS. It would be your testimony, just to confirm or deny it, just to clear the record, that of the 1,500 of the group you have been talking about who are presently in Shanghai, a very high percentage of them would be people who originated in central Europe from countries other than Germany.

Mr. BERGMANN. They might even have German or Austrian citizenship, but even as the country of birth is counted, they would still belong to their original quotas.

Mr. ARENS. Is there anything else you care to say, Mr. Bergmann.

Mr. BERGMANN. Only one sentence and that will be in connection with what I elaborated before, of connection with the political situation. We may face a situation where the relieving agency and IRO will be unable to work in China and then the fate of these people will be very sad.

TESTIMONY OF BOWMAN MacARTHUR, WASHINGTON, D. C.

Mr. ARENS. First of all, identify yourself by name, residence and ocupation, and agency that you associate yourself with.

Mr. MACARTHUR. My name is Bowman M. MacArthur. My residence is 1843 Mintwood Place, Washington, D. C. I am an attorney. I practice by myself. I am appearing individually, but also in support of Dr. Alexander on behalf of the White Russians. I am appearing because of my background with the White Russians immediately after

the war. I was in the Army in China during the war, and spent 14 months after the surrender in Shanghai and other cities of China, mostly Shanghai.

Mr. ARENS. What was your type of service in the Army in China?

Mr. MACARTHUR. In Shanghai it was security and investigation, which necessarily brought me in contact with a great many people in Shanghai particularly. Part of it was war crimes. As I have indicated, the other was security.

I may add that my wife is a White Russian. She is now an American citizen. She and members of her family fled from Russia, came through Persia and landed in Shanghai in the 1930's.

I am appearing because I worked in Shanghai and my contact with White Russians, partially through social contacts, my wife and her family, gave me an insight into the character of the people who wound up as Russian emigrants in Shanghai. I heartily support everything that Dr. Alexander has said, as to their traits of character. They are very fine people, and as well we all know, they come from the better class of Russians who were driven out during the revolution.

Mr. ARENS. Would you indicate statistics as you go along, so we would have that in the record, the numbers, to your knowledge, that were driven out.

Mr. MACARTHUR. I have no exact figures. It was my understanding that at the time hostilities ceased, when I went in there, there were in excess of 20,000 White Russians in Shanghai. There were other groups in the northern cities. Their size I don't know. And quite a large group in Harbin, Manchuria. I have no exact figures with me.

Mr. ARENS. Do you know what happened to them, where they have gone?

Mr. MACARTHUR. As indicated in former testimony, which I know to be a fact, approximately 5,000 were repatriated. They were repatriated with the aid of the communistic Soviet regime.

Mr. ARENS. Was it a forcible repatriation?

Mr. MACARTHUR. No; it was not. But inducements were given to them which makes even stronger in my mind the case for those who remained and refused the offer to return. They were given, those that did return, transportation back to Soviet Russia. The others have been the enemies of the tyranny and persecution of the communistic system since 1917, in many cases two generations now. They have been opposed to the Soviet regime.

In my opinion, they are very desirable for that reason alone. They opposed a system which we are fighting in the cold war. In my opinion, they will be splendid citizens. They are industrious. They are truthworthy. We employed many of them in our work in Shanghai, security-guard purposes, static guard, and the like.

Mr. ARENS. Where were most of them born, under what quota would they be normally chargeable; do you know?

Mr. MACARTHUR. The majority would say—and I do not know this for a fact—were born in Russia and would be chargeable to the Russian quota, but with respect to the second generation, many will be charged to the Chinese quota, having been born there and in Manchuria, which, generally speaking, at the time of their births, was Chinese territory.

Mr. ARENS. What have they been doing in the Shanghai area since they fled there? Have they established themselves in businesses or taken up trades, or what have they done?

Mr. MACARTHUR. They have. They have entered any number of lines of business there, as Dr. Alexander indicated. They formed two battalions for the defense of Shanghai. Many served on the international police force. I knew many of them personally, along with some of the British members who worked with me in certain phases of my work there. Many of them were former officers in the Imperial Army and Navy. Those in the Navy went with the large shipping firms there, as ships' officers and masters, such firms as Matson and others. Some served in that capacity with UNRRA after the war, manning the ships that we and the other nations furnished.

Mr. ARENS. May I ask you this: Why is it, this may seem a naive question, if the Russians have taken over Shanghai, they were not already liquidated, if they are refugees in the first instance from Russia?

Mr. MACARTHUR. That would be a question that I could not answer, because I don't know the facts. But may I emphasize that the majority of those who remain and refused to be repatriated have now been evacuated. They were evacuated just before the Communists moved in.

Mr. ARENS. That is the group that has gone to the Philippines?

Mr. MACARTHUR. That is the group in the Philippines. As to the others, this is guesswork: Some may have remained to try to retain business opportunities and properties. I know of none who remain, I know a few who are still there, I know of none who remained with the idea that they could work with the Chinese Communist regime, for necessarily, information is sketchy out of Shanghai at this time. My wife receives quite a bit of mail from the Philippine Islands, where the camp is located. She and I have many friends in that colony there and conditions are not the best. That I think is an understatement. The IRO has done a superb job in making available what they could, but conditions are necessarily primitive there from what we have heard. This naturally is not first-hand information from me.

Mr. ARENS. Do you have information, Mr. MacArthur, respecting White Russian refugees who may be located in places other than in the Shanghai area? I understood you to say some went into Manchuria.

Mr. MACARTHUR. It is my understanding that there are still some in Harbin.

Mr. ARENS. Where is that?

Mr. MACARTHUR. That is in Manchuria, north central Manchuria. We did not get into Harbin and I have no first-hand information. We were permitted only as far north as Chanchung.

Mr. ARENS. Do you have any estimate on the numbers there?

Mr. MACARTHUR. No. Information and communications were difficult. There was fighting during much of that period in Manchuria and their means of flight from Harbin into China were necessarily restricted.

Mr. ARENS. Do you have any other comments you care to make?

Mr. MACARTHUR. No; I think that covers it. I appreciate very much the opportunity to appear.

Mr. ARENS. Thank you very much.

TESTIMONY OF VLADIMIRL ZAGAYKO, NEW YORK, N. Y.

Mr. ARENS. Would you kindly identify yourself for the record by name, address, and the organization or association with which you are connected?

Mr. ZAGAYKO. I am Vladimirl Zagayko, Russian-born but American citizen for the last 25 years and I live in New York, 430 West One Hundred and Eighteenth Street. I am not connected with any kind of organization. I just speak for myself and in behalf of the people in the Philippines.

They were telling everything about that. I came with a little different thing in mind. I think that it should be made the amendment to the law which is now talked about, we say all of the time about the Shanghai refugees, there is in the Celler bill, the present one, there is a point that all of the refugees in Shanghai up to July 1, 1948, are subjected to that DP bill. But there is nothing said about the other refugees who were in China in that time, but who were not registered in Shanghai. So if that law passes now, the Shanghai refugees will be allowed to use that law, but the people from 20 miles away from Shanghai or in some other city will be out. They will be out of luck.

Mr. ARENS. Do you have information about other folks, other than in the Shanghai area?

Mr. ZAGAYKO. Yes.

Mr. ARENS. Would you tell us about them and the numbers, and how they got there and what happened to them, if you please?

Mr. ZAGAYKO. I started a little farther back. When the so-called White Russians did flee from Russia, they settled all over Shanghai. Most of them settled in Manchuria, because Manchuria was a Russian billeted town, Harbin. Some of them went to Pieping and the other cities, and some of them went to Shanghai. And those others that live there, they were living there and having their business and their occupation or whatever they had. And now when the Communists came, they had to flee and they came to Shanghai, already too late to register, and they came after that date July 5, 1948. They don't come under that law.

Mr. ARENS. May I get a point clear here. The folks you are talking about initially went to other areas in China.

Mr. ZAGAYKO. Yes.

Mr. ARENS. And subsequently wound up in Shanghai.

Mr. ZAGAYKO. In the last half year.

Mr. ARENS. Are they included in this 1,500 that the other gentlemen have been talking about?

Mr. ZAGAYKO. They got out. They are in the Philippines now, part of them.

Mr. ARENS. Do you have information respecting any refugees in China from central Europe or from White Russia other than those people who are embraced in the 1,000 or in the 1,500, respectively?

Mr. ZAGAYKO. That is the same people, but not all of them. They come under the DP law, because there is a date which says that all people who are registered before July 1, 1948.

Mr. ARENS. You are talking about the Celler bill?

Mr. ZAGAYKO. Yes. So I wrote a letter to Mr. Celler and I got an answer from him, which I sent to the committee here, in which he acknowledged that it is a mistake; there was an error in the phrasing

of the bill, so there is a group of people out of that bill, because they don't come under that date.

Mr. ARENS. They came into Shanghai after the date in the Celler bill; is that what you are saying?

Mr. ZAGAYKO. That is right. That is why I asked that that be corrected in the bill and rephrased, so that these people can benefit from that bill.

Mr. ARENS. May I ask you two questions there? When did these folks come into Shanghai?

Mr. ZAGAYKO. They came between January 1, 1949, and May of the some year, 1949, or maybe they came in later.

Mr. ARENS. At least, they came in since January 1, 1949.

Mr. ZAGAYKO. After the fall of Peiping, which was on December 14, 1948, so these people went away from Peiping and from other towns and they came to Shanghai, so from December 1948 to May 1949.

Mr. ARENS. How many of the 1,500 White Russians who are in the Shanghai area are composed of the people who came in since January 1949?

Mr. ZAGAYKO. I don't have that figure. I have no figures on that at all. Some of these people, they were taken to the Philippines and they are in that number of 5,000.

Mr. ARENS. How many came in from the other areas into Shanghai in total?

Mr. ZAGAYKO. I don't have that figure.

Mr. ARENS. Would you mind, Mr. Zagayko, kindly telling us what the basis of your information is? Have you been to the Shanghai area?

Mr. ZAGAYKO. I have a sister there and that sister, she was living, after she left Russia, her husband was killed by the Bolsheviks in the beginning of the Revolution, and she with a small baby, she fled and arrived in China somehow, and there she met another Russian, who fled too, and she married him; and he established in Peiping a business, very successful business, and brought up her son. Now, that is 30 years ago. Now the second time, they have to flee again from the same Communists and what is more, in September, after the war, in 1945, the Soviet authorities in China, the Russian Soviet authorities they are persecuting him all of the time, trying to take away his business.

Mr. ARENS. He fled then from where he landed in China subsequently to Shanghai; is that it?

Mr. ZAGAYKO. That is right. They persecuted him so that in September, 3 months before the fall of Peiping, they delivered him an ultimatum that he turn over his business or they will not let him out of Peiping.

Mr. ARENS. Where is he now?

Mr. ZAGAYKO. He is in Samar, in the Philippines.

Mr. ARENS. I assume he and his wife also are presently there?

Mr. ZAGAYKO. He left everything and ran the second time on very short notice.

Mr. ARENS. Did I understand you to say that a few months ago you yourself had been in this group that fled to Shanghai?

Mr. ZAGAYKO. No; I never was.

Mr. ARENS. What is your occupation?

Mr. ZAGAYKO. I am a naval architect at the navy yard in New York.

Mr. ARENS. Is there anything else you care to say, Mr. Zagayko?

Mr. ZAGAYKO. Well I have no figures, but I accept all of the figures that Dr. Alexander gave here, with a few corrections. As I understand, he said that he had a piece of paper, there was a figure of 5,300 Russian refugees in Samar, out of which three and a half thousand are Russians and the rest are Esthonians and Balts and so forth. That is the impression I got of those figures. There was presented a figure of 30,000 which were in Shanghai and in China, and what happened to them. It was said that 4,000 went to the United States, drifted to the United States, the regular way, in the last few years, 5,000 or so on Samar, and about 5,000 went back to Russia. But the rest, there are about 15,000 missing, so they probably are in China there. They just had no chance to get out if it and they are all lost.

Mr. ARENS. Where are those 15,000?

Mr. ZAGAYKO. Still in China and they are lost.

Mr. ARENS. Where in China?

Mr. ZAGAYKO. Where they were and the places where they were living up to the time that the Communists came there.

Mr. ARENS. In what areas of China are these 15,000?

Mr. ZAGAYKO. Wherever they might be—in Peiping, might be in Shanghai.

Mr. ARENS. How do you know they even exist?

Mr. ZAGAYKO. He was quoting a figure of 30,000. I said that we account only for 15,000. The other 15,000, if they were dead, they were left dead.

Mr. ARENS. It is your point that they start with 30,000, and 15,000 aren't accounted for.

Mr. ZAGAYKO. Yes. I just ask that in that bill it be made over so that this group is included.

Mr. ARENS. Is there anything else you want to say?

Mr. ZAGAYKO. That is all.

Mr. ARENS. We thank you very much.

Is there any other witness who cares to appear on this issue at this time? If not, the session will be concluded today, and will be resumed at the call of the chairman.

(Thereupon, at 12:30 p. m., the subcommittee recessed subject to the call of the Chair.)

DISPLACED PERSONS

FRIDAY, SEPTEMBER 23, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10:30 a. m., in room 424, Senate Office Building, Senator Herbert O'Conor, presiding.

Present: Senator O'Conor.

Also present: Richard Arens and Thomas J. Davis, professional staff members.

Senator O'CONOR. The hearing will please come to order. This is a continuation of the hearing held September 9. The first witness will be Mr. A. Willard Jones.

Will you be sworn, Mr. Jones?

Mr. JONES. I will affirm.

Senator O'CONOR. Mr. Jones, do you affirm that the testimony you are about to give in this hearing will be the truth?

Mr. JONES. Yes, sir.

TESTIMONY OF A. WILLARD JONES, FORMER SECRETARY, AMERICAN FRIENDS MISSION, PALESTINE

Senator O'CONOR. Can you now give us some of your background, Mr. Jones?

Mr. JONES. I am a native of Iowa, but I am at present living in Ramallah, Jordan.

Senator O'CONOR. For what period have you been residing there?

Mr. JONES. I lived there from 1922 until 1930, and then again from 1944. I am just home for a vacation.

Mr. ARENS. Mr. Jones, I understand you have a prepared statement or memorandum that you would like to submit at this time.

Mr. JONES. I do. You have a copy of it.

Mr. ARENS. If it is agreeable with the Senator, we shall submit it for the record at this point.

Senator O'CONOR. Very well. The memorandum will be incorporated into the record, Mr. Jones, in the form you have prepared it. It is not necessary to read it now, but there may be some questions propounded to you as a result of its incorporation into the record.

(The memorandum referred to is as follows:)

In regard to the proposal to liberalize the existing laws of the United States in order to enable more persons of Arab nationality to be admitted annually to this country, I would like to make the following observations:

1. I am a native-born citizen having been born in Gibson, Iowa, on September 6, 1894. All my ancestors for four or five generations have been native-born citizens.

2. From 1922 to 1930 and again from 1944 to 1949 I lived in Ramallah, Palestine, where I served as principal of the Friends Boys School and as secretary of the American Friends Mission.

During these years I have had occasion to become well acquainted with hundreds of Arabs and my position as principal of a boarding school for Arab boys in an Arab community has enabled me to know them intimately.

3. While living in the United States it has also been possible for me to observe that many Arabs have become useful and loyal citizens of the United States. I personally know many who have become merchants, doctors, lawyers, teachers, and ministers of the gospel, who have made large and useful contributions to the economic, social, and religious life of this country.

4. It is my considered belief that it would contribute to the increased welfare of the United States if it would modify the existing immigration laws to enable more Arabs to qualify as immigrants to the United States. Under the existing regulations governing American consular officers in the selection of immigrants, it is easily possible for them to exercise such careful choice of prospective immigrants so that many more well-qualified Arabs could be admitted safely. I feel sure that these persons would bring with them technical skills that would contribute materially to our economic welfare.

5. In addition to those Arabs residing abroad there are at present hundreds of your Arab students now enrolled in American schools and colleges. They are well qualified by previous training in schools conducted by Americans or Europeans in the Near East to become integrated into our American life. They know English well and have studied the background of our country, its history, its form of government, and its institutions.

It would be of mutual benefit to them and to our Government if our doors could be opened to allow them to become citizens. Many of them have no national home because of the recent disturbances in Palestine, and it would be an act of mercy as well as a gesture of international good will if we would amend our laws so as to include them in our quota of immigrants.

Mr. ARENS. Mr. Jones, would you kindly now indicate your general background and experience which you feel qualifies you to comment on the Palestine refugee situation?

Mr. JONES. As I said, I am a native-born American, and my parents and for many generations the family has been native-born Americans. But we went abroad in 1922 to head up a school for Arab boys in Ramallah, which used to be Palestine. I was head of that school until I found an Arab who was qualified to head it up. He was appointed to take my place and I returned to this country.

He resigned in 1942 and I was sent back, and since 1944, I have been head of the Friends Boys School in Ramallah and also secretary of the mission.

Mr. ARENS. What information do you have which you would care to submit to the subcommittee respecting the situation of the Palestine refugees?

Mr. JONES. That would take a long time to tell, all that I could tell you about that. I felt that Mr. Barakat's remarks were good and I should like to concur in what he said.

Senator O'CONOR. In connection with the previous testimony, do you agree with the statements that are incorporated in the record? If that be so, we may very well save you the trouble of repetition, because that phase of it has been gone into quite exhaustively.

Mr. JONES. I certainly do concur in what Mr. Barakat said.

However, there is one statement that was made by the lady, Mrs. Louis Nassif, in which she said she has not seen any able-bodied people among the refugees. Maybe I did not understand what was meant there, because there are hundreds of able-bodied people among them, men, boys, and women. They were all able-bodied at the time they became refugees, except those who might have been injured or wounded or anything of that sort.

Mr. ARENS. Let me ask you one question, which I have asked other witnesses and concerning which I do not believe we have complete clarification. The question is: Are the Arab Palestinian refugees in an identifiable class so that one could say that they are in camps or settlements where they could be specifically identified?

Mr. JONES. Yes, sir. I noticed your questions in that previous hearing. It is very true that they are easily identifiable; that is, the International Red Cross and the Refugee Organization, itself, have card files and have indexes showing these people, who they are, the numbers in the families.

Some of them were put in the tent city near Jericho, because Jericho is below sea level and it is warm. They were kept in that tent city below sea level during the wintertime. Then they tendered to come back to the hills where I live, in Ramallah, because it is unbearably hot in Jericho. They have come back there and have established certain tent cities of theirs. Then, of course, they are crowded into the homes of other Arabs in that whole area. They are very much overcrowded. The whole area is much overcrowded.

Mr. ARENS. Could you tell us the aggregate number of refugees who are currently displaced because of the Palestine situation?

Mr. JONES. Yes, I can. The American Friends Service Committee reports 220,000 in the Gaza area and the International Red Cross reports more than 200,000 in the rest of what was formerly Palestine, in the part west of the Jordan River. The League of Red Cross Societies reports a similar number in Lebanon, Syria, and Transjordan or Jordan, the east part of the Jordan.

Mr. ARENS. What is the aggregate number?

Mr. JONES. Easily 800,000. That is based on figures earlier in the summer, and there have been additions to that since that time.

Mr. ARENS. Is the aggregate figure at this time more than 800,000?

Mr. JONES. That is right; easily more than 800,000.

Mr. ARENS. Does the International Refugee Organization operate in this area?

Mr. JONES. I have heard so many of those names.

Senator O'CONOR. The IRO.

Mr. JONES. Yes. It supervises the whole thing, certainly, and under it is the American Friends Service Committee and the International Committee of the Red Cross and the International Red Cross Commissary. The three organizations are under it.

Mr. ARENS. Who operates the camps or settlements in which the refugees are presently settled?

Mr. JONES. In Gaza they would be under the American Friends Service Committee. In the area where I live, which is just north of Jerusalem, they would be under the International Red Cross.

Mr. ARENS. Does the International Refugee Organization supply maintenance provisions for the Red Cross and for the other refugee organizations that are operating there?

Mr. JONES. That is right.

Mr. ARENS. Could you tell us when the displacement of these persons first started?

Mr. JONES. Yes. It began there before May 15. The end of the mandate was May 15, 1948.

Mr. ARENS. Are you referring to the British mandate on Palestine?

Mr. JONES. That is right. It began before that.

A number—I don't know how many of those—perhaps 30,000, maybe 20,000, came up from Jaffa before that date. Jaffa is more or less in an area where they felt themselves to be surrounded and they left before the end of the mandate.

Mr. ARENS. When was the terminal date of this displacement or is it still in progress?

Mr. JONES. I should say the terminal date, roughly, might have been 6 months, 5 or 6 months ago. But there have been some displacements taking place since then in that they leave by crossing the line secretly to get to join their relatives who have left Israel.

Mr. ARENS. My geography in that area is very, very poor, Mr. Jones. Could you kindly tell us the geographical location of these persons prior to their displacement, with respect to the area in which they presently find themselves?

In other words, my query comes to a crucial issue, in legislative consideration of this problem, namely, are these people at the present time within the physical confines of their native land or are they outside the confines of their native land?

Mr. JONES. It is going to be difficult to answer. The cities of Jaffa, Alia, Ramallah, Haifa, Acre, Nazareth—all of those cities are in the control of the Israeli Government at the present time. That is the area from which most of them came. Then there is also a large part of Jerusalem, the new part, the western part of Jerusalem, also in Israeli hands.

So technically the mandate covered all of Palestine. Therefore, the 200,000 in the area where I am living are technically in what was formerly their home, but they are not in their previous cities, you see, but they are across a military line. Do you understand?

Mr. ARENS. How would you define the area in which they now find themselves? Is it an area under the control of the Arab Government?

Mr. JONES. It is under the control of King Abdullah, of Jordan, the area where I live; yes.

Mr. ARENS. Are any of the refugees concerning whom you have been testifying in areas other than areas under the control of the Arabs?

Mr. JONES. I suppose not. Those in Gaza are normally under the control of Egypt. I suppose you could include Egypt as an Arab country.

Those who have gone to Lebanon; that is Arab country. Others have gone to Syria and that is Arab country, and to Iraq, Jordan; that is Arab country. Naturally, they have gone to the places where their Arab relatives are.

Senator O'CONOR. Mr. Jones, in your statement you make the observation or you present as your considered belief that it would contribute to the increased welfare of the United States if the existing immigration laws were modified to enable more Arabs to qualify as immigrants, do you not?

Mr. JONES. I do.

Senator O'CONOR. Particularly I invite your attention to the matter of the younger persons—whether or not in goodly numbers they are being educated, and whether, in your opinion, they have an understanding and grasp of American principles and of ideals of government as we view things here.

Mr. JONES. I have conducted a preparatory school there and have fitted boys for admission to the American University of Beyrouth, American University in Cairo, and other such institutions in this country.

I found them exceedingly well qualified to understand our American way of life. They fit into schools and colleges in this country very well. You can go to Swarthmore, you can go to various of our leading schools, and find that the students they have there have almost invariably made an excellent impression. Certainly those who have returned to serve in their country have made a wonderful contribution. They have brought with them the best of the West to the East.

Senator O'CONOR. Very good. What I have in mind—and you have already touched upon it—is whether or not there are such deep-seated convictions on their part that they find it difficult to absorb or assimilate American ideals.

Mr. JONES. What kind of convictions would you think of?

Senator O'CONOR. Any kind that would make it more difficult for them to become a part of American life.

Mr. JONES. I know of none.

Senator O'CONOR. Or do you feel there is on their part a predisposition toward acceptance of such standards and principles as we subscribe to?

Mr. JONES. You must remember that those people have a great, long, and lasting admiration for America and American Government. They thought at the end of the First World War to have the United States take a mandate in that area, but the United States was not ready to do so. They were frankly disappointed because we did not. They were very keen to show their friendship for America.

But a reservoir of good will is seeping out now because they have seen that their country has been lost to them. But they certainly have been predisposed toward friendly relations with the United States.

Mr. ARENS. Let me ask you a question or two about the customs or traditions, their ways of life. First of all, what is the religious affiliation of a preponderance of the Arabs?

Mr. JONES. The great majority are Moslem. Of course, Islam is a very, shall I say, moral and highly ethical religion.

Mr. ARENS. What is their language?

Mr. JONES. Arabic.

Mr. ARENS. I understand, Mr. Jones, you have some information which you want to present to the subcommittee, respecting Arab students presently in the United States who are having difficulty in being resettled or repatriated.

Mr. JONES. I believe there are a number of these, going into the hundreds, who have come here to study and who are finding difficulty in returning to that part of the country which was formerly their home, but now is not their home.

I should think it would be rather a great satisfaction to our country and to them if they could be allowed to qualify as immigrants into this country.

Mr. ARENS. Do you have information respecting the number of persons of Arab descent who are presently permanent residents of the United States?

Mr. JONES. I think it would be difficult to assimilate that information. You may have it somewhere else, but there are a great many of them. They tend to lose themselves in American life very quickly. They go into business and other occupations, and also in such ways that you would not necessarily know that they were descendants of Arabs.

Mr. ARENS. As you know, Mr. Jones, we had a session on this proposition before, in which a number of witnesses supplied information. I see you have a copy of the transcript there, which you apparently have had occasion to look over.

Mr. JONES. That is right.

Mr. ARENS. Is there any other comment or observation you care to make in supplement or in addition to what has already been submitted to the subcommittee?

Mr. JONES. I think it is sufficient. I would not know anything else.

Mr. ARENS. We appreciate very much your courtesy in appearing today.

Senator O'CONOR. We are grateful to you, indeed, because you have been very helpful to us. Thank you very much, Mr. Jones.

Mr. JONES. Thank you, sir.

Senator O'CONOR. We will now hear you, Mr. Michaloski. Will you be sworn, sir?

In the presence of Almighty God, do you swear the evidence you shall give in this subcommittee, shall be the truth, the whole truth, and nothing but the truth?

Mr. MICHALOSKI. I do.

TESTIMONY OF LEO J. MICHALOSKI, POLISH-AMERICAN CONGRESS

Mr. MICHALOSKI. Yes, sir.

Senator O'CONOR. May we have your full name first, please?

Mr. MICHALOSKI. Leo J. Michaloski.

Senator O'CONOR. What is your address?

Mr. MICHALOSKI. Washington, D. C.

Senator O'CONOR. What is your profession?

Mr. MICHALOSKI. Attorney.

Senator O'CONOR. For how long have you been a member of the bar, Mr. Michaloski?

Mr. MICHALOSKI. Since 1940.

Senator O'CONOR. Have you practiced in the District of Columbia throughout that period?

Mr. MICHALOSKI. Yes, except for the interval I served in the Army.

Senator O'CONOR. How long were you a member of the United States Army?

Mr. MICHALOSKI. More than 3 years.

Senator O'CONOR. Where did you serve?

Mr. MICHALOSKI. In the United States.

Senator O'CONOR. In what branch of the service were you?

Mr. MICHALOSKI. Air Forces.

Senator O'CONOR. All right, you may proceed with your questions, Mr. Arens.

Mr. ARENS. Mr. Michaloski, I understand you are appearing here at the request of an organization. Would you kindly identify the organization?

Mr. MICHALOSKI. The Polish-American Congress.

Mr. ARENS. Could you tell us a word about the organization?

Mr. MICHALOSKI. It is an organization composed of Americans of Polish descent. The Polish-American Congress is the largest organization of Americans of Polish descent in this country. Its membership is estimated at over 6,000,000.

Mr. ARENS. Could you tell us the nature of the organization? Is it a fraternal organization, or is it for all persons of Polish-American descent?

Mr. MICHALOSKI. It is composed of practically all the organizations, the fraternal, religious, insurance groups, in every part of the country. It was organized and incorporated approximately 5 or 6 years ago, and its purpose was to plead the cause of Poland, as well as the people who were found unable to return to their native land.

Mr. ARENS. Could you tell us the principal officers of the organization?

Mr. MICHALOSKI. Mr. Charles Rozmarek was the president. The principal offices of that organization are located in Chicago, yet there is a branch of it in every State.

Mr. ARENS. Are you an official or an officer of the organization?

Mr. MICHALOSKI. No; I am not. I have appeared on several occasions to represent the Polish-American Congress in matters dealing with immigration, but I am not an official. I have been called today as a substitute for someone who was not in the city.

Mr. ARENS. Mr. Michaloski, I understand that your testimony is directed to the group which is embraced in H. R. 4567, in that part of the bill which, with the Senator's permission, I should like to read, so that the record will show the language to which you are addressing yourself.

Senator O'CONOR. Yes.

Mr. ARENS. Beginning on page 6 of H. R. 4567, the following language appears:

> A number of immigration visas not to exceed 18,000 may be issued within the total numerical limitations provided by subsection (a) of this section to persons who (1) during World War II were members of the armed forces of the Republic of Poland, (2) were honorably discharged from such forces, (3) reside in the British Isles upon the effective date of this act, as amended, and (4) having registered for an immigration visa with a United States consular officer in Great Britain prior to the effective date of this act, as amended: *Provided*, That they meet all requirements of the immigration laws of the United States for admission into the United States for permanent residence. The spouse and unmarried dependent child or children under 21 years of age, including adopted children and stepchildren of persons defined in subdivisions (2) and (3) of this subsection, shall, if otherwise qualified for admission into the United States for permanent residence, also be granted immigration visas within the numerical limitations set forth in this subsection.

Mr. Michaloski, will you kindly address yourself to that group?

Mr. MICHALOSKI. Mr. Chairman, I am appearing to plead the cause of the group for which the bill provides; that is, the admission of 18,000 immigrants who had fought in the armed forces of the Republic of Poland.

I have no prepared statement, but I do have some notes and I ask your indulgence to permit me to briefly outline the history of the group. I think it is a most interesting one. The people for which this

bill provides are, as the bill shows, in England. They came there after the hostilities had ended in Italy. In Italy it was known as the Second Polish Corps, and it was a unit that covered itself with immortal glory in that Italian campaign. It fought side by side with our American, British, and French forces.

Some day perhaps someone will write an account of the achievements of this group. As yet, it has not been written. When the war began between Germany and Russia, there was, fortuitously, an agreement between Poland's General Sikorski and the Soviet Government. The date of that was July 1941. That agreement permitted the Polish citizens who were then in concentration camps and work camps, thousands of them, to organize, as Polish volunteers, in this new, about to be formed, Polish Army. It was formed in Russia and was later moved. It was identified as the Polish Army of the Middle East. It was under the command of General Ladislaw Anders, who himself was released from a prison cell in Moscow.

He joined with these other former prisoners and captives, Russian captives, deportees, and labor conscripts, as they were called, and there began the history of this fabulous army. They started with absolutely nothing except the will and determination to go back and win back their country.

Mr. ARENS. Would you allow me to interrupt you, Mr. Michaloski, so that we might have the correct chronology?

Mr. MICHALOSKI. Yes.

Mr. ARENS. How did General Anders and his associates find themselves in the concentration camps? Who put them there?

Mr. MICHALOSKI. They found themselves there when Russia and Germany collaborated in the invasion of Poland. The Russians, as you will remember, participated in that invasion some short time after the Germans invaded Poland, on September 1, 1939.

Mr. ARENS. They came east of the Curzon line; did they not?

Mr. MICHALOSKI. That is correct.

Mr. ARENS. Were General Anders and his associates in that area of Poland east of the Curzon line?

Mr. MICHALOSKI. It is my understanding that they were and a goodly number were deported by the Germans, were expelled from the western part of Poland.

Now, starting from scratch, this army needed foods, medicines, equipment, and armaments. Along the Volga, in the towns of Tolk and Buzuluk, the Polish Army pitched its tents and went to work. They secured American aid, as well as British, and with plenty of zeal and enthusiasm they slowly developed into a formidable fighting machine.

But I might point out that was after experiences that perhaps no other group ever had in the history of this last war, because in this area of Russia they encountered all kinds of diseases. There was typhoid and dysentery and malaria. But, despite all this, they emerged ready and then moved on to the Middle East. They were amalgamated with another Polish army, which was known as the Carpathian Brigade, under Brig. John Kopanski.

Mr. ARENS. Do you know the numbers involved in the Anders Army?

Mr. MICHALOSKI. It is my understanding that approximately a hundred thousand troops composed the Second Army Corps. That was the joining of both forces.

Mr. ARENS. Am I clear in my impression that these men were first taken captives by the Communist government and placed in concentration camps, and then, when the Communists and the Nazis fell out, the Communists released them for the purpose of fighting the Nazis; is that correct?

Mr. MICHALOSKI. That is correct.

In February of 1944 the Second Polish Corps sailed from Egypt to south Italy, where it fought side by side with American, French, and British forces under the command of Gen. Mark Clark. A new road lay ahead of them. They had to fight from one end of Italy to the other, and they just covered themselves with glory.

The climax of this campaign, which began, as I pointed out, in February 1944, was reached when the Fifth and Eighth Allied Armies fought for Cassino Ridge, the gateway to Rome. Many Americans will recall the pictures of the American Air Forces and the bombardment of Cassino. I think it was the bloodiest chapter in this whole last war. The capture of Monte Cassino, as it is now popularly known, as well as Monastery Hill, which the Germans had turned into an impregnable fortress, barring the road to Rome, was won by the fighting and the blood of the Poles. All the assaults of the best British troops and the Americans as well were unsuccessful, and it was only after the Poles, after nights of the most indescribable fighting hand to hand, were able to capture Monte Cassino. They brought about the hoped-for results, for the conquest of Monte Cassino meant that the road to Rome was clear.

This victory of the Poles saved many thousands of American lives, and on the slopes of Monte Cassino today there are found more than 3,500 graves of Poles who laid down their lives for the same ideals and the same principles that we Americans fought for.

Mr. ARENS. Let me ask you right there: What was the situation at this time in Poland? Was it still under the split domination of the Nazis and the Communists, the Russians?

Mr. MICHALOSKI. No. The Russians had been moved by the German forces to their frontiers. It was completely dominated by the Nazis.

I might point out that the late President of the United States, Franklin Delano Roosevelt, in awarding the Legion of Merit to the general, the leader of this Second Polish Corps, and citing him for this honor, said what is contained in a quotation I have here. With your permission, Mr. Chairman, I would like to read it.

Senator O'CONNOR. We would like very much to have you read it.

Mr. MICHALOSKI. The quotation is:

> * * * brilliantly led his men in the final overwhelming drive that resulted in the retreat of the German Army from strongly defended Cassino. This point of stubborn resistance was captured when General Anders guided his troops in a coordinated and inspired Allied drive into the bitterly contested vantage point by the enemy. Later, continuing in the eastern sector of Italy, on the Adriatic coast, General Anders again led his men in the capture of the important port of Ancona. The outstanding leadership and tactical ability displayed by General Anders were primary contributions to the success of Allied forces in the Italian campaign.

It is signed by Franklin Delano Roosevelt.

Now, the men that fought under General Anders, after victory had come to the Allied forces, found that they had no lands to return

to. Their homeland was taken over by the Russians. They did not believe in the philosophy of government that was prevalent there.

Mr. ARENS. May I interrupt you right there? The entire area of Poland was not taken over by the Communists was it? It was only up to the Curzon line; is that not true?

Mr. MICHALOSKI. Well, under the Yalta agreement, that area from which 80 percent of this corps came—that is, where they had their origin—they came from the area which had been taken over by the Russians, and they had nowhere to go.

Mr. ARENS. But, after the termination of the war, there was an area which is generally termed "Poland," west of the Curzon line, which at that time, at least, was not under the control of the Russians; is that not right?

Mr. MICHALOSKI. Theoretically. Just after the war, there was a government that was not as completely as it is today under the domination of the Russians, but the area from whence came 80 percent of this fighting force was an area which had already been incorporated into zones.

Mr. ARENS. Was that an outright annexation?

Mr. MICHALOSKI. Annexation under this agreement, in which the United States was a party.

These gallant heroes, it seems to me, represent the best material from the point of view of any sensible immigration policy. They love liberty, as all Poles do, and they abhor communism. Certainly anyone who has spent two or more years in a prison camp or labor camp knows what communism is.

Mr. ARENS. Let me ask you a question there, from the standpoint of chronology. We have now gotten them to the point where the war is over and they are in Italy. What happened to them then?

Mr. MICHALOSKI. They were then invited by the British Government. There was a program known as the resettlement program, the British Government feeling that it was their moral obligation. They invited the Polish groups to settle there.

Mr. ARENS. Did they invite them to settle in England?

Mr. MICHALOSKI. In England.

Mr. ARENS. How many of them accepted the invitation and were settled in England?

Mr. MICHALOSKI. I would say that perhaps 80 percent of them had settled in England.

Mr. ARENS. What would be that number?

Mr. MICHALOSKI. I would like to be given an opportunity to check that figure, Mr. Chairman, because, as you know, I have come without too many statistics in the matter. But I would say that perhaps 80 percent or more migrated to England.

Mr. ARENS. How many did we start with?

Mr. MICHALOSKI. I would say over a hundred thousand composed the Second Polish Corps.

Mr. ARENS. Then it would be a rough estimate that approximately 80,000 went to England; is that right?

Mr. MICHALOSKI. Yes.

Mr. ARENS. I presume they went by boat out of Italy and around through the Mediterranean Sea and up to Great Britain, did they not?

Mr. MICHALOSKI. That is correct.

Mr. ARENS. The reason why I ask that is that I would like to know whether or not any of these Anders men, this hundred thousand, returned to Poland.

Mr. MICHALOSKI. I am not quite sure. I would say that perhaps some of them did.

Mr. ARENS. Yes.

Mr. MICHALOSKI. But it is a very negligible number.

Mr. ARENS. Do you have any information as to whether any of them went from Italy up into the occupied areas of Germany and Austria for the purpose of receiving relief from IRO and joining in the DP group?

Mr. MICHALOSKI. If any of them did, I have no knowledge of it.

Mr. ARENS. But you think that approximately 80,000 after the war went to England, do you?

Mr. MICHALOSKI. That is correct.

Mr. ARENS. Did any of them go to the colonies of England?

Mr. MICHALOSKI. Many of them were invited to settle in the colonies of England, but each country would set up its own program, and there were restrictions, as you are well aware of. After they had settled in England, the conditions, as we know of them to be now, being rather shaky, the economy of England cannot absorb them as it had expected. The invitation, of course, was only temporary. They were never expected to settle there permanently.

Most of these former Polish soldiers are young. They are vigorous. They are well trained and disciplined. The Second Army was an aggregation of a variety of avocations and professions. It would not be surprising to find a lumberman side by side fighting with an artist or a teacher.

Mr. ARENS. Let me ask you this: When the estimated 80,000 were taken into England, were they placed in settlements and fed there or were they just dispersed over the countryside? What was the arrangement there?

Mr. MICHALOSKI. They were brought into these resettlement camps in various parts of England and Scotland, and there was an effort made by the government to absorb them in industry. It was a very slow process.

In the meantime, many of them had married and migrated to other English colonies. But to this day there is still a substantial number of that 80,000 that stayed. I may not be correct in that, Mr. Chairman.

Senator O'CONOR. Let me ask right there: Are there any official figures available from authoritative sources as to the professions or skills of these persons, particularly in question?

Mr. MICHALOSKI. It seems to me that the Polish-American Congress has statistics on that and we would be pleased to submit them to the committee.

Senator O'CONOR. If you could supply them it would be very interesting to us to have them.

Mr. ARENS. Mr. Michaloski, does IRO take care of these folks or any percentage of them, in England?

Mr. MICHALOSKI. They are dependent, it sems to me, solely upon themselves and what aid the British Government can afford.

Mr. ARENS. Are any of them still in camps or settlements or reception areas there, under the auspices of either relief organizations, or the British Government?

Mr. MICHALOSKI. One of my relatives is so situated.

Mr. ARENS. Could you tell us a litle bit more about that?

Mr. MICHALOSKI. I think that the settlements are not as well filled as they were 2 years ago, but there are still a large number of them.

Mr. ARENS. Would you kindly tell us, if you have the information—and if you have not the information, may I suggest we would appreciate receiving it subsequently—how many are presently in England who are dependent upon the British Government or relief agencies for their care and maintenance?

Mr. MICHALOSKI. I will supply that information.

Mr. ARENS. I think it is very pertinent that we have that information, because the bill here provides for 18,000, and we ought to know whether there are 18,000 or whether there are more than 18,000, or fewer.

Mr. MICHALOSKI. There are certainly more than 18,000. From my information, I would say that it would be closer to 60,000. However, not that number has registered, as provided in this bill.

It would seem to me that somewhat less than that number have registered, for the reason that the people concerned hoped, but they never felt that the hope would materialize that they would ever be able to migrate to the United States. As all displaced persons know, the migration to this country is a difficult task.

Mr. ARENS. May I just make an observation, not from the standpoint of contending with you, but from the standpoint of listing your views?

Under the provisions of this bill, an individual who was in the Anders Army and presently is in Great Britain, who may be getting along very satisfactorily, but who just desires to come to the United States, would be eligible, under the bill, for immigration purposes, would he not, if he had applied?

Mr. MICHALOSKI. Yes, if he had applied, registered with the American officials.

Mr. ARENS. The query that is in my mind, on which I suggest it would be helpful to the subcommittee if you would give us information, is this: Is there some way that we can differentiate between those individuals who are helpless or dependent on relief organizations in the British Isles, as distinguished from those who may be partly or completely assimilated in the economy of Great Britain?

Mr. MICHALOSKI. There are still a large number of unassimilated Poles in these resettlement camps and, naturally, we are concerned about them.

Mr. ARENS. Would it not occur to you that it might be more desirable, assuming some legislation were enacted on behalf of the Anders Poles in Great Britain, if the legislation were to be designed to assist almost exclusively those Anders Polish men who are in the camps and who cannot, for various reasons, be assimilated or resettled, as distinguished from those who may have acquired jobs and housing facilities?

Mr. MICHALOSKI. The natural reaction would be to try to help those who have not done so well in England. My sympathies would naturally lie with them.

Mr. ARENS. But under the language of the bill as it is presently drafted, we would have no assurance, would we, that the individuals

who would be brought to the United States under the provisions of this bill would be from the category of persons who are presently dependent upon relief organizations or the British Government or some agency for their care and maintenance?

Mr. MICHALOSKI. The bill as it is drawn does not distinguish between the groups.

Mr. ARENS. What is your observation, as a representative of the Polish-American Congress, on that issue?

Mr. MICHALOSKI. On that point I would defer an opinion until I had consulted with the Polish American Congress. I certainly cannot speak for them on that point, having not consulted with them.

Mr. ARENS. I suggest, if I may do so, that I think the subcommittee would appreciate some opinion on that of the Polish American Congress or those who are equipped to supply information to the subcommittee.

Mr. MICHALOSKI. I would like to say that the men who, you will recall, started from scratch in barren regions of Russia, building their army, are willing to come to this country into the vast undeveloped areas in the United States.

It is my opinion that they are psychologically attuned to the American pioneer stock. They don't shirk work. They are well disciplined. They are healthy. They are young. Most of them do not have large families. They certainly did not have time to settle down, having spent perhaps 10 years of their lives fighting. Many of them have relatives in the United States who would be glad to guarantee that they would not become a burden on the public.

I think it is appropriate for me to point out that wherever this group of fighters have gone, they have won the respect and the affection, as well as the sympathy, of the citizens of every country where they have stayed or fought. A characteristic incident, for example, is: Spontaneously they collected several hundred thousand liras among themselves and donated the sum to found a fund for rebuilding the Benedictine Monastery in Monte Cassino which they recaptured at such high cost from the enemy. I think Gen. Mark Clark, if he were invited to appear before this committee, could testify to the quality of men that he had observed and can testify to the high type of individual that fought under his command.

I submit that we, as Americans, have no obligation nor do we have a duty, but we certainly, in fairness to these fighters, should show some appreciation for their efforts in helping us fight a common enemy. Their love of a freedom would be a worth-while instrument for the future security of America.

I think that is all I have to say.

Mr. ARENS. May I ask you another question or two, if you please? I was under the impression, from what you said, that this estimated 80,000 Polish soldiers were admitted temporarily to England. What is the arrangementt that was worked out between the soldiers and the British Government, do you know?

Mr. MICHALOSKI. I cannot speak with authority on the subject. They were invited, but in my reading of the material I have noted that the arrangement is described as temporary. It is very much like an athlete who is invited or who is offered a football scholarship, and when he gets to the college or university, he finds that there is no football team.

These men have come to England, and as is well known, there are no opportunities in England.

Mr. ARENS. Are they ejecting any of them? Are they deporting them?

Mr. MICHALOSKI. They are not ejecting them; they are just tolerating them.

The British Government, of course, is most sympathetic. They certainly can remember the efforts of the Polish Royal Air Force and the efforts in the saving of London when they were attacked by the Wehrmacht. The British Government is sympathetic to them, but there isn't place for them. The economy cannot absorb them as it would like. The bill provides for certainly a small number and it would be an expression of our gratitude to those fighters for freedom.

Mr. ARENS. Mr. Michaloski, I should like to suggest, if I might indicate additional information which I think would be helpful to the subcommittee, that you might supply subsequently as a memorandum or by additional testimony of yourself or some of your associates, the following: The numbers who were admitted into England, the specific arrangements which were worked out between the British Government and the persons who were admitted, the numbers who are currently dependent upon the relief agencies for care and maintenance, the specific date on which these persons were admitted into the British Isles, and also such information as you may have respecting the areas of settlement either temporarily or permanently in other areas of the world.

Mr. MICHALOSKI. I shall be happy to do so.

(The following information was subsequently supplied by the witness.)

In compliance with the committee's request, the Polish-American Congress submits the following additional information with reference to the Polish troops in England:

To the best available information there were 250,000 military personnel on July 5, 1945, in Italy, the Middle East, Great Britain, and Germany, the latter segment consisting of the First Polish Armored Division and Parachute Brigade, incorporated in the Canadian Army under the British command. Of this number, 200,000 were stationed in Italy and the Middle East, about 30,000 in Great Britain, and about 25,000 in Germany.

The migration began in 1946 and ended in 1947. The British Government made provisions for the resettlement of 219,000 Polish soldiers. The purpose of the plan was to prepare them for civilian endeavors. During the 2-year period these men were used in a variety of military and civilian work. The resettlement plan was never meant to be a permanent one. For the most part, those who were absorbed in the British economy are engaged in agriculture, mining, and domestic service. Each individual who registered under the Polish Resettlement Corps had 2 years in which to prepare himself for civilian occupations, after which time he had to assume civilian obligations under special British labor laws which limited him to a few occupations. It should be noted too that the British Government exercised pressure on the Polish troops to convince them to return to Poland. Added to this was the hostile attitude of a substantial part of the British populace.

As of August 5, 1949, there were approximately 90,000 former Polish troops, and an estimated 50,000 dependents, in Great Britain. About 22,000 former soldiers now live in France, about 4,000 in Belgium and Holland, about 7,000 in Canada, and about 7,000 in Argentina, and several thousand dispersed throughout New Zealand, Australia, Africa, Palestine, Lebanon, Iraq, and other countries.

Fifty-five percent of the 90,000 presently in England are not engaged in the skills for which they were prepared by their civilian training and background and instead are employed in menial jobs; 24 percent are engaged according to their skills, mostly in private enterprises; 16 percent are intellectuals (scientists, doctors, musicians, writers, teachers, etc.), engaged as laborers, while the

remainder are invalids still in camps, jobless. It is interesting to note that among the intellectual group, a substantial number are highly trained scientists.

The Polish resettlement program is in the stage of final liquidation. There are several thousand still registered in the camps. It is the position of the Polish-American Congress that there should be no distinction made between those soldiers who have been resettled and those who are still registered in the camps and jobless. Each former Polish soldier registered with an American consular officer in Great Britain should be considered for admission to the United States irrespective of his employment status.

The Polish-American Congress respectfully submits that the heroic achievements of the Polish troops on the side of the Allies during World War II have earned for them the respect, gratitude, and appreciation of the people of the United States and urges favorable action on that portion of the bill providing for the admission of a token number of former members of the armed forces of the Repulic of Poland.

Mr. ARENS. Is there anything else you would care to state at this time?

Mr. MICHALOSKI. That is all.

Mr. ARENS. All right, sir; thank you kindly.

Senator O'CONOR. Thank you.

The hearing will be recessed subject to the call of the chairman.

(Thereupon, at 11:40 a. m., the committee recessed, subject to the call of the chairman.)

DISPLACED PERSONS

WEDNESDAY, SEPTEMBER 28, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT,
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 10 a. m., in room 424, Senate Office Building, Senator Herbert R. O'Conor presiding.

Present: Senators O'Conor and Donnell.

Also present: Messrs. Richard Arens and Thomas J. Davis, professional staff members.

Senator O'CONOR. The committee will please come to order.

We are very much interested in the matter of appointments to the Displaced Persons Commission and would like very much to proceed in the interrogation and hearing concerning the appointment of Mr. O'Connor.

Will you kindly state your full name?

STATEMENT OF EDWARD M. O'CONNOR, COMMISSIONER, DISPLACED PERSONS COMMISSION

Mr. O'CONNOR. Edward M. O'Connor.

Senator O'CONOR. And your address?

Mr. O'CONNOR. My legal residence is 95 Beekman Avenue, North Tarrytown, N. Y.

Senator O'CONOR. And for what period of time have you been a citizen of New York?

Mr. O'CONNOR. Permanently. I was born in Buffalo, and I have always been a citizen and legal resident of the State of New York.

Senator O'CONOR. Now, Mr. O'Connor, because of the great importance of this position, in the opinion of the committee, we would like to have the fullest explanation of your background, of your training, of your qualifications in general. Would you prefer to proceed and to present to the subcommittee a statement, or are you prepared to do so?

Mr. O'CONNOR. I will give it orally, Senator. I did not come prepared on that. I will give you a very brief one, hitting the main high lights.

I was born in Buffalo, August 28, 1908, where I attended the public grammar school and the St. Joseph Preparatory School, and I hold a bachelor of science and a master of arts degree from the University of Notre Dame; having for my bachelor of arts earned one of the four national fellowships awarded annually.

Senator O'CONOR. And in what year were you graduated?

Mr. O'CONNOR. 1932, with my bachelor's; 1934 with my master's.

On completing my graduate work, I undertook the position as sociologist in the classification clinic of Elmira Reformatory, Elmira, N. Y.

Senator O'CONOR. May I ask you in what particular branch or branches you specialized preparatory to receiving your master's degree?

Mr. O'CONNOR. In my undergraduate work I specialized in the sciences. In my graduate work I specialized in the social sciences. It was preparatory, supposedly, for an administrative position in the field of social welfare and social work.

I spent 6 months at Elmira Reformatory as sociologist in the classification clinic, and then from there I went to the Buffalo Catholic Charities as a social worker; after 6 months was promoted to supervisor, and remained there approximately 2 years; from which point I was appointed as New York State parole officer. I remained in that position 9 months and was promoted to State probation examiner. I remained in that position until August 1, 1943, from which point I was asked to take the job of organizing the international program of relief assistance and rehabilitation of the National Catholic Welfare Service. I remained with that organization until my present appointment, recess appointment, which was effective on the 13th day of August 1948.

During my time at the National Catholic Welfare Conference, I organized programs in 47 war-torn countries of the world, and administered the program as the executive officer. During that time it is estimated $124,000,000 was expended in the program.

Also during my tenure in that position I did the following things: I organized American relief to Holland and was a member of the executive board. I assisted in organizing American aid to France. I assisted in organizing American relief to Italy. I sat on all those boards. In addition to that, I had the high honor of playing a part in organizing the Council of Relief Agencies licensed for operation in Germany, which was set in motion by Presidential directive in April of 1946. I was elected as the first national president and reelected for a second term, and then time did not permit me to hold the office beyound that. With that organization, composed of the National Lutheran Council, Church World Service, Brethren Service Committee, Congregational Service Committee, Mennonite Central Committee, National Catholic Welfare Conference, the American Federation of Labor, and the Congress of Industrial Organizations, during my administration approximately $46,000,000 worth of assistance, private assistance, was channeled through to Germany. Also during that time, I chaired the committee on displaced persons of the American Council of Voluntary Agencies, which was a study group organized after my return from my first trip to Europe in June of 1945. I had spent 6 months previous to that in Europe studying not only the relief problems of the liberated countries and their physical needs, but in addition undertook on behalf of the conference a study of the potential problem with which we are now faced today, namely, displaced persons. I brought back a report to them through which they organized their program of assistance to displaced persons in the

camps and assembly centers, and upon which their present resettlement program is now built.

Senator O'Conor. Just a few questions, and we will come up to the latter details later, Mr. O'Connor.

You understand that in any questions I ask there is no suggestion that we have any information that you have been affiliated with any subversive organizations. I am just going to ask you a few general questions on that, to have it clearly in the record.

First of all, I would like to ask you: Have you ever been associated with, affiliated with, either by way of membership or contributing, or identified in any manner whatsoever with, any organization which has been classed by the Attorney General as either a Communist front or in any sense identified with any subversive activity?

Mr. O'Connor. No, sir, I have not. And I would like to state that I am violently opposed to any type of organization such as that and believe that during these past 6 years I have had the opportunity to contribute in some measure against them.

Senator O'Conor. Very good. Now, during your tenure as a State probation examiner, or in the other offices that you held as a member of the State administration in New York, was there anything concerning your record there by which any charges were instituted against you or any official complaint made as to your conduct of the work?

Mr. O'Connor. No, sir; I am sure not. Because when I left, every position that I left, I always had a letter of the highest commendation from them. And when I left the service of the State of New York, the commission undertook to write a letter and to pass a resolution hoping that when I terminated my war activities with the conference I would return to my official State position.

Senator O'Conor. You did say that it was on or about August 1, 1943, that you undertook the organization of the international program?

Mr. O'Connor. Yes, sir.

Senator O'Conor. Was that the reason for your leaving the New York State position?

Mr. O'Connor. Yes, sir. I was asked to come to Washington to organize.

Senator O'Conor. Were there no difficulties attendant upon your work in New York that prompted you to leave, or was it for what you considered a more important and higher position?

Mr. O'Connor. Well, a more important position. I felt that I could do more for the war effort by taking that. I was a security officer in New York State, and that was important, but I felt I could do more by taking this other program on.

Senator O'Conor. The Senator from Missouri may have some questions, after which the counsel for the committee has certain questions in regard to the general over-all program, which he desires to ask.

Senator Donnell. I do not believe I desire to ask any questions at this point.

Mr. Arens. Now, Mr. O'Connor, I am under the impression, from testimony given by Mr. Rosenfield and Mr. Carusi, that there is an administrative division within the commission, whereby each of the commissioners has a segment of responsibility.

Mr. O'Connor. Of primary responsibility.

Mr. ARENS. Will you kindly outline what is your primary responsibility?

Mr. O'CONNOR. My primary responsibility within the framework of the Commission is what we call resettlement. Resettlement attends to the program after the people arrive in the ports designated in the United States. That begins with the organization of the port committees, Boston, New York, and New Orleans—remembering that there are no Government funds, and not a penny which permits us to participate in that. That is entirely a voluntary movement, estimated to cost in the vicinity of $25,000,000 a year, in their behalf. It is an outlay of funds for them.

That was my first responsibility, and it is a continuing one, to see that it runs in accordance with the directions and general oversight and supervision of the Commission. In addition to that, my job was to assist the private and public agencies of the respective States in properly organizing for resettlement, our belief being that the program did not end the day the people walked off the gangplank in the United States. There was the job of education. There was the question of the English language, the question of Americanization, the ultimate goal of citizenship, and then there was the question of bringing into play public and private resources to assist these people in orienting to the American scene.

Now, in doing that, there has been organized—not only, I must add, when I have been requested, have I aided in that organization—a total of 30 State commissions and committees appointed by the respective governors to coordinate the work of the private and public agencies within the framework of the State. In addition to that, I have the responsibility of liaison with the American voluntary agencies, who, as you know, play a very large part in this program. Eighty-seven and a fraction percent of the assurances that have been validated by the Commission have originated from 1 of the 13 voluntary agencies recognized by the Commission. My job of liaison with them is a minimum of one meeting monthly with the policy makers, being available for them by consultation, by phone, or in their personal visits to Washington when they have technical problems on which they need advice. Then, in addition to that, I feel I have the responsibility of advising people who want to participate in the program. For example, there are small agencies, not national in character, throughout the country, who seek to participate in the work. And mine is the responsibility to find a means whereby they can do it, in accordance with the standards of the Commission.

Mr. ARENS. Could you, just to clarify the record, Mr. O'Connor, kindly give us just a word about the duties of the other two Commissioners as distinguished from yours? I mean primary responsibilities. You have, as I understand it, the primary responsibility for the resettlement phase of the work. Could you tell us what each of the other Commissioners has as a prime responsibility?

Mr. O'CONNOR. Yes. The Chairman, Mr. Carusi, has the responsibility for what we call general housekeeping. I believe you call it administration. It is the general administration program, the details. He has the prime responsibility for matters of budget. He has prime responsibility for matters that relate to the overseas operations. Those are his main duties.

Mr. Rosenfield's primary responsibilities are on the legal end. He has to do with assurances, their content and form, a review of them.

Mr. ARENS. Does he validate them?

Mr. O'CONNOR. He could not possibly do that, but he directs people.

Mr. ARENS. That is one of his primary responsibilities?

Mr. O'CONNOR. That is right; oversight of that, to keep track of the assurances coming in, their geographical distribution, and then, as well, to review cases that may come back to the Commission, in which the European headquarters is not able to make a final determination, or seeks the advice of the Commission to guide them in further cases of that character that may come before them.

Mr. ARENS. On the promulgation of rules and regulations—are those promulgated by the Commission as a body, after conference among the three Commissioners, or are they within each of the areas of primary responsibility promulgated by the Commissioner who has the primary responsibility?

Mr. O'CONNOR. No; the Commission operates as a whole, and not only with, let us say, the full understanding and consent of the three Commissioners, but I would like to add that it is with the full understanding and consent of the cooperating departments of the Federal Government, who were taken into full consultation on this matter before they were issued.

Mr. ARENS. When did the Commission first begin to function as a body?

Mr. O'CONNOR. Officially?

Mr. ARENS. Yes.

Mr. O'CONNOR. They could not until October 5, at which time our regulations were published.

Mr. ARENS. October 5?

Mr. O'CONNOR. Of 1948.

Mr. ARENS. When did the first actual dynamic phases of the processing of the DP's get under way?

Mr. O'CONNOR. You mean the production end?

Mr. ARENS. Yes, sir. When did they first start moving?

Mr. O'CONNOR. Well, let me say that that was initiated, I would say, a few days after Labor Day. The Chairman departed on Labor Day by plane and arrived in Frankfurt the following day and then began to set up the European structure for handling our program. And, as you know, the first boat arrived October 29.

Mr. ARENS. Of 1948?

Mr. O'CONNOR. Of 1948.

Mr. ARENS. Although I realize this is not your primary responsibility, I wonder if you could just tell us, to bring us down to date on our statistics, the number of assurances that have to date been validated. Do you have that figure with you?

Mr. O'CONNOR. Yes, assurances covering an estimated 272,000 people. We use the assurance factor as against 1.8 individuals per assurance. That is our round-figure experience up to date.

Mr. ARENS. Is it your prime responsibility, or does it fall within the purview of your prime responsibility, to ascertain whether or not jobs and housing are available, or is that within the primary responsibility area of Mr. Rosenfield?

Mr. O'CONNOR. On that, I would say that it breaks down in this way. The statement of the assurer is reviewed by Mr. Rosenfield.

You know the type of forms we have. And if he finds any irregularity, or any question, or hedging, in the written statement, that is up to him to send it back for further clarification. And that is very frequently done. But insofar as the adequacy of housing and employment is concerned, that falls more primarily into my division of the program.

Mr. ARENS. Could you elaborate just a little bit, please, Mr. O'Connor, on the rules and regulations, or the policy of the Commission, with reference to jobs and housing as a prerequisite to eligibility?

Mr. O'CONNOR. Well, as you know, the law requires that they have safe and sanitary housing and that they have employment which will not displace another person. That is given to us in an affidavit statement. I mean the person who assures them says that.

Mr. ARENS. To be a little more specific in my question, does the Commission have rules and regulations as to the nature of the jobs or the nature of the housing? In other words, would they say, "We wouldn't call it adequate housing unless they have three rooms"? Do they have that type of rule or regulation?

Mr. O'CONNOR. I think, Mr. Arens, it would be impossible to write that type of regulation. In other words, as you know, the United States is not characterized by uniformity with respect to standards of housing from State to State. What may be considered a highly satisfactory housing arrangement in certain States may be considered as unsatisfactory in another State. So that you cannot write a regulation which says there must be three rooms, or so many cubic feet, per person. I think I understand your question.

Mr. ARENS. The thing I have in mind specifically is: How does the Commission know that a given displaced-person family will have adequate housing and suitable employment?

Mr. O'CONNOR. What steps do we take, in other words, to assure that it is reasonable? We do it in two ways. First of all, the cooperating voluntary agencies, in presenting to us assurances, also say to us that their locals, meaning their State or community-within-State people, have looked into this matter and they have ascertained it to be a respectable, safe, sanitary place for these people to go.

Mr. ARENS. I do not quite understand that. Is the assurance first sent to the State commission and then from the State commission——

Mr. O'CONNOR. No; I am talking of voluntary agencies now.

Mr. ARENS. I see.

Mr. O'CONNOR. You see, the voluntary agencies have a network throughout the country where they have State chapters, and then they have chapters locally that are affiliated to the State chapters. That is the source of their assurances. They require that before that assurance is sent from the State or local group to the national headquarters, one of their representatives has actually looked into this assurance. Because, you know, they are backing it up. They are saying to us that this is safe and sanitary housing. They are saying that this is employment which will not displace another person. And we hold them to that. So that is No. 1.

Now, with respect to the cases that come to us from the State commissions and committees, those are preinvestigated, either by the State department of labor or, if they are rural, the State department of agriculture, or the county agents look into it. And we have most of our States now giving an attest, just a little slip, from the county agents,

saying that they know this farmer, they have seen the facility, and it is a good opportunity.

Senator O'Conor. May I put a question, there? Just along that same line, Mr. O'Connor, is that preinvestigatory report accepted at its face value always?

Mr. O'Connor. Yes, sir.

Senator O'Conor. It is?

Mr. O'Connor. Yes; unless we have a letter or some of the means of communication, which indicates to us—let us say a complaint—that this matter ought to be looked into further. And we do have those; and then we request the State commission or committee to investigate it.

Senator O'Conor. That is undertaken by the Labor Department, here, usually?

Mr. O'Connor. No. In the States that I indicated, the 30 that are organized, we go to the State chairmen that are appointed by the governors and request them to do it. It varies by State. Some States will have these State department of labor groups. Others will have the State employment service. Others will call upon the county agricultural agents. Some have their own investigators. It varies. In States where we do not find an organization similar to that appointed by the governor, set up by the governor, we call upon the State department or the United States Department of Labor, or we call upon the Federal Security Agency, USES, or we will get Agriculture to get the county agent to assist us if it is a rural placement. And we have all the county agents cooperating with us. They have been given informational material on the program and the part they can play in it to assist the Commission.

Senator O'Conor. In other words, it seems to be a very important aspect of this whole situation.

Mr. O'Connor. Oh, most important.

Senator O'Conor. And from my limited knowledge of it, it seems to me that you are confronted with a two-fold problem; and in regard to the 18 States, approximately, that are not organized, you have of course a particular and a peculiar problem. Doubtless, in the 30 that are supplied with commissions or committees, there are varying degrees of effectiveness and efficiency, I have no doubt.

Mr. O'Connor. Right.

Senator O'Conor. So that I was just wondering how you did determine the worthwhileness, if I may use the expression, of the preinvestigatory report.

Mr. O'Connor. Well, most times they are accepted as the best investigation we can get.

We have done this in one State: We had assurances to cover quite a number of people, I would say a couple of hundred, for one particular area, for one particular type of work. And the State commission sent a report back to us which was favorable. Well, we were not quite satisfied with that, so we asked the Department of Agriculture, the United States Department of Agriculture, to also give us an opinion. And without disturbing our relationship with the State body. They came back and gave us identically the same opinion. So we felt we were on fairly safe grounds. The reason we did that is that we had a letter which originated in that area which set forth some of the problems that would be created for the people after they

arrived. I do not care to mention the particular State unless you want me to.

Senator O'CONOR. No; I was not concerned about that. I was more or less concerned with the system, rather than with the individual case.

Mr. O'CONNOR. That is the system. And we accepted that, and we have had some families go there already, and it is working out fine.

Mr. ARENS. Mr. O'Connor, I wonder if we could use an extreme case, just to test the system, or to see how it would function. It is purely hypothetical. Let us assume that I am living in Baltimore, Md., and running a carpenter shop there, and I have a helper who is a carpenter. And I decide that I am going to fire that helper and make room for a displaced person, a single man we will say. Let us assume that I have a shack that I want to put him up in. And I send in an application to the Displaced Persons Commission, and in that application I say, "I want a carpenter. He is not displacing anybody. And I have adequate housing." I sent that in to the Displaced Persons Commission and sign it with my name.

Mr. O'CONNOR. Yes?

Mr. ARENS. Of course, that is an extreme case. We are using elements that are extreme just to test the system. What does the Displaced Persons Commission do when it receives that application from me?

Mr. O'CONNOR. Now, you are an individual sending that directly to the Federal body?

Mr. ARENS. Yes.

Mr. O'CONNOR. Here is what we do. It so happens that the State of Maryland is admirably organized for this program, one of the outstanding States of the country. What we do is that we take the assurance that all the elements required by the law are attested to. We validate it and send it to the State on a postaudit basis. If they found, as you indicated, that he was going to live in a shack, that would be communicated to us. Or if they found, as you indicate, that the employer fired some one in order to place this man, they would have to determine whether he was fired primarily to place him. In other words, I think the employer always has the right, if he has unsatisfactory help—there are some conditions under which he cannot, I understand, but generally speaking he has the right to get new help. That would have to be a determination of, I would say, Colonel Feringa.

Mr. ARENS. Would the Displaced Persons Commission send that form to the Maryland State Commission, and would the Maryland State Commission have a man get in a car and go out and talk to the employer and look over the premises?

Mr. O'CONNOR. Yes; probably the State employment security officer would be the one to do it. That sounds like a non-rural case. They would be the ones to do it.

Mr. ARENS. Let us assume that this assurance came in not from the State of Maryland but from one of the States that does not have a Commission. There are 18 States, I believe you said.

Mr. O'CONNOR. Yes. We probably would have to undertake a number of different things. If it was a rural case, we would go to Agriculture and ask them who the proper county agent would be for us to communicate with directly. And we would write to him and ask him to look into it. If it was a city case, we would ask either the

United States Department of Labor, or we would ask the State department of labor of that State, to undertake it for us.

Mr. ARENS. Now, when you ask them, do you have certain standards that are specified which the facts must meet?

Mr. O'CONNOR. No.

Mr. ARENS. In other words, let us assume the job were paying 50 cents a day rather than the normal wage of $5 a day. How would you handle that?

Mr. O'CONNOR. How would we handle it? Well, we are not attempting to set any type of prevailing wage for a given opportunity throughout the country, because we know that is impossible. But we understand that, like a Department of Labor, they know what the prevailing rate of pay is for any given activity within the State, as do the county agents. They know what the prevailing rate of pay in every county is for farm hands.

Mr. ARENS. Is that an element in ascertaining whether or not the assurance should be validated? The wage which is going to be paid to the displaced person?

Mr. O'CONNOR. No; that is a matter that is going to be decided locally. But if you have people that go into a community, and, let's say, the prevailing rate of pay is $50 a month and keep, and they are paid $5 a week and keep, they are going to put up a complaint.

Mr. ARENS. You mean the DP after he arrives?

Mr. O'CONNOR. Sure.

Mr. ARENS. But the query I have in mind is this: Let us assume that the individual in one of these States where there is not a commission located, decides, "Well, I will just get me some cheap labor here and put them up in bad housing." And he sends in his application. He has in the back of his mind that he is going to pay the displaced person a dollar a day, when the prevailing wage is $5 a day. Now, does the Displaced Persons Commission negate the application, or does it, as a matter of routine, approve the application and just hope that it has worked out some way?

Mr. O'CONNOR. If he puts down a dollar a day, that would be one for sure that would go back. We would request one of the departments of the State government to look into it. If it is determined that that is what the prevailing rate of pay is, that is the first thing we would do.

Mr. ARENS. Does he have to put on the form the rate of pay?

Mr. O'CONNOR. No. But some of them do—frequently.

Mr. ARENS. Just to use an illustration, now, let us assume that a man in one of these 17 States, an American citizen, decides that he is going to get a displaced person to come to work in his establishment, and he is going to put him up in inadequate housing. He fills out a form, in which he makes application for the displaced person. He has in the back of his mind all the time that he is going to give him inadequate pay and inadequate housing. Now, what is the procedure whereby the inadequate pay and inadequate housing is checked and stopped before the DP is brought over and subjected to undesirable environment?

Mr. O'CONNOR. Unless there is something on the assurance which indicates what the situation is, or we get a letter warning us—and we do get some of those—that would go through.

Mr. ARENS. You mean it would be validated?

Mr. O'CONNOR. It would be validated. That is correct. Now, where we get a complaint, whether it is before validation, after validation, while the people are on the high seas, after the people are here, after the people have already been resettled here—then we move in on them.

Mr. ARENS. Let us assume the displaced person arrives and goes to this establishment and is given inadequate pay and is inadequately housed, and then he writes the next day to the Displaced Persons Commission and says in effect that he is being maltreated. What is the next step?

Mr. O'CONNOR. Just what I said. We would go to a department of the State government and ask them to look into it; or we would ask the Department of Labor, the United States Department of Labor, to move in on it, through their local people.

Mr. ARENS. What do they do after they move in? Is the DP moved, then, to some other assurance?

Mr. O'CONNOR. Yes. They can be moved. Now, the line of questioning you have been putting to me very clearly indicates that our weakest spot is in the 17 or 18 States where we don't have organized bodies to look after them. We recognize that.

Senator DONNELL. You recognize what?

Mr. O'CONNOR. We recognize that that is the weakest spot of our program. And we are hopeful that something will be done in setting up a coordinating instrumentality through which we can deal on the State level.

Mr. ARENS. In those States where you do have State commissions, does the State commissions have the power to negate an application if the job and housing is not what the State commission thinks it should be?

Mr. O'CONNOR. Yes. Sure.

Mr. ARENS. Do your rules and regulations set any kind of standards which must be met, as to what is an adequate house?

Mr. O'CONNOR. No.

Mr. ARENS. That is left up to the State?

Mr. O'CONNOR. To be determined locally, yes.

Mr. ARENS. Now, just, again, to bring us down to date on some other matters on which I am sure you will have accurate information, how many displaced persons have thus far been actually admitted into the United States as of the last date you have?

Mr. O'CONNOR. As of yesterday, arrivals, 84,746; on the high seas as of yesterday, 4,936; total departed Europe as of yesterday, 89,782.

Mr. ARENS. What is the present rate of flow of displaced persons into the United States under the present law?

Mr. O'CONNOR. Well, this month, the month of September, we will move slightly over 17,000.

Mr. ARENS. What is the schedule for October?

Mr. O'CONNOR. For October it is 14,700. For November—now, this is shipping space requested from IRO, the figures I am now giving you, October, November, December—15,000 for November, 15,000 for December. Shortly, or some time during the month of November, we will undertake a review of our prospects and will notify IRO as to whether we can continue that or whether, after the first of the new year, we will have to cut down.

Senator O'CONOR. May I ask if there is any reason for the variation, such as it is, from September down to October, and then up to November-December?

Mr. O'CONNOR. Yes. It is almost impossible for us to tell, let us say, a month in advance, let's say a month from today, how many people you are going to have ready to put aboard a boat, or how many will be visaed at our resettlement centers ready to be called forward to Bremen for embarkation. It is almost impossible. But when you are arranging shipping schedules, they do not want you to speculate. They say: How many are you going to have there, and how many do you have that will come in the next day? Because they lose if we make a miscalculation and they have to hold the boat over a day. That costs them from $3,800 to $4,000 a day. Naturally, we cannot afford to make even a day error of estimates for our sailings. But we hope that we can keep this 15,000 rate per month.

There are a number of factors that we cannot determine at this time, that may prevent us from doing that. I would hope that I do not leave the impression that it is for sure we will have 15,000 every month.

Senator O'CONOR. I understand it merely as an estimate.

Mr. O'CONNOR. Yes. For example, if we have to sit down and count all our preferences, it may come out. I do not know the answer to that. It may come out all right. But on the other hand, it may not. We may have to say, "You can't go through now in chronological order." We may have to say, "We are going to pick so many of these, so many of these, and so many of these." But within the groups that we would pick, we would try to respect the chronological order set up. Whether we could or not is a big question. Now, what effect that is going to have on our production rate, meaning the number of visas we get per month to meet boats, I do not know, and I am sure there are very few people who know. I have not met any yet who can give me the answer to that.

Mr. ARENS. Let me ask you this, Mr. O'Connor: What are your latest statistics on arrivals on the basis of religious affiliation?

Mr. O'CONNOR. As of July 15, 1949, the following percentages apply: Jewish, 29 percent; Protestant and Eastern Orthodox, 27 percent; Catholic, 44 percent.

Mr. ARENS. Your Protestant and Eastern Orthodox split about 50–50, do they not?

Mr. O'CONNOR. No; they do not. You mean in terms of the people in the camp? But not in terms of arrivals. I think the Eastern Orthodox is below.

Mr. ARENS. I was under the impression that Mr. Carusi had indicated that they split about 50–50.

Mr. O'CONNOR. Over on the other side. But on arrivals; no.

Mr. ARENS. How do they split? Do you have any idea?

Mr. O'CONNOR. I could not give it to you accurately, but I am sure it is not 50 percent, because the orthodox group is one of the groups that comes to see me and wants to know about the means by which they can get more people. Their assurances are at the back of the line. That is what is wrong.

Mr. ARENS. Your thought is that of this 27 percent of Protestant and Eastern Orthodox, more than 50 percent were in the Protestant category?

Mr. O'CONNOR. Yes, sir.

Mr. ARENS. I was under the impression that it was a 50–50 split, from what Mr. Carusi said. I do not want to leave the impression that Mr. Carusi gave me erroneous information. I may have just misinterpreted what he said.

Mr. O'CONNOR. I think he may have been referring to the set-up in Europe. I think it may be that 45 percent of them will be Eastern Orthodox, when they break up the camps.

Mr. ARENS. Do you have statistics on the areas of settlement of those DP's that have thus far been admitted, as between urban and rural areas; and within the urban area category, if you have a break-down as between the metropolitan areas and the urban areas, nonmetropolitan?

Mr. O'CONNOR. If you are interested further, I have a chart here in front of me that begins with visas issued through December 31, 1948, and continues with visas issued through July 15, 1949, which shows the percentage fluctuation. For example, for December 31, 1948, here were your figures: 40 percent Jewish; 24 percent Protestant, 36 percent Catholic. Then you put those against the last figure I gave you, and you will see the trend.

Senator O'CONOR. I think it might be well to have the whole thing included in the record.

(The document referred to was marked "O'Connor Exhibit 1" and filed for the information of the subcommittee.)

Mr. ARENS. Do you have those statistics now?

Mr. O'CONNOR. I have them.

Mr. ARENS. What is the approximate break-down on basis of religious affiliation of your IRO eligibles?

Mr. O'CONNOR. That is a question, of course——

Mr. ARENS. It has to be an estimate, as I understand it.

Mr. O'CONNOR. That is correct. Because it does vary. And it depends on whom you talk to. Yet get various estimates on it. The figure we have here is the one IRO gives us.

Here is the figure we arrived at. Under date of March 31, 1949, based upon a study of 568,900 then declared IRO eligibles from Germany, Austria, and Italy, there were 53 percent Catholic, Roman and Greek Catholic, 14 percent Jewish, 33 percent Protestant, and Orthodox, Eastern and Russian.

Mr. ARENS. Just in order that the record may be clear, is it your opinion that those stastistics which you have just given us, Mr. O'Connor, represent a reasonably accurate estimate of the religious affiliation of the IRO eligibles on a basis of percentage in the occupied areas?

Mr. O'CONNOR. Reasonably, I could say so. I have this news release from Berlin, which throws me off a little bit, on the Jewish percentage. I would have said "Yes" to that immediately if I had not read this in the paper this morning. This is a release from the United States Army, European Command, and they said as of yesterday there are some 300,000 displaced persons still in the American zone of Germany. They say nearly 20,000 are Jews. Now, I had in my calculation—to keep this consistent, I would say there would have to be 45,000 Jews, between 45,000 and 50,000 Jews, in the American zone, if that percentage of 14 percent was to be maintained. Now, this is news to me. They know better than I do, of course, because they are respon-

sible for keeping check on the number of people in the zone. And they say 20,000.

Mr. ARENS. That is only in the American zone, however.

Mr. O'CONNOR. That is correct. But you move over into your British zone, and what have you got? You have not got the number of Jews. You have at top 5,000 there.

Mr. ARENS. IRO estimates as of September of this year there were 48,083 Jews, IRO eligibles, in the 3 occupied areas.

Mr. O'CONNOR. I believe that is right.

Mr. ARENS. The three occupied areas of Europe?

Mr. O'CONNOR. Yes.

Senator O'CONOR. Would you be good enough to repeat those percentages, please?

Mr. O'CONNOR. The Catholic, which includes Roman and Greek, 53 percent; Jewish, 14 percent; Protestant and Orthodox, which includes Eastern and Russian, 33 percent.

Senator O'CONOR. Thank you.

Mr. ARENS. Those figures, in order that the record may be clear, include IRO eligibles, which is a larger group than the group eligible under the present law?

Mr. O'CONNOR. Oh, yes, sir.

Mr. ARENS. In other words, these figures include people who have entered the occupied area since the cut-off date in our present law?

Mr. O'CONNOR. That is right. Yes.

Mr. ARENS. Now, could you tell us, before we get to the question of settlement, the percentage of displaced persons who have been admitted into the United States thus far pursuant to the present law, who have come in from outside the camps as distinguished from in-camp people?

Mr. O'CONNOR. I am sorry, Mr. Arens. I had the figure, but in picking up those things I thought you might ask me about, I did not bring it.

Mr. ARENS. It runs about 20 percent, does it not?

Mr. O'CONNOR. I would rather not estimate that. I will give you the figure, however.

Senator O'CONOR. There are some questions that Senator Donnell desires to pursue.

Senator DONNELL. Mr. O'Connor, you spoke about having letters from the New York officials or departments with which you have been connected. Do you have any of those letters here this morning, giving their statements about the services that you have rendered there?

Mr. O'CONNOR. Oh, no. They went the way of all such letters that I get. They are on file, and I forget about them, that they are gone.

Senator DONNELL. You have not preserved those?

Mr. O'CONNOR. No, sir.

Senator DONNELL. Could you tell us, please, who in New York, if we should desire to secure such letters, could give us such letters?

Mr. O'CONNOR. Surely. The Honorable Edward J. Taylor, probation commissioner, State Department of Correction, Albany, N. Y.

Senator DONNELL. Any one else?

Mr. O'CONNOR. The Honorable John A. Lyons, corrections commissioner, Albany, N. Y.

Senator DONNELL. Did each of those give you a letter?

Mr. O'CONNOR. No; the commissions made note of my departure and communicated with me of their feelings as to my leaving.

Senator DONNELL. By letter?

Mr. O'CONNOR. Yes, sir. Now, Mrs. Gonzales, who has since left the Commission, was the one who communicated that to me. You see, it is a five-man Commission. But I am sure it is a matter of their record.

Senator DONNELL. You have lived in New York State all your life up to the time that you came here to Washington; is that right?

Mr. O'CONNOR. Yes; except the time I was away to school.

Senator DONNELL. You were out at Notre Dame?

Mr. O'CONNOR. Yes.

Senator DONNELL. You were there for how many years?

Mr. O'CONNOR. Six.

Senator DONNELL. Six years. The work of resettlement of these displaced persons, of course, extends throughout the United States, does it not?

Mr. O'CONNOR. Yes, sir.

Senator DONNELL. As you have indicated, various problems arise in States, some of which are better organized and some of which not so well organized to solve those problems.

Mr. O'CONNOR. Yes.

Senator DONNELL. Have you visited, yourself, extensively in the United States, over various sections of it?

Mr. O'CONNOR. Throughout the years?

Senator DONNELL. Yes.

Mr. O'CONNOR. Yes, Senator; I have.

Senator DONNELL. How widely traveled have you been in the United States? I do not mean for you to enumerate every State, but have you been in all sections of the United States?

Mr. O'CONNOR. I think I have been in practically every State; yes, sir.

Senator DONNELL. In practically every State?

Mr. O'CONNOR. Yes. Now, that does not mean I have spent a good deal of time in every State, but I have been there for discussions with people. That is not since I took this job; that is if you are talking about a period of years, let's say over the past 7 or 8 years.

Senator DONNELL. Take the central part of the United States, from which I happen to come. Take Missouri. Are you acquainted there?

Mr. O'CONNOR. A little bit.

Senator DONNELL. Can you tell me the name of any particular individual or individuals there who know of your work and with whom you have been associated in Missouri?

Mr. O'CONNOR. Well, Archbishop Ritter, of course, knows about me and has known me for some years, and he has sat as a member of the administrative board of bishops of the United States. He happens to presently chair, and he has for the past 2 years, the committee on displaced persons of the hierarchy. He is the chairman of it. In that capacity, he naturally was very close to the work that the conference was doing and was, I might say, in week-to-week contact with them. He took a very live interest in the whole thing.

Senator DONNELL. So that Archbishop Ritter is personally cognizant of your work?

Mr. O'CONNOR. I would say so.

Senator DONNELL. And you have conferred with him from time to time.

Mr. O'CONNOR. Yes.

Senator DONNELL. The archbishop has not been in Missouri very long. I wonder if there is any one else in Missouri whom you know and with whom you have been in close contact over a number of years?

Mr. O'CONNOR. I cannot think of any one right now.

Senator DONNELL. Can you think of any one in Iowa with whom you have been closely in contact?

Mr. O'CONNOR. Well, you know Rollo Bergson, formerly Secretary of State of Iowa. I have known Rollo for some time. He is now in business for himself; owns the two radio stations there. Then there is Monsignor Lagudi of the Catholic Rural Life Conference, who is in Des Moines.

Senator DONNELL. What I am trying to get at, as you will readily observe, is: what is your actual acquaintance with conditions throughout the United States? You have a very responsible duty here of assisting in the resettlement of these people who come into a strange Nation under strange surroundings, and I wanted to find out something of your familiarity. Take the Dakotas. Are you familiar with that part of the country?

Mr. O'CONNOR. A little bit. Let me say this, Senator. I do not think that we propose to tell the people in those States how to run their program. What we have tried to do is to get from them what they want. To go back to the basis of the program, we have to have an assurance before we can begin to do business on this program. And I do know that the majority of the assurances that come from our Central States have been for agriculture, because of the very nature of the States. I also know that in those States there has been complaint against the Commission, because we did not deliver on time. And I felt more badly about that, I believe, than those people did. I knew the hardship of that particularly as it affected the States of Wisconsin, Minnesota, Iowa, southern Illinois, Missouri, the two Dakotas. I would say the failure to get people here on time, no matter what the circumstance of the failure was, has brought some hard feeling.

Senator DONNELL. Have you had complaints as to the efficiency of your particular department, or has the complaint been lodged primarily because of the fact that the people did not get here from across the water at the time that it had been anticipated they would?

Mr. O'CONNOR. That is the principal part. But you see, people do not understand the technical differences that we have talked about here, which are my prime responsibility, so the criticism has been against the Commission. I think practically everybody knows that. Every Senator, I will bet, has had some letters saying that they have assured for a family and have made plans and they did not get them. We have had our full share of them. Also, we did what we could, interpretivewise, through the State Commissions and committees, to tell them why we were held up and when they could reasonably expect them. We also urged in certain States where we felt they were too late to get their people on time, that if they wanted to plan to meet the seasonal trend, the agricultural trend, which, as you know better than I, Senator, begins in the South and sweeps its way up through

our Central, North Central, and, I believe, our Northwestern States, that they ought to put the assurances in to us a minimum of 5 months before they expect the people to arrive. We have that plan under way, Senator, trying to avoid the unfortunate incidents of the past year.

Senator DONNELL. Has there been any considerable criticism of the work of the Commission in the press throughout the country?

Mr. O'CONNOR. No, sir; not to my knowledge; except on the point that people did not arrive.

Senator DONNELL. They did not arrive when they were supposed to arrive?

Mr. O'CONNOR. That is right.

Senator DONNELL. Have you had many instances in which people have come to this country and provision had not previously been made to receive them at their ultimate point of destination?

Mr. O'CONNOR. You mean the arrangements were not made from the point of entry? Is that what you mean?

Senator DONNELL. Here is what I mean, to illustrate it: Have you had any cases of this kind, where a man and his family would arrive in New York City, and he would be contemplating being placed in some part of the country, we will say, on a farm, but when he gets to New York he finds that the arrangements have not been made and he has to wait for a considerable period of time in New York? Have you had any such cases as that?

Mr. O'CONNOR. No. We have had this, which I think is a close parallel to it: When our nominal rolls were not getting here on time, it was impossible for the agencies to get in touch with the sponsor to say, "The family you sponsored will be here on so and so date and will be at your place at approximately so and so date." So what happened was that when we got the program started in a considerable number of cases the sponsor would get a telegram the day the boat got in. Well, naturally, not much time is given. Because the policy of the Commission is that they can't stay in New York 1 day; they have to get on the train that very day—unless they are sick; the human exception to that rule. Well, the people would be on the train, and there would be very little time for preparation. Now that is true.

Senator DONNELL. The preparation to receive them?

Mr. O'CONNOR. To receive them; yes. I think we have in fairly good measure corrected that. We get our nominal rolls in here now a minimum of 5 days before the boat gets in, which gives us at least that much time to do it. We have tried other means to speed that up. But we can't tell who is going to get aboard the boats until they have been cleared in the preexamination of INS. So that we couldn't take people, for example, who are visaed in the resettlement centers and start notifying their sponsors, because they might not make the grade at the preexamination. Then you have got just as much explaining to do with those people.

Senator DONNELL. Well, as for what I am trying to get at, I cannot go into a great amount of detail on it, and, of course, I do not have any specific cases in mind, but I just wanted to get from you whether or not there has been any considerable number of cases in which your own specific department of the work has failed to function in any respect.

Mr. O'CONNOR. No, sir.

Senator DONNELL. And the illustrations I thought of were cases in which people might arrive in New York and find that the places they were ultimately destined to were not available and they would have considerable waits in New York; and also whether or not the places they do arrive at ultimately proved unsatisfactory; with unsatisfactory surroundings, inadequate surroundings, et cetera. I just wanted to ask you if you would tell me whether or not it has been working smoothly, or whether, in your judgment, there has been a good deal of inefficiency in that respect. I am not charging there is; I am just asking you to tell us. You see the point that I make?

Mr. O'CONNOR. Yes; I do. I would say there has not been a large degree of inefficiency. And, from my own point of view, I would say we have had a highly favorable experience. I thought we would have very many more problems than we are now having. Very frankly, I thought we would have a minimum of a 15-percent problem, meaning that 15 percent would not make the adjustment and something would go wrong with them before they got settled down. I am not saying that this is going to prevail from now to the end of the program, but so far the experience has been wonderful. In less than 1 percent have we had any difficulties wherein there was complaint, where the housing was not good, where they were not being paid properly, or where there were other things that were inadequate about it. So I would say the experience has been favorable.

Senator DONNELL. About what percentage, if I might interrupt to ask, of the number of people that you have received and sent on to be resettled in this country have resulted in some complaint, whether minor or grave?

Mr. O'CONNOR. Less than 1 percent, Senator, at the present time. What that is going to be a year from now may be another question. Let me answer the other part of your question, Senator, in which you spoke of the people who come here and find the conditions under which they had expected to settle are not in reality the same.

Senator DONNELL. That part of the work is under your jurisdiction, is it not? Seeing that the places they arrive at are sanitary and that they do not displace other people and that they come within the provisions of this act relating to resettlement?

Mr. O'CONNOR. Yes, sir. We have had some who have come here who were not satisfied with the physical circumstances under which they had to live, housing, and so forth; and we had a flare-up in the press in the month of May, when I was out of the country, and it got a large play. I went down myself to that State immediately, 3 days after my return from Europe.

Senator DONNELL. What State was that?

Mr. O'CONNOR. That was Louisiana, sir. And the way the stories were written all the resettlement in Louisiana was bad. That just doesn't square off with the truth.

Senator DONNELL. Do you remember what newspapers there were that carried stories along those lines?

Mr. O'CONNOR. No, sir; I don't.

Senator DONNELL. New Orleans papers?

Mr. O'CONNOR. No; not the New Orleans papers. One of them had a story, and then the Picayune and the others picked it up afterward and showed the counterpart, showed families that were getting along

wonderfully, showed the housing, and the statements by the people as to how well they had been accepted and were getting along.

It is true, however, that some of the placements were not good. But, on the other hand, they had plenty of other placements, very acceptable placements, in the State that these people could have gone to. I think that is, in the main, corrected. Governor Long has taken steps to make sure that will not happen again.

Senator DONNELL. What other States, if any, are there in which complaints have been made that have arrived in the press, the newspapers, I mean, relative to alleged nonfunctioning or improper or imperfect functioning of the resettlement process?

Mr. O'CONNOR. Well, we had complaints against the resettlement program in Mississippi. And I helped them establish that program there, at the invitation, of course, of the Governor. I knew the program there and knew it well, knew all the men engaged in it. When we got the complaints, I sent them to Ransome Aldrich, the chairman. He investigated and he invited the United States Department of Agriculture and the United States Department of Labor. He invited them; we didn't. He invited them to come in and look them over; which they did, and they substantiated his statement. Then he wasn't satisfied with that, and he asked me to come down and to make a complete tour of the State.

Senator O'CONOR. Will you let me ask a question, there, Senator?

Senator DONNELL. Surely.

Senator O'CONOR. Relative to Senator Donnell's question, has there not been some unfavorable newspaper publicity in Maryland?

Mr. O'CONNOR. Not very much, Senator. There has been some; yes.

Senator O'CONOR. Was there not some quite definitely unfavorable newspaper publicity on the point that a number of the DP's coming over, after having been placed on farms, for example, in agricultural work, did not remain there, and that there was quite widespread criticism from a number of the persons on this side? Is that right?

Mr. O'CONNOR. Yes. If you will give me a moment, I will come back and enumerate those for you. But on Mississippi, I can tell you from my own experience, my own inspection, that they have an excellent program. They are doing what I consider to be a really outstanding job. They have got all the departments of the State Government participating, and give them another year and everybody will be acclaiming the work they are doing. I am sure of that.

Senator DONNELL. Now will you go on, about Maryland?

Mr. O'CONNOR. I think the first complaint that was received referred to a shoemaker who came to the United States as a farmer. I can't remember the exact county of the State he went to.

Senator O'CONOR. It was Frederick County, was it not?

Mr. O'CONNOR. I think so; yes. And the newspapers did put a story in to the effect that this man was not a farmer, that he was a shoemaker; which, of course, was true.

So Colonel Feringa, who was the director of the State unemployment security office, stepped in on the problem. He is a member of the State commission set up by Governor Lane. He stepped in, and they found a place where a shoemaker was needed. So they moved this man to be a shoemaker, and that satisfied the farmer, because he then got a placement from the State commission of a family that was

a farm family. That worked out all right. That was the first one we got.

The second one was that there were two families that went to Maryland, were assured for by individuals through the State body, and after their arrival, I don't think they stayed more than 2 weeks, and they took off to another place, claiming that they were going to get $30 or $40 a month more than this farmer was paying them. The farmer naturally was placed in a bad position. He had counted on these people to help him through the season, and they took off on him. Well, we had quite a bit of fire on that. We couldn't replace them immediately. The State commission just didn't have any cases coming in. But eventually they took care of them. However, it left a very bad taste, and we had a number who came to me in Maryland, that I met in a little tour that I made, saying, "Is this what we can expect? We get them here, and 2 weeks later they are going to take off?" That isn't restricted to Maryland. We have had cases that I know of in Ohio.

We had another case in Michigan of the same thing, where they wrote in and told us. One family was there for a period of about 2 months and they were doing marvelously, and someone put the idea in their heads that they could do better by leaving the State of Ohio and going up to Michigan and they took off. The farmer couldn't understand why. He had been paying them $125 a month. They had a house of their own—a seven-room house. They had all their food—all they wanted. He provided the milk for the children, vegetables, and so on. They took off. He was adamant about it because that represented an investment to him. He had planned on keeping that family there as long as they would stay because he needed the help. Well, he had cause to be mad about it.

We had another case in Ohio like that, and I presume there will be more. We hope to avoid that. If it were possible for us to establish in Europe an orientation program, it certainly would help. We need it badly. I tried to do something about it when I was overseas, but we just don't have the people.

Mr. ARENS. Could I ask you a question right there, Mr. O'Connor?

Mr. O'CONNOR. Could I complete this first, please? I might lose my trend of thought.

Mr. ARENS. Certainly. I did not mean to interrupt you.

Mr. O'CONNOR. If we had a practical orientation program, we could do much before they arrived. We could tell them much about their obligation, which would be moral, to stay with their sponsor for a period of 1 year. This sponsor, not knowing them, no relative and no friend of theirs, undertakes to provide the assurances, and he has a big stake in the partnership. Many times it means the extent to which his produce will be marketed and therefore the extent to which he will gain. Therefore, there is a moral responsibility of the people to stay on their first placement, unless there is just an impossible situation which arises, in which case we would expect them to communicate with us or the State body before moving or before taking any steps of their own. That would be one of the things that a good orientation program would undertake. We don't have the funds to do it. We have gone around trying to get American Red Cross to do it for us and trying to get others. If it were possible to add that one small thing, we could cut down the possibility—the potential—of more people doing this in the future.

Mr. ARENS. May I just ask you this: I had lunch with Ugo Carusi some time ago and we discussed it, and, as I recall, he thought it was a pretty good idea if it could be worked out. Isn't it possible in some way for our Displaced Persons Commission to give a biographical sheet on those displaced persons who might want to come to the United States and who would be presumed to be eligible, so that those biographical sheets could be distributed to potential receivers of the displaced person?

In other words, as I understand it, at the present time the receiver of the displaced person does not know who he is going to get.

Mr. O'CONNOR. In most instances; yes.

Mr. ARENS. If he could see in advance the personal history of the individual and his family and his background, he might say, "Well, this is the type of people that we think we could get along with." Could not something like that be worked out?

Mr. O'CONNOR. You know, that is being done; not by any plan of the Commission, but it is being done. Because many of the people who have no friends and relatives here feel that if they don't take such a step they are lost. So we have had various States flooded with sheets like that, and they will have a picture on it of the wife and children and the man himself and then a brief detail on the man. And I know Maryland got a great quantity of those. I know the State of Michigan got them, and Illinois, Wisconsin, Virginia, and I am sure other States. They were just mailed in bulk, along with the certification of IRO that they were farmers, that they were blacksmiths, that they were carpenters, or whatever their occupation was.

Now, here is what has happened on those cases. They get someone, these State bodies do, to fill out the assurance. They nominate, name, the individual who is on this sheet of paper and his family. They find out there are two or three other States who have got this same piece of paper. They nominate him. Then you get the question of where this man is going to go. You have to say: "We are sorry. The first one that came through came from this state." Then you have a loss factor in the assurances, and you can't say what your percentage of live and dead ones is until they are in the process 3 or 4 weeks.

Mr. ARENS. Could something be done, just to put the question in its baldest form, so that the applicant to bring a DP here would know, before he is actually designated as the DP to go to the applicant, what the man looks like and what his background is, a little bit about the DP himself?

Mr. O'CONNOR. I see. Well, I have on my last trip encouraged the voluntary agencies to do this: Where you have a sponsor—they are all anxiously waiting people—you could use two paragraphs to do the trick now, with the names, the addresses, the nationality, the religion, and all these other things, and a little something about the man, what city in the country he comes from, and send that through to the sponsor. Now, Church World Service is doing that, and I think it has saved a lot of difficulty for them. Because the sponsor says, "Well, finally I know, now, I am going to get this family. Here is what they are made up of." And then begins a communication between the sponsor and the displaced person, because they put down the camp he is in. They begin communicating back and forth, and at least that makes a bond. I am sure our Commission is not physically prepared to undertake a job like that. I am sure we haven't the personnel to

do it. But we have asked the voluntary agencies, for the cases that they back up, to do that job.

Senator DONNELL. May I ask you just a few more questions, Mr. O'Connor, please?

Under the statute it is the function of the Commission to formulate and issue regulations for the purpose of obtaining the most general distribution and settlement of persons admitted under the act throughout the United States and their Territories and possessions. Have you personally formulated any regulations for that purpose, which regulations have been adopted by the Commission and have been circulated?

Mr. O'CONNOR. No, sir.

Senator DONNELL. Have there been any such regulations formulated by anybody?

Mr. O'CONNOR. That hits on the point of distribution alone?

Senator DONNELL. Yes. I am reading from the statute:

> The Commission shall formulate and issue regulations for the purpose of obtaining the most general distribution and settlement of persons admitted under this act throughout the United States and their Territories and possessions.

Have those regulations been formulated and issued?

Mr. O'CONNOR. No; because we, again, are guided by assurances we receive. In other words, we can't determine how many people are going to go to a given State. Only the citizens of a State can tell us how many people are going to go there; we know it by the number of assurances that come to us.

Senator DONNELL. Well, this is an obligation on the Commission, under the statute, is it not? I have read it correctly here. There have been no regulations, then, formulated and issued under that sentence that I have read; is that right?

Mr. O'CONNOR. No, sir.

Senator DONNELL. I am right, am I, on that?

Mr. O'CONNOR. Yes, sir. These are the regulations, sir, the only regulations that the Commission has put out.

Senator DONNELL. Now why it is that the Commission has not formulated and issued these regulations that are prescribed here?

Mr. O'CONNOR. Well, the reason is that we cannot determine a quota for a State. In other words, we couldn't say to a State, "You are to get, based on your population and some other factors, 3,000 people."

Senator DONNELL. I do not understand that this obligates the Commission to do that. This says the Commission "shall formulate and issue regulations" for this purpose, and I understand that no such regulations have been formulated.

Mr. O'CONNOR. Well, except the acceptance of assurances, sir, which doesn't by any means direct the people that a certain number will go to those States. I think that is your point. To get the most general distribution of people throughout the country, you would have to set some sort of quota and say to the States that they are expected to take so many and it is their obligation to find so many assurances. I don't think we are in a position to do that.

Senator DONNELL. The thought I had in mind, Mr. O'Connor, is that Congress evidently thought it important that the Commission should formulate and issue these regulations. It says so. It says that they shall do it. And I just wanted to find whether that has been done;

and I find that except in regard to assurances no such formulations have been made or issued.

Mr. O'CONNOR. May I answer it in this way——

Senator DONNELL. I would like to have a direct answer first.

Mr. O'CONNOR. Only insofar as the regulation applies to assurances. That is the only factor that regulates distribution nationally.

Senator DONNELL. And what are those numbers, please, that relate to assurances?

Mr. O'CONNOR. 700.2.

Senator DONNELL. I wanted to ask you this other question, too. Have you personally prepared any forms? And I want to say that my reason in asking this question is that I just wanted to get something about your own proficiency in this type of work, to see whether or not you have prepared forms that are calculated toward efficiency and accuracy, and so forth. If you have prepared personally any forms that are used by the Commission, would you tell us of that fact? And if so, please furnish them for our record here, if you have not already done so.

Mr. O'CONNOR. Well, yes; a number of forms, reporting forms——

Senator DONNELL. That you have personally prepared?

Mr. O'CONNOR. Yes.

Senator DONNELL. I do not suppose you have them here this morning?

Mr. O'CONNOR. No, sir.

Senator DONNELL. Would you be kind enough to file with us, for such use as we may deem proper, each form that you have personally prepared?

Mr. O'CONNOR. I must say they are a very absolute minimum, Senator, because I don't believe in too much paper.

Senator DONNELL. I understand. But I think it is well that our committee have a copy of something showing your own work that you have done. I thought perhaps you had formulated some regulations. I understand you have not. That is correct, is it not?

Mr. O'CONNOR. No; the Commission has.

Senator DONNELL. The Commission has. You did not personally formulate them at all?

Mr. O'CONNOR. We couldn't, under the way the Commission operates.

Senator DONNELL. You have, however, prepared some forms, and I would be obliged if you would furnish those to the committee; and accompany them by a letter, if you will, identifying them, so that we may have that. I wanted to ask you also this: if you could just give us as briefly as you can a specific illustration of what your day's work is. In the first place, when do you arrive, and what do you do after you get there, in your office? Will you just tell us?

Mr. O'CONNOR. Let's take the arrival times. Sometimes it is 8:30 in the morning; sometimes it is 9:30 in the morning; sometimes it is 10 o'clock. My departure time runs anywhere between 7:30 and 9:30 at night.

Senator DONNELL. Would you just give us a specimen day? I do not mean to go into any detail, but I would just like to know what your work consists of.

Mr. O'CONNOR. Well, a specimen day would be, the first thing in the morning, to review the mail that comes in directed to me, which

would come from various States and come from various agencies and various individuals interested in the program; to either route that for proper answer or answer it myself. That is No. 1.

Senator DONNELL. How large a force of people do you have working directly under you in the office?

Mr. O'CONNOR. In the Resettlement Division there is a chief resettlement officer and four resettlement officers.

Senator DONNELL. So those five persons are under you here in Washington?

Mr. O'CONNOR. Under my, let us say, primary supervision.

Senator DONNELL. Very well. Go right ahead now.

Mr. O'CONNOR. And in addition to that, the Commission, by general supervision, has a port officer in Boston, a port officer in New York. And we don't have a port officer in New Orleans, because we only have at the moment one boat a month going in there. Now, you might consider those people as attached to my prime responsibility, too.

Senator DONNELL. Very well.

Mr. O'CONNOR. Then, immediately after disposing of that work, I might have a number of telephone calls, inquiries, both from departments of the Federal Government and, by long distance, from various States that have particular questions. In the afternoon I generally take a review of such additional statistics or material as is available to me from various sources, whether it be from the State Department Visa Division, from Immigration, from IRO, or our own field staff in Germany. Then there are always the special questions of cases that we go over, where there is a question of eligibility, in order to keep myself acquainted with those.

Then in the afternoon I generally dictate. I dictate on things that we look forward to with the agencies, public and private, in the future.

The evening work I do there generally is trying to catch up on literally 10 or 20 telephone calls that come in that I just can't handle during the course of my day, and I try to handle at night if I possibly can. That would be my average day. But there are other days when we have to plan a variety of things.

Now, in planning the meetings with the voluntary agencies, there is the question of looking at the type of question they have presented during a given month, to prepare agenda, to seek the advice of, say, INS, or State, or someone else, on questions that they are presenting to us. And that takes time, either telephoning on it or writing them letters on it—sometimes they prefer that. And at least I have got to communicate with the people in writing when we do get the information.

So I would say that those would be the main things in which I engage myself.

Now, as you know, being in the resettlement end, I am invited by Government or State commissioners to meet with their bodies, and they generally meet once or twice a month. They would want me to come out. Only Wednesday of last week I spent the day with the Michigan State Commission on the Resettlement of Displaced Persons. I went over a variety of things with them, not only the problems they are having locally, but they wanted more information on whether or not we expected we could cut down the time of processing abroad. There was the time element on their presentation of assurances. I will be

with the Connecticut State commission a week from today, and they will have a State-wide meeting.

Senator DONNELL. Have you prepared anything for publication or distribution that tells about your work or any articles for publication, or have you had occasion to do that, Mr. O'Connor?

Mr. O'CONNOR. No. But I think, Senator, if you look at the resettlement conference that was held in Chicago April 5, 6, and 7—I organized that; the National Resettlement Conference—I think you will get a fair idea of my organizational ability.

Senator O'CONOR. In that resettlement conference, just at that point, did you make any general statement as to the program and policies?

Mr. O'CONNOR. Yes, sir.

Senator O'CONOR. I wonder if you could supply Senator Donnell and the other members with something on that? In other words, I thought that might give your understanding of the over-all problem and just what in your opinion is the way to meet it.

Mr. O'CONNOR. Yes, sir.

Senator DONNELL. Two final points, at this moment: In the first place, I have been very much interested in this matter of following up people. Is there anything in the statute that authorizes the Commission or imposes a duty on it to follow up these people and see that they are getting along all right after they got over? I am not criticizing your doing that, at all, but I was inquiring whether or not there was anything in the statute which required you to do that?

Mr. O'CONNOR. The question of follow up is only that we are to report on it. But it is a question of how you interpret it. I personally interpret it to mean that we are to do that which we can with the already existing facilities of the Federal and State Governments to assist these people in an orderly resettlement. But I think the Commission itself has some question as to whether we are obligated to do it. I think it is a wise thing to do.

Senator DONNELL. Now, one other thing, as to your personal contacts with the other members of the Commission and those with whom you come officially in contact. Has there been any unpleasant circumstance of any kind, or have you proceeded to get along excellently with all these people that you have been in touch with?

Mr. O'CONNOR. I think I have the reputation of getting along well, Senator.

Senator DONNELL. Very well. That is all for the present, Senator.

Senator O'CONOR. Just in line with that question, and in order to get the benefit of your views, there has been some suggestion that the DP's in large numbers have not turned out to be of the same calling that they were represented to be; that is to say, that while they were admitted as agricultural workers it has been shown in some instances that they were lawyers or professional people, with the result that the primary purpose was not accomplished, and secondly, that there would be in this country persons of other skills than those particularly mentioned in the act. I was wondering whether in your experience that has been borne out?

Mr. O'CONNOR. There was some, Senator, yes. And that was more in the initial stages of the program.

Senator O'CONOR. I was just thinking in regard to the follow up to which Senator Donnell referred.

Mr. O'CONNOR. Yes, in the initial stages of the program that did happen. One of the things I did when I was in Europe—and I had many meetings with all the participating groups, public and private—was to emphasize that point. They were sending people who had done farm work, let us say, as boys, and who hadn't done it in 10 or 15 years, but were willing to reundertake it. And they did, Senator. I pointed out the unfavorable reaction that had developed from that. I said, "If you are going to send an agriculturalist, pick one who is and has been engaged in agriculture. Pick one who knows more about that than he knows about anything else." I think you will find that that has been greatly corrected. The record will indicate that there were some of those. But I must say this: that some of the people who came over, and who had not been engaged in farming in many years, have worked out very well. They have worked out quite well. And they have been given 100 percent for effort. And many of the farmers say: "Fine. That is all we want—effort. If the man is physically able to do the work, we will teach it to him."

We also find, as to many of these people we bring in, that they don't understand our industrial methods of agriculture. They don't know how to run a tractor, and that is an expensive instrument, and the farmer doesn't want him wrecking the thing, and it takes him a while to teach the man how to run the thing. Combines, for example, are even more difficult. But finally and gradually they are broken into it.

Senator DONNELL. Mr. O'Connor, if a man leaves the place he has gone to, as, for illustration, this man in Ohio who went on up to Michigan, what do you do with respect to that man? Do you try to persuade him to go back? You, of course, have no legal authority of any kind to compel him to go. He can go where he wants. But what do you do? And has there been any difficulty in cases of that kind in which these people thought that you were undertaking to exercise more authority than you had?

Mr. O'CONNOR. Well, sir, we haven't asked them to go back.

Senator DONNELL. You have not?

Mr. O'CONNOR. We have not; no, sir.

Senator DONNELL. Very well.

Mr. ARENS. I would like to get a few more statistics from Mr. O'Connor, which would bring us down to date.

I believe you were about to give us the statistics on the areas of settlement as between the urban and rural DP's who have thus far been admitted, Mr. O'Connor.

Mr. O'CONOR. As of June 30, the last figures on it, here is the percentage: Large cities, 55 percent; other urban areas, 22 percent; rural areas, 23 percent.

Mr. ARENS. That is a disproportionate concentration in your large cities as compared to the concentration of our population generally; is it not?

Mr. O'CONNOR. Yes, sir; but we expect it is going to change; just like your religious break-down has changed. You will notice, when I gave the December figures, the percentage as compared to the current ones. I will give you the basic reasons for it. When the bill was passed, the people who were, let's say, better organized, or the people who were more sensitive to the program before it became

legally possible, got their assurances filled out in a hurry. There were relatives and close friends that got them filled out in a hurry; and, naturally, they came in first. Because they came through us, went overseas, were processed first, and were in.

The second flow came from all over the country, from public and private agencies and individuals. But they began to come after the first, say, 35 to 40 thousand assurances had been validated by the Commission; which means that the metropolitan people got theirs in first, the urban and rural people got theirs in last, and some of them, unfortunately, toward the tail end.

Mr. ARENS. How do you account for the fact that 79 percent have been settled thus far in your urban areas, and considerably less than 79 percent of our general population are in urban areas?

Mr. O'CONNOR. I accounted for it.

Mr. ARENS. Well, wouldn't the people in the rural areas also have relatives abroad?

Mr. O'CONNOR. Not in the number that they do in the metropolitan areas, it appears from our experience.

Mr. ARENS. Then is the answer that those people who have been sending in assurances are people from the urban areas, notwithstanding the fact that the urban areas contain considerably less of our population than the percentage of DP's that have gone to the urban areas?

Mr. O'CONNOR. In the initial phases of the program, yes. That was my point. They got in first.

Mr. ARENS. How do you account for the fact that they did get in first?

Mr. O'CONNOR. Because they are always more acquainted with what is going on than the people in the rural areas are. The rural people didn't get acquainted with the program until the people began to arrive and they would see them. They would say, "Farmer Jones has got his family. I ought to get some." But in some States—take Maryland, a very good example—they didn't wait for the farmer to get acquainted by accident. They undertook a State-wide educational program, through their county agent. They organized a working committee in each of the counties of the State, in which they told the people: "Here is the program. Here is what you can get out of it. Here is how you participate." So that in Maryland the State commission began to get cases right off. And practically all in Maryland, as you know, Senator, were rural resettlements. They were way ahead of the rest. If we could have had State commissions and committees doing a similar activity everywhere, we would have offset that balance. There is no question in my mind about it. But we didn't have them.

Mr. ARENS. Now, your agricultural interests under the present law have a 30-percent priority; agriculturalists and their families. Apparently that priority has not been maintained on the basis of the statistics on areas of resettlement thus far?

Mr. O'CONNOR. I think we are closer than that to it. Now, the latest figure I had was this: As of August 31, 1949, visas issued indicated, as of that date, 27.7, on the 30-percent priority.

Mr. ARENS. Then you are pretty close, at least, to running, on your agricultural priority at the present time, at a fluctuation of 3 or 4 percent, or something like that?

Mr. O'CONNOR. That is right.

Mr. ARENS. What are the statistics that you have on the IRO eligibles who are presently in camp and IRO eligibles who are presently out of camp and IRO eligibles who are presently out of camp who are dependent upon IRO for care and maintenance?

Mr. O'CONNOR. The latest figure we have from IRO is under, again, the date of June 30. Now, for the geographical areas we are concerned with, which is what you want, the figures are: In camp, 383,000; out of camp, 243,600. Now, in the United States zone, under that same date——

Mr. ARENS. I do not think those figures, those of the United States zone as distinguished from the others, are pertinent for the moment. Of those out of camp on these aggregate figures you have just given us, what are the statistics on the number dependent on IRO for care and maintenance?

Mr. O'CONNOR. I don't have those, sir.

Mr. ARENS. Is it approximately 38,000; do you know? Or would you rather not estimate it?

Mr. O'CONNOR. I would rather not estimate it. I can get it.

Mr. ARENS. IRO is going out of business when?

Mr. O'CONNOR. According to the resolution adopted at the last General Council meeting, they are to go out of business June 30, 1950, in the sense that they will begin to fold up their operations and will be able, so they have told us, possibly to continue shipping arrangements for 2 months or maybe 3 months. But that is not definitely determined.

Senator O'CONOR. If I may interrupt, Mr. O'Connor, our studies in the other committee revealed that it would be a virtual impossibility for them to reach their goal by July 1, 1950, or even thereabouts.

Mr. O'CONNOR. I would agree, if you asked me whether I thought they could do it. I don't think they can.

Senator DONNELL. Mr. Chairman, reverting, just for a moment, to the point of the distribution, the fact that there was a percentage mentioned by Mr. O'Connor of people who are lodged in the cities now, as distinguished from the country, I would like the record to show at this point that at page 55 of the report of the Committee on the Judiciary pursuant to Senate Resolution 137—namely, Report No. 950, Eightieth Congress, second session—there appears this language. It is referring, there, to the 50-percent priority given to agriculturalists. That was changed later.

Mr. ARENS. Subsequently reduced to 30.

Senator DONNELL. To 30, yes. And, referring to that priority, the report says this:

> The reason for this priority is not only to assist in filling the demand in the United States for agriculturalists but also to assure a general distribution of those persons admitted.

And I take it, Mr. O'Connor, that you regard it as desirable that insofar as possible these people be distributed, and not just lodged in the big cities to present additional housing problems and other problems incident to metropolitan life?

Mr. O'CONNOR. Yes, sir. I do. And I also feel that anything the Commission can do, can properly do, to get interested people, let's say, in the rural areas, where these people are needed, of course, I think that would be an obligation of ours.

Senator DONNELL. And you are striving to that end?

Mr. O'CONNOR. Yes, sir; we are. That is one of the purposes of my work with the 30 organized groups: To try to get them to understand our need to get a distribution. I think you will find that that is coming along fairly well. It is too bad we didn't have it a year ago. I think it will do a real job before we wind up.

Senator DONNELL. May I revert, for a moment? What is the percentage you stated are now in the cities, as distinguished from the rural areas?

Mr. O'CONNOR. 55 percent.

Senator DONNELL. 55 percent are in the cities of the United States and not out in the rural areas?

Mr. ARENS. I don't think those quite reflect the statistics he just gave. He said 55 in the large cities and 23 in the rural areas.

Senator DONNELL. The 55 percent would be the quite large cities, and it would be 22 percent in the other cities, making a total of 77 percent, then, in urban areas, large and small, and only 23 percent in the rural sections. Is that right?

Mr. O'CONNOR. Yes, sir.

Senator DONNELL. Do you regard that as a sufficient distribution out in the rural areas, or do you think the rural distribution should be increased?

Mr. O'CONNOR. I would agree that the rural distribution should be increased.

May I make a minor correction, Senator? Mr. Arens said the large cities, referred to, indicated the metropolitan areas. That is not exclusive. Large cities, according to this table, refers to cities with a population of 100,000 or over in 1940.

Senator DONNELL. That type of cities is what you refer to as those in which the 55 percent of displaced persons who have come into this country are located?

Mr. O'CONNOR. Yes, sir. Populations of 100,000 or over. "Other urban areas" is classified as those with populations of 2,500 to 99,000 in 1940.

Senator DONNELL. Do you know what percentage are located in New York City, of all the displaced persons that have come in so far?

Mr. O'CONNOR. I don't know, in the cities, sir.

Senator DONNELL. Are you able to approximate that?

Mr. O'CONNOR. If you will give me a few minutes.

Senator DONNELL. Perhaps you could get it and supply it. It is getting very close to the time the Senate convenes. Could you do that?

Mr. O'CONNOR. You want an estimate, sir?

Senator DONNELL. I would like it, Senator, if Mr. O'Connor would furnish to us his best estimate of the number of displaced persons who have come into the United States who are now located in New York City, Boston, Chicago——

Mr. O'CONNOR. That would be a tremendous job, Senator, I will try.

Senator DONNELL. Just a moment—New Orleans, and any other city having a population in 1940 of as much as 500,000. I do not want to impose any unduly difficult statistical burden, to get it down to an

exact figure; but, if you could give us your very best estimate, I assume you could do that without great difficulty; could you not?

Mr. O'CONNOR. We can do it, sir; but I think it will require a considerable amount of work on our part, a considerable amount. Tracing nominal flows by exact city would be quite a job.

Senator DONNELL. May I ask the chairman and Mr. Arens also: Do we have this information that I have called for in any other hearing in testimony?

Mr. ARENS. Not current. We had the information as of one time that 51 percent were destined for New York City. But there are two or three glosses to that. In the first place, the word "destined" does not necessarily mean they are going to stay there forever. In the second place, these are old statistics and they change almost from day to day.

Senator DONNELL. I do not want to impose an undue burden. It seems to me that it is quite important, in learning how this bill is operating, to get that information if we can get it. At the same time, I do not want to disrupt the work of your department and interfere with your efficiency.

Senator O'CONOR. Of course, we do not expect it down to the last individual, but I should think, for the Commission's benefit, you would wish to have this sort of thing in concrete form.

Mr. O'CONNOR. Yes. But we have two people to do it, and they can only get out so much work for us. But let us try it. We will see what we can get for you.

Senator O'CONOR. The reason I think it is so important is that you have been operating just about a year, and it seems to me the Commission would be very much interested, as we are, in learning just what the situation is.

Senator DONNELL. I will say the thought did not originate in my mind but it occurred to me from what Mr. Arens' questioning was. I take it that was one of the points in his mind. And I would like without disrupting the efficiency of your office, to have that. If you find you cannot do it without an unreasonable disruption, please do not consider that I am making the request.

Mr. ARENS. I wonder if I could indicate two or three different types of statistics we would like to have for inclusion in the record, if it is agreeable with the Senators?

Mr. O'Connor, may I just ask you if you would be good enough to make a notation to supply for this record statistics on a few other items which I think would be of interest to the subcommittee? One is the percentage of displaced persons who have been admitted, who have come in from outside of camps, as distinguished from in-camp DP's.

Mr. O'CONNOR. We can give you something on that; yes.

Mr. ARENS. Secondly, the number that have come in under each of the two principal priorities. I believe you may have given one of those. Also, the number of IRO eligibles who are out of camp, but who are receiving care and maintenance from the IRO.

Mr. O'CONNOR. Yes. Receiving full care and maintenance?

Mr. ARENS. Put it both ways, if you want to; the full care and maintenance, partial care and maintenance, and then the group that is embraced in only protection.

Mr. O'CONNOR. Yes, legal protection.

Mr. ARENS. Then, will you give us statistics on the current rate of new applications for IRO status and the current rate of acceptance in each of the two categories?

Mr. O'CONNOR. I can tell you, as to your last question, Mr. Arens, that IRO has not got that figure. Because we asked for it. They estimated—and this was merely an off-the-cuff estimate—75 percent of those who registered under the requirement to register prior to August 31, 1949. They estimated they might have 75 percent of those found eligible, but they don't want to be held to that.

Mr. ARENS. We have not been able to get those statistics accurately, either.

Just one other question. Has the Displaced Persons Commission come out with its second semiannual report?

Mr. O'CONNOR. No; we hope it will be ready shortly. We are having some difficulty. You see, INS prepares the figures for us, as you probably know. And we hope to have it very shortly.

Mr. ARENS. We appreciate very much indeed, Mr. O'Connor, your courtesy to us; and if you will, at the earliest practicable time, supply those statistics and other information, we will have them incorporated in the record.

Mr. ARENS. Now, just to make the record clear, and to place you in the position of having an opportunity to say anything you want to, is there anything else you wish to say on your nomination?

Mr. O'CONNOR. Just that I have enjoyed being here and that I would have liked a greater opportunity to explain some of the constructive things that have been done in the program; but I realize we do not have time for it.

(Whereupon, at 12:05 p. m., the committee recessed subject to the call of the Chair.)

DISPLACED PERSONS

FRIDAY, SEPTEMBER 30, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT,
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 10:30 a. m., in room 424, Senate Office Building, Senator Herbert R. O'Conor, presiding.

Present: Senator O'Conor.

Also present: Messrs. Richard Arens, Frank W. Schroeder, and Thomas J. Davis, professional staff members.

Senator O'CONOR. The hearing will please come to order.

We are very fortunate today in having with us the representatives of the very outstanding organizations of our country, and we would, of course, welcome from them an expression of views. The first witness will be Mr. John C. Williamson, assistant legislative director, Veterans of Foreign Wars of the United States.

You are Mr. John C. Williamson?

STATEMENT OF JOHN C. WILLIAMSON, ASSISTANT LEGISLATIVE DIRECTOR, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. WILLIAMSON. Yes, sir.

Senator O'CONOR. And, Mr. Williamson, your official position is what?

Mr. WILLIAMSON. I am the assistant director of the national legislative service of the Veterans of Foreign Wars.

Senator O'CONOR. Mr. Williamson, how long have you been in that position, or been connected with the organization?

Mr. WILLIAMSON. Three and one-half years.

Senator O'CONOR. We would welcome from you a statement on the pending legislation, and may I ask you first whether you have a prepared statement?

Mr. WILLIAMSON. Yes; I have a rather short statement.

Senator O'CONOR. We will be glad to afford the opportunity to present it uninterruptedly, and then I might ask you some questions concerning it. Will you just proceed?

Mr. WILLIAMSON. Yes, sir.

I am grateful for this opportunity to express the views of the Veterans of Foreign Wars of the United States in regard to the bill H. R. 4567, which amends the Displaced Persons Act of 1948 so as to provide

for an admission of over 134,000 European displaced persons in addition to the 205,000 provided for in the act of 1948. These displaced persons would be admitted in addition to those entering the United States under the quota system provided for under existing immigration laws. The bill also amends the act of 1948 with respect to preferences of place of origin, definition of displaced person, preferences as to occupation, and so forth.

The question of admitting European displaced persons, notwithstanding the immigration quota system, has been before the last three national conventions of the Veterans of Foreign Wars. The records of these conventions will reveal that more thought and more time has been spent on this subject than any other pending before the convention. For example, at the convention held in Cleveland in September 1947 the Committee on Immigration conducted a public hearing before which any member of the organization could express his views on a resolution on the subject of displaced persons.

Consequently, the position of the Veterans of Foreign Wars at this date is one that has been arrived at without prejudice and with due and careful consideration of the effects of the admission of these displaced persons on the national economy, particularly as it relates to the welfare of the veterans for whom we speak.

The convention recently held at Miami, Fla., again considered this question and unanimously adopted Resolution No. 342, relating to immigration and displaced persons, which I am submitting for the record at this point.

Resolution No. 342.

IMMIGRATION

Whereas, the present immigration quota system was instituted in 1921 in order to preserve the basic homogeneity of the American; and

Whereas, the operation of this quota system over the past 27 years has more than justified its continued existence; and

Whereas any increase in the immigration quota system would seriously jeopardize existing veterans problems with respect to housing and employment; and

Whereas the complete suspension of any immigration would be contrary to the traditional American concept that these shores ought to continue to be a haven for the world's oppressed consistent with the preservation of our national institutions: Now, therefore be it

Resolved by the Fiftieth National Convention of the Veterans of Foreign Wars of the United States, That in order to maintain these democratic humanitarian principles and still safeguard our national interests, the national legislative committee and national legislative service, Veterans of Foreign Wars be directed to:

(1) Oppose any increase in the present immigration quota system.

(2) Reiterate Veterans of Foreign Wars opposition to the admission of all nonquota individuals, known as displaced persons.

(3) Petition Congress to enact legislation prohibiting specifically the quota or nonquota admission of persons who aided our enemies in any capacity during World War II; and be it further

Resolved, That all problems relating to exemptions from the immigration quota system shall be referred to the Veterans of Foreign Wars national legislative committee for action consistent with the afore-mentioned immigration policies of our organization.

Approved by the Fiftieth National Convention, Veterans of Foreign Wars of the United States, August 21–26, 1949, Miami, Fla.

Mr. Chairman, I should like to reiterate again that the only criterion which the Veterans of Foreign Wars has applied to the question of admitting displaced persons on a nonquota basis is "what is best for the United States."

The veterans of today are beginning to cope with an unemployment problem. Due to the fact that the majority of the veterans of World War II had their first gainful employment following their separation from the service, they will for many years bear the brunt of the unemployment problem. Almost one-half of the 4,000,000 unemployed today are World War II veterans. Also, approximately, 1,500,000 veterans are in training under the GI bill of rights. These will move into the labor market in 1950, 1951, and 1952, and be in addition to the normal annual increase of young men entering the labor market. We are in constant touch with the 52 departments and 10,000 posts of our organization and we know at first-hand the fact that many of our members are in the labor market seeking reemployment. We have an expanding population and our economy for many years will have to provide additional jobs for the increased number of persons entering the labor market each year. We see little evidence that the base of our national economy will be broadened in the next 10 or 15 years sufficient to ease our concern with respect to unemployment.

Every immigrant and every displaced person that enters this country is in competition with an unemployed person for a job. We have been told that no displaced person would be admitted to the United States unless a job were available for him. If there are 200,000 jobs waiting for 200,000 European displaced persons, then those same 200,000 jobs must be available for that same number of people now in this country and unemployed. Jobs are not created for the sake of their existence alone but are created to fill a productive need in our national economy.

In addition to the employment problem we face a housing shortage which will be with us for many years. The Congress has passed remedial legislation designed to provide houses for low income groups and the Congress is considering additional legislation to facilitate the acquisition of housing for persons in the middle income group. However, it will be several years before the effects of such legislation will provide a noticeable easing of the housing shortage.

There is another important factor on which the Veterans of Foreign Wars bases its opposition to the admission of nonquota displaced persons. The salvation of Europe lies in rebuilding its economy. Billions of dollars of the taxpayers of this country have poured and are continuing to pour into that economy. It will take more than money. It will take the productive effort of every man and woman in Europe. If a displaced person in Germany, Austria, and Italy has the attributes which would make him a good American citizen, then that is all the more reason why he should lend his efforts toward the rehabilitation of the economy of Germany, Austria, and Italy. This does not represent a callous disregard of the humanitarian principles involved in the relocating of thousands of unfortunate people in Europe; on the other hand we insist that the happiness of a far greater number of people rests with the combined collective willingness of all the people in Europe to work hard and bring their standards of living nearer to the American level.

It is the opinion of our organization that the displaced persons problem of Europe would have been settled long ago if the United States or pressure groups in the United States had not continued to hold out the hope of eventual admission of those people into the United

States. There is no question but that if the people of Europe had been convinced in 1947 that the immigration structure of this country would remain steadfast, the displaced persons would have adjusted themselves to an accomplished fact and the so-called hard core of 160,000 would have been integrated within the social and economic processes of Europe just as did the 7,000,000 additional persons displaced by World War II.

In the final analysis, we are today confronted with a problem of our own making, and the problem will be solved only when this country takes a firm position that the quota system of immigrants will remain for the next 25 years, as it has in the past 25 years, the only entrance through which the peoples of the world might be admitted into the United States for permanent residence.

Senator O'Conor. Mr. Williamson, we are very grateful to you for this presentation of views. I would like to ask you just this question:

In the opinion of yourself or of your organization for which you speak, could you tell the subcommittee as to whether you have any views concerning the priority that ought to be followed as to assuming that there would be certain admissions, whether by way of circumstance or national identity or of anything else that there ought to be with regard to them as to type of employment or otherwise, that there ought to be any priority exercised?

Mr. Williamson. No. We would not state any preferences as to employment. If these people are going to come in, I do not think it makes a lot of difference if they are going to come in as a farmer or cobbler, because we do not have peonage in this country any more, and if a man comes in ostensibly to be a farmer, I do not think that we should prevent him from moving from the farm to the city at his pleasure. I think that we are letting ourselves in for a lot of trouble if we bring people in and insist that they are coming in as farmers, and going to stay on the farm.

Senator O'Conor. Mr. Arens, do you have any questions?

Mr. Williamson. If an individual is admitted for permanent residence to be a United States citizen, he ought to come in without any strings attached.

Mr. Arens. Mr. Wililamson, at the present time, as you doubtless know, there are literally tens of millions of persons who are displaced throughout the world. If there is to be, as has already been pronounced in the present law, provision for the admission of displaced persons, does your organization or do you have any view as to which group or groups among the tens of millions of displaced persons throughout the world should be the object of our legislation?

Mr. Williamson. By the tens of millions, you mean the people in India and China?

Senator O'Conor. All over the world.

Mr. Williamson. Our concern is to preserve the National Origins Act. The object of that is to preserve the basic homogeneity of the American. That is our position. Consequently we believe that the preferences should be based on the origins act, in other words, by saying that we deny that there should be any preferences; we should maintain the immigration quota system.

Mr. ARENS. Mr. Williamson, does the organization which you represent or do you have views respecting the area of settlement in this country as a factor in assimiliation of immigrants who are admitted?

Mr. WILLIAMSON. Would you please repeat that?

Mr. ARENS. May I state the question another way: Does your organization or do you have views respecting the rate of assimilation of displaced persons, of immigrants in the urban areas as compared to the rate of assimilation of immigrants in the rural areas?

Mr. WILLIAMSON. I don't think there is much question on that. I think the rate of assimilation is much faster in the rural area than in the urban area. I think the fact that you have so many foreign language newspapers in the urban areas will attest to that. I think much more rapid assimilation if our immigrants had been dispersed geographically, or if they had dispersed themselves willingly when they came here.

Mr. ARENS. Does the veterans organization which you represent or do you as an individual have views respecting any priorities which should be given to displaced persons in displaced-persons camps as distinguished from displaced persons who are not in such camps?

Mr. WILLIAMSON. Well, I really can't answer that. As I understand it, there has been a constant flow of people into those camps since the close of the war, and yet there are a lot of people who have been in those camps, have left them, and although they still are desirous of coming to the United States are trying to adjust themselves to the economy of Germany and Austria that still is very difficult for me to say which should have preference. I think if they are coming in under the quota system, I think the best test is which individual is going to make the best American citizen, whether he is in the camp or out of the camp. Some are in the camps for circumstances completely beyond their control.

Mr. ARENS. What is the view of your organization respecting the provisions which require as a prerequisite to eligibility of the applicant as a displaced person shall first have assurance of a job, and of a house without displacing some other person from the job or house?

Mr. WILLIAMSON. I think it would be a very good thing if there were such assurances, but I have made our position clear on exactly what those assurances amount to.

Mr. ARENS. Thank you very much.

Senator O'CONOR. That is all. Thank you very much.

Mr. WILLIAMSON. Thank you.

Senator O'CONOR. We will next hear from General Taylor of the American Legion.

You are Gen. John T. Taylor?

STATEMENT OF GEN. JOHN THOMAS TAYLOR, NATIONAL LEGISLATIVE DIRECTOR, THE AMERICAN LEGION

General TAYLOR. John Thomas Taylor.

Senator O'CONOR. You are the director of the national legislative commission of the American Legion?

General TAYLOR. Yes, sir.

Senator O'Conor. It is unnecessary to state for the record because I know all Members of the Senate have known you and known you favorably, and both because of the high regard we have for you personally, and also for the great organization you represent, we would appreciate the expression of your views on this legislation. Have you any prepared statement?

General Taylor. No, I have not, Mr. Chairman.

Senator O'Conor. We will be glad to have you then express any views, and if you will be good enough, we might have some questions to ask you to answer.

General Taylor. I want to start out by saying that the American Legion is opposed to H. R. 4567.

The question of immigration is not a new one to the American Legion. We have been appearing before Congress now for over 25 years on this very subject matter. We appeared and favored the National Origins Act. And in my opinion, the sole purpose now of enlarging on Public Law 774, the so-called Displaced Persons Act, is to totally destroy our immigration laws and immigration policies. It is to wreck it. The same people, I say that, although they may be under entirely new and different group names, but certainly the same individuals are the ones who favored the Displaced Persons Act, and who are now favoring an extension of it. As to why on the extension, I don't know, because the very language of the bill itself, instead of increasing the possible immigration some 100,000 or more, in my opinion, as a matter of fact, it opens up the doors for literally millions of displaced persons, and I suspect personally that is the intent, to destroy our present existing immigration laws.

We appeared before the Congress when this legislation was up and at that time I made the statement that in spite of the fact that billions of dollars and our manpower was used during the two World Wars, because of conflicting ideologies sweeping Europe, and we believed at the time that we were contributing to advancement, so far as these countries were concerned, who had the displaced persons, yet the same thing has happened again after this war that happened after the first war.

Particularly I am glad to see the way in which your committee and your subcommittee has considered this whole matter objectively. Certainly there has been no rancor or bias injected into the discussion or the hearings, and this committee has been looking upon this matter, as have we of the American Legion and other patriotic organizations, as to what is best for this country.

I was interested in some of the statements that when we became involved in this war it was because of these ideologies that had come into existence that had really caused the war, the conflict between fascism and nazism and all of the other "isms," ideologies that had created new thinking and an entirely new aspect, so far as those people living in those countries are concerned, and those very ideologies are the things that are being most discussed now, and to some extent putting some degree of worry, and, I should say from what has happened in the past week or two, almost, I would say, fear, in the minds of the American people as to whether we are being subjected to them.

At that time the Chairman of the Americanism Commission, James F. Green, appeared before this committee in opposition to the legis-

lation which was pending, which resulted in enactment of Public Law 774. He said:

> It is characteristic of "do-gooders" that they lose sight of what is for the best interests of the Nation as a whole in their efforts to accomplish the immediate objective. A fundamental question is before us. If controlled immigration is for the best interests of the United States and the American Legion maintains that it is, then laws esablishing it must be enforced. Such laws cannot be circumvented and abandoned each time an emergency situation with heart appeal arises.

I think that is what we are getting around to. Certainly the Displaced Persons Act of 1948 was motivated more by the humanitarian appeal than anything else. That is what is being done at the present time. The public, I think, through misinformation in the form of news, and particularly cartoons, has gotten a wrong impression about the displaced-persons' situation. I do not think that the public knows that during 1948 almost 500,000 people have come into this country from overseas on temporary visas. I do not think that the country knows that practically 60 percent of them have applied for extension of those visas, and doubt very much whether the country knows that during the year 1949 there will be approximately 700,000 who will come into this country from overseas on temporary visas. Most of them, of course, want to stay over here.

I do not think that the country knows that there is a backlog of over a million applications for visas to come into this country under the existing immigration laws, the so-called national origin laws.

Senator O'CONOR. Would you mind if I interrupt you right there?

General TAYLOR. No.

Senator O'CONOR. What you say is most significant and of importance to us. You made reference to the number who had come in during 1948 on temporary visas.

General TAYLOR. On temporary visas.

Senator O'CONOR. And the percentage of them applying for extension.

General TAYLOR. That is right.

Senator O'CONOR. Do you have any information as to the action on the applications as to the percentage of those which were favorably acted on or were given extension?

Gneral TAYLOR. No; I do not, but I believe I could get it for you. Of course, it is a public record of what the Senate has done where the Attorney General has approved staying in this country of persons to whom objections have been raised. Certainly the Senate is required to approve them. The Senate has approved over 3,000 of them.

Senator O'CONOR. Through this committee, over 3,000 of them?

General TAYLOR. That is a public record.

Senator O'CONOR. That is why I thought it might be interesting to have it in the record at the point of your remarks as to whether you had any other information on that in connection with either the consideration by the Department or anything else as to the rate of approvals that have been given otherwise.

General TAYLOR. But the public does not know that, Mr. Chairman, and I do not think that the public understands or realizes that the 205,000 that were provided for in Public Law 774 to be permitted to come into this country within a period of 2 years will have reached

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this country and will be admitted to this country before that 2 years has expired.

The argument is being advanced to increase that number. Well, we are against it—the Legion, I am speaking about. As I say, we appeared before the committee on this legislation and then the bill became a law—the DP bill became a law June 25, 1948. The hearings were held, and it is interesting to note what the hearings, a bill to authorize the United States during an emergency period to undertake its fair share in resettlement of displaced persons in Germany, Austria, and Italy, and it says something else, including relatives of citizens, and that the public does not understand that even when these displaced persons are permitted to come into this country outside the established quota laws, that after they gain citizenship they bring in their own relatives. I mean the people of the country do not understand that. There is fixed in their mind 205,000. Well, those hearings took place from June 4 until June 18, 1947, and that is when we appeared, and shortly after that our national officers had gone to Europe and were advised to look into this situation in Europe. They visited the various places, various camps, and so forth. They came back and made a report to our national executive committee October 31 to November 1, 1947, after these hearings, and as a result of that this resolution was adopted:

With reference to the position of the American Legion to the problem of displaced persons, be it resolved:

1. That consideration of the matter of displaced persons be divorced from the general subject of immigration, that it be treated specifically as an emergency matter, involving humanitarian considerations and that anything that may be done in connection with it be the subject of special and limited legislation.

2. That the Legion reiterate its sympathetic and friendly attitude toward our comrades in arms and all countries involved and their immediate families; that the Legion advocate special consideration, if such be possible, for this particular group.

3. That the general issue be kept as simplified as possible; that special-interest groups who, seizing upon a situation that normally appeals to the hearts and the minds of good Americans, have, in the past, now do, and undoubtedly will attempt to add complicating elements to these matters with the hope of confusing the issue involved and thus accomplishing their own ends—which ends the Legion opposes.

4. That, in the event the United Nations Organization adopts the program now advocated by the United States for the partition of Palestine, that all displaced persons who desire to find haven in Palestine be permitted, and aided, in doing so.

5. It is also recommended that the United States, giving priority to the comrades-in-arms group referred to above, permit the emergency immigration to this country of those DP's who were officially recognized and designated as such on January 1, 1947, less those who have already found haven, in numbers proportionate only to America's fair share, based upon its membership and obligations in the International Refugee Organization consisting of the following-named countries: Bolivia, Guatemala, Honduras, Liberia, Panama, Peru, Australia, Argentina, Belgium, Brazil, Canada, China, Dominican Republic, France, Iceland, Netherlands, New Zealand, Norway, United Kingdom, United States, but limited to a maximum number based on comparative populations.

That is very important so far as we are concerned.

6. Since it appears to your subcommittee that there is a woeful lack of accurate understanding as to the number of persons involved—estimates of America's share having been publicly stated, ranging from 100,000 to more than 400,000 in all, it is recommended that this uncertainty be definitely eliminated and that America get down to cases, and the exact maximum be determined and that the United States adhere to it strictly.

That has not been done.

Senator O'CONOR. Right there, do I understand that it is the viewpoint of the American Legion, expressed through you, that instead of approaching this as an emergency matter to take care of a particular situation with regard to displaced persons resulting from the war, that possibly this might be an effort to extend that world-wide to bring in other groups as well?

General TAYLOR. I don't think there is any doubt about that, any doubt at all, because we have kept in touch with this situation very closely, and our convention in Philadelphia, and we are speaking now for 3½ million veterans of World Wars I and II, a million women who belong to the American Legion, and these things that come up before a national convention of the Legion come from the grass roots. They originate down in the posts and come up through the departments. They must have been adopted by the posts, and then adopted by department conventions before they reached the national convention, and the national convention, the committee is composed of one person from every department, 52, because we have outlying departments, and they gave consideration and they spent a lot of time on this subject, and now, August 29–September 1, they have to say on the subject, adhere to the existing laws and quotas for immigration and displaced persons.

Now, therefore, be it
Resolved, That the American Legion in national convention assembled in Philadelphia, Pa., August 29–September 1, 1949, demand of our—

that is a little different language—

Government heads that they strictly adhere to the existing laws and quotas allowing immigration to the United States, and particularly adhere to the laws now in force applying to displaced persons, and rather than place any additional burden on the people of America by increasing the quotas or the immigration; and be it further
Resolved, That we take steps to curtail as far as possible any further immigration to this country at the present time.

That is very specific on this subject. That is why I say to you that we are opposed to H. R. 4567. Because as a matter of fact, it is my understanding, and I am basing it on definite information, and I am trying to find the memorandum which I have here about the committee created to study this matter, that the committee passes out of existence at the same time that this law extends the DP's to come into this country, June 30, 1950.

Mr. ARENS. That is the IRO you are referring to?

General TAYLOR. Yes, the IRO. Yes. They point out that as a matter of fact in their report there will be in these camps 172,000, but that 161,000 of them in the camps I am talking about, and that is what this law in the beginning was based upon, the people that were in the camps, and that 161,000 of them could not be admitted to this country under any circumstances, so that at that time there will be only 11,000 anyway. At least that is what their report says.

Senator O'CONOR. The so-called hard core.

General TAYLOR. That is right, yes. Why anyone comes along now with a suggestion that it be extended so that more than 100,000 additional can come in, well, that is a mystery to us, I must say.

And also, while we said 1947, the law said that the cut-off date should be 1945. This extends that to 1949, and in the meantime not

only outside the camps, but into the camps come thousands and thousands.

In the beginning the idea was that so far as the displaced persons were concerned, they were to be people who had gathered or had gotten into camps who were the effects and the results of the war. But in these past years, thousands of people have taken advantage of that situation, not the real displaced person during the war at all. They have gotten in there because they want to come to America, and you know that, Mr. Chairman, just as well as I do. And it is not a question of a hundred thousand. We said at the hearings at that time that this would not be satisfactory, that this would lay the ground work and that they would come back, these organizations would come back to demand that this law be extended. If you start in extending it, it will be extended and extended. What we ought to do, what the American Legion says we should do, we should insist that the immigration laws themselves absolutely and positively be observed.

I sent a letter to the Members of the House on the committee when the bill was being considered, together with a copy of the position of the American Legion, last year, I am talking about, that I want at this point inserted in the record, because there are the names of the countries we are talking about.

(The document referred to was marked "Taylor Exhibit 1" and filed for the information of the subcommittee.)

General TAYLOR. Why don't they take their fair share? What is to be the fair share so far as America is concerned? Not only for immigration, but for everything else. We are pouring billions of dollars into the rehabilitation of all of these countries; must we also take all of the individuals who live in those countries that do not want to live there any more, but want to come over here to America? Is it to cover every possible phase of human life and human existence? Are we to be motivated strictly by our hearts or are we to pay some attention to the present and the future of America? Are we to give consideration to the veterans? Their employment situation, as was pointed out, their housing situation is here; a million veterans require housing, and when any excess people come to this country from any other country, they require housing. And somehow or other they get it, too. And when they require jobs, somehow or other they get them.

You can take the records of the Veterans' Administration, and you will find that the unemployment peak is going right up, so far as veterans are concerned. There is complaint now about what the veterans are doing, taking schooling and other things. There is an attempt being made right in the Senate to once again extend the $20 a week for 52 weeks of unemployment. Why? Because they are out of work. Everybody that comes here from some other country gets a job, and do not bring up the question of farm labor or any other labor, because once in this country they can work at it 2 days and go someplace else, and get another job. And we will not have any objection to it. Nobody will.

So they are a handicap so far as housing and employment of veterans are concerned, but even outside of that, the Legion at its Philadelphia

convention gave careful consideration to this very subject matter. As I said to you, they demand that "we take steps to curtail as far as possible any further immigration to this country at the present time."

Let us give a little thought to America. We have the greatest sympathy for the do-gooders, but let them give some thought to America. For 25 years, I repeat, these same people have been attempting to tear down the immigration laws of this country, and this is a step in that direction. I hope the Senate will put a stop to that.

I regret to see a resolution before the Senate to discharge this committee from consideration of this bill when the chairman of the committee is out of the country investigating this very thing. Why after the House passed this bill, H. R. 4567, the House set up a committee to go to Europe to investigate the situation, and Francis Walter, the chairman of the Subcommittee on Immigration of the House Judiciary is over there now doing that very thing. Even after they passed the bill, they were uncertain about it. They had questions in their minds as to whether they had done the correct thing. And the House passed the necessary legislation to send them over to Europe where they are now.

I think that you should wait, the Senate should wait and see what comes out of the visit of the House committee, and the chairman of the Senate committee who are over there now looking into this matter. I think you have a responsibility to do that. I hope you won't overlook that responsibility, Mr. Chairman. The country is watching this thing very closely.

That is the position of the Legion. I have nothing further to say, unless you have some questions.

Senator O'Conor. There may be a few questions.

Mr. Arens. Do you have information respecting the number of refugees or displaced persons who were admitted into the United States during the war years or immediately after the Hitler regime started in Europe?

General Taylor. No, I have not; but the figures that I have heard are so shocking, because they run into the millions, I don't have the exact figures. I know this, that the FBI are asking or did ask for funds to investigate over 500,000 who are illegally in this country. Just think of that. Just think of it, the avenue that this opens admitting into this country the very people that are causing all of our trouble in this country at the present time. These subversive elements that this committee is investigating. I tell you it is a serious situation.

Mr. Arens. Do you or does the Legion have views to express respecting the information which has been revealed by this committee on the infiltration of subversives in the United States?

General Taylor. It is what we are fearful about, that very thing; that is just what I said. They are coming in and they have come in. The number that are under arrest for deportation now answers that question, and this is the avenue by which they come. You know it and I know it. That testimony certainly has been brought before this committee by expert witnesses. That is one of the reasons this should not be done, Mr. Chairman. That is the position of the Legion. It should not be done. It should not be done. We should get back to the basic immigration laws, and if possible, strengthen them.

Senator O'CONOR. I might say, just in observation on your last comment, as to what has been brought before the attention of the committee with regard to subversives, I attempted to make that known.

General TAYLOR. You made a very fine speech on it. I congratulate you upon it. Splendid. That is our position. Thanks ever so much.

Senator O'CONOR. We are very grateful to you.

General TAYLOR. I am grateful for the opportunity to be here.

Senator O'CONOR. That will conclude this morning's hearing.

(Thereupon at 11:25 a. m., the subcommittee recessed subject to call.)

DISPLACED PERSONS

MONDAY, OCTOBER 3, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 11:10 a. m., in room 424–C, Senate Office Building, Mr. Thomas J. Davis, professional staff member, presiding.

Mr. DAVIS. This is a continuation of a hearing held Tuesday, August 23, 1949, with respect to amendment to the Displaced Persons Act of 1948, Public Law 774, so as to provide for the admission as displaced persons of German expellees. In the hearing on August 23, a statement was received from Mr. Nick Pesch, 3500 West North Avenue, Chicago, Ill. Mr. Pesch spoke for himself and for the American Aid Societies.

Mr. John C. Meiszner and Mr. Joseph Kunst were present at that hearing, but now wish to supplement the statement of Mr. Pesch on this subject. Mr. Meiszner, will you please give your full name and address?

STATEMENTS OF JOHN C. MEISZNER, SECRETARY, AND JOSEPH KUNST, NATIONAL DIRECTOR, CHICAGO CHAPTER, AMERICAN AID SOCIETIES FOR THE NEEDY AND DISPLACED PERSONS OF CENTRAL AND SOUTHEASTERN EUROPE

Mr. MEISZNER. John C. Meiszner, 5624 Irving Park Road, Chicago, 34, Ill.

Mr. DAVIS. And you, Mr. Kunst?

Mr. KUNST. Joseph Kunst, 1724 Thorndale Avenue, Chicago 26, Ill.

Mr. DAVIS. It is my understanding that you gentlemen also represent the American Aid Societies.

Mr. MEISZNER. Yes, sir.

Mr. KUNST. Yes, sir.

Mr. DAVIS. Do you have any general statement to make, Mr. Meiszner, with respect to amending the Displaced Persons Act to include German expellees?

Mr. MEISZNER. Would you repeat that? I didn't get all of it.

Mr. DAVIS. Do you have any general statement to make with respect to amending the Displaced Persons Act in order to include German expellees?

Mr. MEISZNER. At the present time, there is an amendment up to take care of that.

Mr. DAVIS. Introduced, as I believe, by Senator Langer.

Mr. MEISZNER. Senator Langer, and it is concurred in by Senator Douglas and Senator Myers. Our organization is in favor of that amendment.

Mr. DAVIS. Does your organization have any number in mind which should be made eligible under the amendment?

Mr. MEISZNER. No, not at the present time. We do not have an exact number in mind.

Mr. KUNST. We have not officially set any number to be recommended. We would like to include as many as possible.

Mr. MEISZNER. Yes.

Mr. KUNST. There are hundreds of thousands out there yet.

Mr. DAVIS. Mr. Pesch testified as to the approximate number of German expellees that he and the organization are concerned about. The number that he testified to was roughly 500,000 German expellees, the ones in whom the society is directly interested. Is that about your idea of it?

Mr. MEISZNER. Yes.

Mr. KUNST. Yes. I would like to add one point to that, if it is permissible. The people are expellees and also refugees. The people from Hungary are expellees according to the Potsdam Agreement. The ethnic Germans who formerly resided in Rumania and Yugoslavia were really refugees. They were not before the Russian armies came in and occupied the country, but they fled the Russians.

Mr. DAVIS. What year was that?

Mr. KUNST. 1944 and 1945, some in 1944, but the majority in 1945, in all the years up to the present date. Since the country was occupied by Russia, Czechoslovakia, and Rumania, which are satellites of Russia, they had to steal their way across the borders in any way. They were actually refugees and had to run away to get out of the country.

Mr. DAVIS. How many refugees of the class you are talking about, would you say, came into Germany and Austria in 1944 and 1945?

Mr. KUNST. It was a small minority, very few of them. In 1945, there were more. Just before the Russians occupied the country.

Mr. DAVIS. What part of the 500,000, the total number, would you say came in before the end of 1945?

Mr. KUNST. I could not give you the numbers on it. My estimation would be somewhere around 200,000. That is only an estimate. I cannot substantiate that.

Mr. DAVIS. The Displaced Persons Act of 1948 has a cut-off date, December 22, 1945. You would say that a substantial number of the 500,000 were in Germany and Austria before that date?

Mr. KUNST. Yes, sir.

Mr. DAVIS. Are the people that you are talking about from Hungary, Yugoslavia, and Rumania?

Mr. KUNST. Yes, sir.

Mr. DAVIS. Are they from any other countries?

Mr. KUNST. No.

Mr. MEISZNER. You are merely talking of these people?

Mr. DAVIS. Mr. Pesch has given a pretty broad picture of the situation that confronts these people at the present time. Do you have anything to add to his statement as to the general condition under which they are living and their prospects?

Mr. MEISZNER. He would be in a better position to cover that than we, because he was there and saw that condition. We didn't see it.

Mr. KUNST. The only information we have is the correspondence we have with the people out there, who made a personal investigation.

Mr. DAVIS. Are both you gentlemen in contact with refugees who are now in the areas we are talking about?

Mr. KUNST. I am in contact, and I have a brother and his family in the Russian zone of Austria, although I cannot get very much information out of him, because of censorship and so on. He would like to come to this country and I would like to bring him over, but the possibility seems to be nil as far as getting somebody out of the Russian zone is concerned.

Mr. MEISZNER. As Secretary of the American Aid Societies, I receive letters from these various people asking for food packages and clothing packages. That is my closest contact.

Mr. KUNST. We also receive numbers of appeals with regard to aid to come to this country.

Mr. DAVIS. Do you have any idea what number of these people have registered with American consulates for prospective immigration to America?

Mr. KUNST. No; I wouldn't know. There have been applications made with us. I have no idea of the number.

Mr. MEISZNER. Individual applications have been made by various people who are members of the families in the United States for their relatives in Europe. As to the number, we cannot say.

Mr. DAVIS. What would you say as to the number of those refugees who have close relatives in this country?

Mr. MEISZNER. You mean the number of relatives here in this country?

Mr. KUNST. The refugees who have relatives here. That is again a question that is hard to answer, but I believe it wouldn't be over 15 percent, perhaps.

Mr. DAVIS. Fifteen percent would be a rather substantial number at that.

Mr. KUNST. It would be, yes.

Mr. MEISZNER. I think you are high on that.

Mr. KUNST. Yes.

Mr. DAVIS. At any rate, there is a substantial number of families of German origin in this country who have relatives who are in the situation that you have described in Europe?

Mr. MEISZNER. Yes, sir.

Mr. KUNST. Yes.

Mr. DAVIS. By the way, what is the approximate number of people who are connected with the American Aid Societies?

Mr. MEISZNER. About 10,000, between 10,000 and 15,000 people throughout the United States.

Mr. DAVIS. The society is national in character?

Mr. MEISZNER. National in character. We have 11 chapters.

Mr. DAVIS. Do you know if any of the refugees that you speak of have tried to qualify as displaced persons and have been refused the status of displaced persons by the International Refugee Organization or other authorities?

Mr. KUNST. Not to my personal knowledge, no.

Mr. DAVIS. What would you say as to the number of these refugees that you are speaking of who are living in camps or centers as compared with the number who are making their way or who are living in the German economy?

Mr. MEISZNER. I think there are more in the camps being maintained by the German and Austrian Governments than there are on the outside.

Mr. KUNST. I think that is true.

Mr. DAVIS. How are they maintained? Are they maintained entirely on the German economy or do any relief organizations over there operate among them?

Mr. MEISZNER. There are church organizations operating there and then, of course, also the German people are taxed by the German government to maintain these persons.

Mr. DAVIS. Are any organizations in this country directly aiding them with food packages, clothing, and that sort of thing?

Mr. MEISZNER. The American Aid Societies.

Mr. DAVIS. Any other organizations that you know of?

Mr. MEISZNER. We have heard that the Catholic Welfare Council does, and that the World Church Organization does also.

Mr. KUNST. Also the Quakers do that. They do that in general, without distinction, of course. They support any needy people wherever there is need.

Mr. DAVIS. Do they get any help through the CARE organization?

Mr. MEISZNER. Only through the packages that we buy from the CARE organization.

Mr. DAVIS. That is the American Aid Societies?

Mr. MEISZNER. Yes.

Mr. DAVIS. Do individuals in this country contribute CARE packages other than through the American Aid societies?

Mr. MEISZNER. Yes, individual persons do.

Mr. KUNST. Yes.

Mr. DAVIS. What would you say as to the religious affiliation of most of those German expellees and refugees as divided between the various denominations?

Mr. MEISZNER. The majority are Catholic.

Mr. DAVIS. Do you agree with that, Mr. Kunst?

Mr. KUNST. Yes.

Mr. DAVIS. Where are the majority of these 500,000 refugees and expellees that you are interested in stationed at the present time? Where are they living?

Mr. KUNST. The majority of them are in the American zone of Bavaria and Austria. There are some in the British zone and some in the French zone, both Germany and Austria. Also in Vienna, which is controlled by the Four Powers, I believe, internationally.

Mr. DAVIS. Mr. Pesch stated something with respect to the time that these German families had been living in the territories from which they were expelled. What would you say on that, Mr. Meiszner? Were they recently from Germany or have they been living in the sections for a long time?

Mr. MEISZNER. They have been living in the sections that were given to Yugoslavia and Rumania of the old Austro-Hungarian Empire. Their ancestors had been there about 200 years. When this catas-

trophe happened they were chased out, driven out, or ran away. I would say they are now in the German zone or in German territory for the last 5 or 6 years.

Mr. DAVIS. During that time, were these people in the countries, Hungary, Rumania, and Yugoslavia, before Hitler came into power in Germany or after?

Mr. KUNST. Before, long before, a couple of centuries before, in fact.

Mr. DAVIS. Most of them were of long habitation?

Mr. KUNST. That is right.

Mr. MEISZNER. Long habitation in Yugoslavia and Rumania.

Mr. KUNST. They settled in that part of Europe after the Turks were driven out in the early part of the eighteenth century, up to the end of the eighteenth century. They had been there from 150 years on up, some of them as much as 325 years, their ancestors.

Mr. DAVIS. What percentage of these refugees would you say are agricultural workers?

Mr. KUNST. The big majority of them; I would say 90 percent.

Mr. MEISZNER. Ninety-five percent.

Mr. KUNST. Maybe as much as 90 percent.

Mr. DAVIS. What would you say as to the ability of these people if they were admitted to America to settle in the agricultural areas of this country and to develop in America along agricultural lines?

Mr. MEISZNER. I think they would become very profitable farmers for this country.

Mr. DAVIS. Would they be willing to settle in the areas of this country where agricultural laborers are now in short supply?

Mr. MEISZNER. I think they would.

Mr. KUNST. Yes.

Mr. DAVIS. Do you know what is being done, if anything, by other nations to receive a part of these refugees?

Mr. MEISZNER. There are rumors that Yugoslavia would like them back. After they do go back, some do go back, you don't hear anymore about it. Also there is some talk of their going to South America. There are some people getting into Canada, but they are relatives of people living there.

Mr. DAVIS. So far as you know, there is no general movement by any country to receive substantial numbers?

Mr. MEISZNER. Not at the present time.

Mr. KUNST. Also, Australia takes in certain very small amounts, so many per year. I don't know the numbers, but it is very small in number.

Mr. DAVIS. What do you think of the possibility of numbers of Communists being among these people who might come to America, if we took numbers of them under the Displaced Persons Act?

Mr. KUNST. I don't think there would be very many, if any, for the simple reason that these people were never politically organized and did not participate in politics to any extent, to my knowledge. I don't believe that they are interested in it.

Mr. DAVIS. The Displaced Persons Act of 1948 has a provision, section 12 of the act, which provides that one-half of the German and Austrian quotas, amounting to approximately 13,000, shall be set aside for the exclusive use of German refugees now in Germany and

Austria. To your knowledge, have any of the refugees that you are interested in been granted immigration visas under section 12 of the Displaced Persons Act?

Mr. KUNST. I believe there have been some, yes.

Mr. DAVIS. Would you say how many?

Mr. KUNST. The numbers I couldn't say.

Mr. MEISZNER. That is impossible to say at the present time, because we don't have an exact check on it.

Mr. KUNST. Some of them have been granted visas. Some have come over. That we know. There are very few, to our knowledge.

Mr. DAVIS. We appreciate you gentlemen taking the interest to come by and to supplement the statement; in fact, the several records already made with respect to including German expellees within displaced persons legislation. As you know, it is now uncertain as to what action may be taken, but the committee will certainly give full consideration to the entire record as made. I thank you.

Mr. MEISZNER. We thank you for the opportunity to do so.

(Whereupon, at 11:30 a. m., the subcommittee adjourned subject to the call of the Chair.)

DISPLACED PERSONS

FRIDAY, OCTOBER 7, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 10 a. m., in room 155, Senate Office Building, Senator Herbert B. O'Conor presiding.

Present: Senator O'Conor.

Also present: Messrs. Richard Arens, Thomas J. Davis, and Frank W. Schroeder, professional staff members.

Senator O'CONOR. Will you gentlemen please rise and be sworn.

In the presence of Almighty God, do you swear that the evidence you shall give in this hearing shall be the truth, the whole truth, and nothing but the truth?

Mr. FOSTER. Yes, sir.

Mr. MILLER. Yes, sir.

TESTIMONY OF CHARLES E. FOSTER, ASSISTANT DIRECTOR FOR NATIONAL LEGISLATION, DISABLED AMERICAN VETERANS

Senator O'CONOR. You are Mr. Charles E. Foster, and you have a prepared statement, I think. As assistant director for national legislation of the DAV, might I ask just how long you have occupied that post?

Mr. FOSTER. Approximately 2 years, Senator.

Senator O'CONOR. You are authorized to present the views of the Disabled American Veterans, are you not, in this connection?

Mr. FOSTER. Yes, I am; pursuant to a convention mandate duly adopted and passed at our convention.

Senator O'CONOR. Very good, Mr. Foster; if you will then proceed in presenting your statement, after which we might desire to ask you further questions.

Mr. FOSTER. Thank you, Senator. Mr. Chairman and members of the Senate Judiciary Committee, on behalf of the Disabled American Veterans I want to express my appreciation for being afforded an opportunity to appear before you this morning to state the views of the DAV with respect to H. R. 4567. The Disabled American Veterans is opposed to H. R. 4567, or to any other liberalization of the Displaced Persons Act of 1948. Shortly after the end of World War II, the DAV at its Twenty-seventh National Convention held in Las Vegas, Nev., considered the problem of immigration from the broad aspect of its impact on the national economy, particularly in the fields of housing and employment. As a veterans' organization, the DAV is

primarily concerned with the welfare and rehabilitation of those men who served their country in time of war and, as a result thereof, incurred service-connected disabilities.

The chairman of the DAV Americanism committee, in his report to the national convention, urged the delegates to carry back to their respective chapters the principles of fundamental Americanism and to practice these fundamentals throughout the year. The chairman further pointed out to the convention that the preamble of the DAV constitution sets forth, inter aria, these four principles:

1. Supreme allegiance to the United States of America.
2. Fidelity to its Constitution and laws.
3. To hold aloft the torch of true patriotism, and
4. To strive for a better understanding between nations that peace and good will may prevail.

This committee then reported a resolution to the convention which was unanimously adopted, and reads as follows:

Resolved, That displaced persons, war refugees, and immigrants from other countries be prevented from entering the United States in great number, in excess of existing quotas; and that the present quotas be carefully screened and reduced until such time as war veterans and their families are assured of employment, rehabilitation aid, housing at reasonable rentals or purchase, living wages, and opportunities for self-support.

It should be noted that this resolution does not arbitrarily seek to exclude immigrants from our shores because of any prejudice or superior feeling of nationalism. The most significant proviso of this resolution is that displaced persons be excluded until such time as American war veterans and their families are assured of full employment and adequate housing. As an organization, we do not believe that this point has been reached and, therefore, expressly urge the members of this committee to vote against H. R. 4567.

We recognize the fact that full employment and adequate housing for veterans are two of the most vexing problems that face Congress and the Nation today. The Eighty-first Congress has already enacted Public Law 171 to provide low-cost rental units to veterans and their families who are in the low-income brackets, and at the present time, another housing bill to provide Federal financial aid and assistance to veterans and their families in the middle- and lower-middle-income brackets is under consideration. This is in itself irrefutable proof that a serious housing shortage still exists in this country.

Despite the efforts of private industry and those of the Federal Government, unemployment, particularly among World War II veterans, continues at a high rate. Thousands of veterans are being added to the unemployment rolls daily as reduction-in-force programs occur in Federal agencies. It is apparent from the tremendous number of unemployment claims that the labor market is unable to presently absorb all employable veterans. As late as June and July of this year the Bureau of the Census reports that there was an increase of 300,000 unemployed. From experience we know that most of these 300,000 are veterans and disabled veterans.

There are many inequalities and discriminations in our present immigration laws that should be corrected before any effort is made to liberalize the Displaced Persons Act of 1948. I would like to take this opportunity to cite two examples of what the DAV considers

to be direct discrimination in our immigration laws against United States citizens who have fought to defend their country.

The first case is that of a World War I veteran who is a naturalized citizen of the United States. This veteran has been quite successful in his business affairs and 2½ years ago, upon application, the Immigration Service of the Department of Justice approved the admission to the United States of his parents, both of whom are in their early eighties, upon a preference-quota basis. It is his desire that his parents spend the few remaining years of their lives with him where they would never become public charges. They have waited over 2 years now for their number to be reached and the American consul in Greece advises it will be several more years before they can enter the United States. This situation contrasts sharply with the proposal in H. R. 4567 to allow thousands of displaced persons to enter our country en masse.

The other case referred to is that of a World War II veteran and a citizen of the United States. His attorney has granted me permission to use the name and file number of this veteran as the case is now on appeal to the Board of Immigration Appeals, file No. 408,340. The facts of the case are these: The veteran, Sing Fook Wong, is a service-connected incompetent veteran, presently committed to the Sawtelle General Hospital, Sawtelle, Calif. He has a wife who is not a citizen of this country and four children who are citizens. For the past 18 months the veteran's attorney has been endeavoring to gain admission to the United States of the wife and children of this veteran. He has in his file letters from psychiatrists who have treated this veteran for his service-connected mental disability which state that if the wife and children of the patient were in this country it would materially assist in the recovery of this veteran. The application for admission has been repeatedly turned down.

The above are but two of the many inequalities and injustices inherent in our immigration laws and regulations. The DAV can see no logical reason to further open the doors of this country to displaced persons who do not have any color of citizenship or citizenship rights. We have heard too many stories of the arrogant, bitter, unpatriotic, and ungrateful attitude of persons who have already been admitted to the shores of the United States of America under the Displaced Persons Act of 1948. To amend this act as provided in H. R. 4567 would constitute a national disgrace. The members of this committee are urged to vote against reporting this measure.

Senator O'CONOR. You may proceed, Mr. Davis.

Mr. DAVIS. How many disabled veterans or other veterans belong to the disabled veterans' organization, do you know?

Mr. FOSTER. We have a membership of over 140,000. That is paid membership. Over one-third of that number are full-paid life memberships. The rest are renewable annually.

Mr. DAVIS. What is the distribution of your membership?

Mr. FOSTER. Well, the largest population is in Michigan, Ohio, Massachusetts, New York, in the large population centers, generally.

Mr. SCHROEDER. The qualification to be a member of your organization, does that necessitate that you have a Purple Heart?

Mr. FOSTER. Not necessarily. Any man who is wounded, injured, gassed, or disabled in any way in line of duty in time of war is eligible

for membership, and our constitution sets forth the dates, the time of war, usually the opening and closing date as determined by Congress or the President—and a man from any war is eligible. It goes all the way back to the War of 1812.

Mr. DAVIS. Do you know how many veterans of World War II belong to the organization?

Mr. FOSTER. No. We do not have a break-down between World War I and World War II membership. However, the membership has increased considerably since World War II. I think that is true of all of the major veterans' organizations, of course.

Mr. SCHROEDER. Has your organization received any appeals for jobs and housing?

Mr. FOSTER. Yes; we have a full-time paid employment officer and also a full-time paid civil-service officer whose sole function is to aid and assist veterans in securing either Federal employment or employment outside of the Federal Government, and these men have several assistants, secretarial staff, they have quite a volume of applications for employment, and appeals under the civil-service laws.

Mr. DAVIS. General Taylor, who testified before this committee a few days ago, representing the American Legion, made the statement that the records indicated that the number of veterans who were becoming unemployed was increasing all of the time. Do you have any statistics or any ideas on that?

Mr. FOSTER. I have some ideas on that We have from experience learned that whenever you have a large reduction in forces, either in Government or non-Governmental employment, it hits the World War II veterans hardest, the reason for that being because of your age group. The World War II man is naturally in a lower age group. He has no seniority rights. He has not been on the job prior to the war, as some of the older men have been, and in a reduction in force, he is necessarily the first to go; being the last employed, he is the first to be laid off.

Mr. SCHROEDER. In other words, he has not had the chance to establish himself in the last 3 or 4 years.

Mr. FOSTER. That is right.

Mr. DAVIS. With respect to the housing situation, do you operate a service which undertakes to procure housing for disabled veterans?

Mr. FOSTER. Yes, we do. We have. We are very much concerned about that. We have taken a very active part in many bills that have been before the Congress the past several years to authorize Federal aid and initiative in the construction and rental of houses. We have people in the office who try to process inquiries and applications for housing and it is a pretty tough job, because despite how much effort you put in it, there has not been any housing available and that is particularly true of these young World War II veterans who can't afford to pay rents of $80, $90, and $100 and more a month. They have to have housing which rents and sells for much less than the present market offers.

Mr. SCHROEDER. Has your organization received any reports of the DP's who are already in the country taking jobs that should belong to veterans?

Mr. FOSTER. We have heard reports of that. Those are hearsay. I don't know just how accurate they are, but we have heard that one of the prime difficulties in administering the act, after the person

is once here, is the inclination or the opportunity they are afforded to break away from the contract under which they come and go outside and seek housing or employment which necessarily reduces the number of jobs or the number of homes available for veterans. And we have heard reports, particularly at our convention, people get up and talk, and as I say, I have never followed it down, I have never gotten the names and dates of such incidents, but I have heard reports that that does occur.

Mr. SCHROEDER. Who is your national commander?

Mr. FOSTER. Our national commander this year is David M. Brown, of Akron, Ohio; he just succeeded Gen. Jonathan M. Wainwright, who is the retiring national commander.

Mr. SCHROEDER. That is the hero of Bataan?

Mr. FOSTER. Yes.

Mr. DAVIS. Have any cases been called to your attention where a displaced person has in turn sponsored other displaced persons?

Mr. FOSTER. What do you mean by the term "sponsor," Mr. Davis?

Mr. DAVIS. Signed assurances to bring in other displaced persons?

Mr. FOSTER. No, I have not heard that report.

Mr. SCHROEDER. Have you heard any reports that certain displaced persons after arriving had chosen the agricultural field, but only worked 2 or 3 weeks in the agricultural field and then went into the cities?

Mr. FOSTER. Yes, I know I have heard of a number of cases of that, and I know of one of my own knowledge. It happened down here in southern Maryland. As a matter of fact the person who brought them over here is a member of the congressional staff on the House side, and he has had considerable difficulty with them. He has a large farm down there in southern Maryland, and these people, after giving assurances that they would work on the farm, and what not, it has not worked out the way he thought it would.

Mr. DAVIS. Along that same line, do you know anything about the situation over in Frederick County as to the settlement of displaced persons on the farms?

Mr. FOSTER. No, I am not familiar with that.

Mr. DAVIS. Do you have any further statements you care to make besides this statement that you have given?

Mr. FOSTER. No. The statement just about covers our position as a national organization on the Displaced Persons Act, and the immigration laws in general.

I might just summarize and reemphasize that our opposition stems wholly and solely from the impact of large-scale immigration would have in the fields of employment and housing, particularly with reference to veterans of World War II.

Mr. SCHROEDER. Mr. Foster, no doubt you have read where there is a resolution now pending before the Senate to discharge the committee of jurisdiction of this bill. The committee has been in the process almost a year of studying the immigration problem. Would you care to discuss that matter?

Mr. FOSTER. I am familiar with the resolution that you refer to to discharge the committee of further consideration of the bill. The discharge petition, while it is a legal function of both the Senate and the House, I think the rules of each party provide for it, or each body

provide for it. I think it should be very carefully used, and only when the person who requests such a petition to be signed can show prima facie that the committee is not discharging its function under the rules of the particular body. Where the committee is holding hearings on a very, very important matter, as the Displaced Persons Act of 1948, I think the Senator should view it with a great deal of concern as to whether or not they would sign such a petition. It is a matter that should not be given hurried consideration. The committee, as I followed it in the Congressional Record, and in the newspapers, is trying to do a conscientious and sincere job, affording the witnesses who are both pro and con every opportunity to appear and state their personal opinions, and the opinion of the organization they represent, and as long as that is a fact, I do not believe that a discharge petition should be resorted to.

Mr. DAVIS. You may recall that on the 22d of June, a former Senator from Rhode Island, Mr. McGrath, stated during the debate in the Senate that he was opposed to a move to discharge the committee. Do you agree with that?

Mr. FOSTER. Yes. I read his statement on the floor of the Senate, and I agree with him 100 percent in his remarks.

Mr. DAVIS. The records indicate that during the fiscal year 1948, very nearly 500,000 aliens came to the United States on temporary visas, and during the fiscal year 1949, there was an increase over that. Do you have any knowledge or any comments as to the number of those temporary visitors who remained in this country?

Mr. FOSTER. No. I have not had an opportunity to study those figures. I do know that that temporary visitor visa is quite often abused. The case I refer to in my statement of the World War I veteran who was endeavoring to get his parents into this country solely for the purpose of spending their last few years with him, they are both in their early eighties, they do not have very much longer to live and this man, as I mentioned, has been very successful, he is not a wealthy man, but he is well able to provide for them and take care of them, more so than the average person, and he made the mistake of trying to get them in under the quota, and once they have made a declaration to go on the quota, then they cannot change their mind and get a visitor's visa. If he had done that, he could have had them here, and with the extension granted, that would probably have solved his problem. But I do know, and he told me of many incidents where that temporary visa has been abused.

Mr. DAVIS. I believe there are no further questions unless you have something more to say.

Mr. FOSTER. I have no further comments to make.

Mr. DAVIS. We appreciate your coming by, and the committee will have this testimony printed up and it will be given due consideration.

Mr. FOSTER. Thank you very much.

Mr. DAVIS. Thank you.

TESTIMONY OF CHARLES H. MILLER, STATE SECRETARY, DISTRICT OF COLUMBIA, DAUGHTERS OF AMERICA

Mr. DAVIS. Mr. Miller, would you mind coming over to this side, sir?

Would you give your full name to the reporter?

Mr. MILLER. Charles H. Miller. I am State secretary of the District of Columbia, Daughters of America.

Mr. DAVIS. What is your address?

Mr. MILLER. 702 Sixteenth Street NE.

The Daughters of America is a native born patriotic organization of 143,000 throughout the 48 States.

Mr. DAVIS. What is that number?

Mr. MILLER. 143,000.

Mr. DAVIS. 143,000?

Mr. MILLER. Yes, sir; native born citizens.

Mr. DAVIS. Give us just something of the organization, how is it set up?

Mr. MILLER. Much on the same order as our organization, we have a national and State and subordinate local government. The national organization meets bienially and the State meets every year, and in that we have a legislative executive and judicial branch. I had hoped to have the national member of the national judiciary with me today, but she had such a bad cold she was not able to be here.

I want to thank you for your very courteous and generous opportunity to speak. I did not know what the question before you would be. I have not had the opportunity to prepare a statement. I have had very serious illness; my wife has been ill, and I did not know of this until Monday afternoon, so I have not had an opportunity. If I may, I would like to prepare a statement to put in the record, if that will be possible.

Mr. DAVIS. You may submit a statement supplementing what you say here today if you care to. Some short while ago your organization had a meeting here in the District of Columbia.

Mr. MILLER. At the Mayflower, the 7th and 8th of September.

Mr. DAVIS. According to the newspaper reports, there was a resolution passed at that meeting. Will you state what that resolution was?

Mr. MILLER. We had several resolutions. Among them was one on restriction of immigration.

Mr. DAVIS. What was the resolution with respect to immigration?

Mr. MILLER. On immigration, we thought that we had sufficient—have you that resolution before you?

Mr. DAVIS. I do not have it with me. The newspaper account did not give the resolution itself.

Mr. MILLER. The resolution was in effect while we sympathized with those distressed, that we felt at the present time when shortage of housing was present, and the unemployment situation was here, that immigration laws should be restricted entirely until such time as conditions, until the number of unemployment should be reduced to 500,000, or something of that sort. I think that is the way it read.

Mr. DAVIS. If you will type up a copy of that resolution or have someone submit it.

Mr. MILLER. I will be very happy to do so. I am sorry I did not bring it with me. The notice was so short I did not have an opportunity to prepare anything. I did not know what the question was, whether it was immigration generally or DP. On the DP, that is practically your question, we agree 100 percent with Mr. Foster's statement in every detail. It is a splendid statement of this. We

feel that we have done our full share in regard to these displaced persons. In the Mead report back years ago, you will remember that these displaced persons felt that we should care for them and not that they should take any responsibility on themselves. They felt that it was our job to feed them ad infinitum and take care of them. We feel that our own victorious veterans, as you have it here, in this statement by Mr. Foster, should take precedence over these DP's until such time as conditions have arrived that we could admit more. We do not believe in liberalization of the Displaced Persons Act, because of present conditions. Their ideologies are altogether different than ours. They believe that they have a superior form of government, many of them do, and we are very well satisfied with our Constitution and our own laws, as we have them, and our own freedom. We feel not only that, but the teaching of atheism and breaking down of all of those cherished ideals, we feel that many of them are creeping in through the displaced persons. I was down to Atlantic City last June, happened to pick up the Philadelphia Inquirer, and found a vessel was overmanned when they left and there were scarcely enough to take the vessel back home.

It is not a question of legislation; it is a question of carrying the laws into effect. It seems to me these people are given shore leave, and they mingle with the crowd and are lost sight of. It is not a question altogether of legislation. The executive department is somewhat lax, we feel. You remember there was much hue and cry about the way Madam Perkins carried out the law, and the functions of immigration were turned over to Justice. There we do not find under Attorney General Clark the laws were carried out any better than they were in the Department of Labor. So we feel it is not only a question of legislation; it is a question of carrying out the laws as they are passed into effect.

Mr. DAVIS. Mr. Miller, have you had any direct contacts or knowledge of the resettlement of the DP's.

Mr. MILLER. I have not had any concrete cases, only from what you read in the newspapers, and only about that. I have not had contact with the Bureau of Statistics to get figures.

Mr. DAVIS. Was this resolution which you spoke of passed by the national organization?

Mr. MILLER. No; by the State council, by our State council of the District of Columbia. But I am sure the national is in full agreement. In fact, I have submitted copies of that to our national organization.

Mr. DAVIS. When has the national organization had a meeting?

Mr. MILLER. They had a meeting last October a year ago and they will meet again in Providence next October, biennially. The chairman of that committee is Mrs. Maude Nye, of Morgantown, W. Va.

Mr. DAVIS. What position does Mrs. Grubbs, who contacted our committee, hold?

Mr. MILLER. She is State counsellor of the District of Columbia. She is the chief officer. She was elected last September. Yesterday she had a very bad cold, in fact confined to bed most of the day. I fancy that is the reason she is not here this morning. I will be very happy to put into the record a statement of what our position is in the matter. I am sorry that I haven't had opportunity on account of the illness of my wife to do so.

Mr. DAVIS. If you will prepare a short statement covering the text of the resolution that was passed, and supplementing what you have said here, we will be glad to receive it.

(The following resolution was received subsequently:)

RESOLUTION

RESTRICTION OF IMMIGRATION

Whereas the President of the United States, in his message to the Congress on January 5, 1949, stated that "5,000,000 families are still living in slums and firetraps" and "3,000,000 families share their homes with others," and

Whereas official estimates by the United States Census Bureau indicate that unemployment exceeds 2,000,000 people; and

Whereas the percentage of insured unemployment in the State of New York has increased 70 percent in the last 3 months until it has reached a total exceeding 500,000 people; and

Whereas these figures of unemployment in one State alone make a mockery of official statements that the United States can absorb a half-million displaced persons without discrimination against American citizens who are unemployed; and

Whereas the Government having conclusively demonstrated its inability to screen out fellow travelers, Communists, and spies from entry into vital positions in administrative agencies of the Government, it stands to reason that it will not, or cannot effectively screen out immigrants of similar classification seeking to enter the United States either as displaced persons or otherwise; and

Whereas the people of central Europe are by tradition and experience imbued with reliance upon some form of paternal autocracy, whether it be monarchal, Fascist, or Communist, thereby at best, constituting poor risks for incorporation into a free Republic such as ours; and

Whereas the Daughters of America hold that our Government was created and should ever maintain the interests of its citizens above all other considerations; therefore be it

Resolved, That the State Council of the District of Columbia, Daughters of America, in annual session assembled at the Mayflower Hotel, this 8th day of September 1949, urge upon the Congress that all immigration into the United States be now suspended until such time as the number of unemployed shall not exceed 1,000,000 people and that the supply of housing for our domestic population shall be adequate and reach such a point as to render Federal subsidies for such purpose unnecessary; be it further

Resolved, That existing immigration laws be more rigidly enforced.

FIFTY-FIRST ANNUAL SESSION OF THE STATE COUNCIL OF THE DISTRICT OF COLUMBIA

JOURNAL

Hotel Mayflower, Washington, D. C., September 8, 1947

[Portions of pp. 77 and 78]

Recommendation 1 pertained to a charge or registration fee to assist in defraying expenses. The secretary called attention to the tremendous advance in printing.

The following resolution, which has been floating around the hall, signed by over 100 members, was then read and unanimously agreed to:

"RESOLUTION AND PETITION

"Subject: The Refugee Racket.

"Whereas notwithstanding overwhelming opposition thereto, and ignoring the restrictive provisions of existing immigration laws which, as Chief Executive he is expected to enforce, the President nevertheless appears determined upon admitting a million or more displaced persons into the United States who have refused to become repatriated and assist in rebuilding their own devastated areas or till lands that need cultivation but prefer to remain guests of the United

States; who shirk responsibility abroad and certainly will assume none here; and

"Whereas said DP's are to be additional to the many war brides, minor children, and others under what is termed 'nonquota' immigrants, not to mention the many here without legal status; and

"Whereas there have been introduced in both Houses of Congress bills which would bring into the United States such displaced persons and refugees without regard to immigration quotas; and

"Whereas the so-called Mead committee in its report to the Congress states 'these persons (DP's) are for the most part penniless and do not desire to work but expect to be cared for, and complain when things are not as well done as they think they should be * * * ', thereby demonstrating they will not become an asset but in times of depression will burden our relief funds or else otherwise cause our own citizens to be the 'displaced persons'. Morever, such are not the type we can adequately assimilate, being unlike those of northern Europe of last century who conquered frontiers and built up the country but who pour into crowded cities where they become very dangerous to our form of government, to our churches, and the general welfare of our beloved country. Such is revealed by the 1940 census which registers that six of our largest cities have less than 40 percent of white people of native origin; thus further complicating housing, unemployment, health and other civic problems: Therefore be it

"*Resolved, by the officers and members of the State Council of the District of Columbia, Daughters of America, this the 10th day of September 1947*, That we bitterly oppose the admission of any of these displaced persons as contrary to the best interest of America; be it further

"*Resolved*, That this resolution be constituted a petition and that copies thereof be sent to the President of the Senate, to the authors and cosponspors of pending bills, to the Committee on Immigration of both Houses, and to the House Subcommittee on the Judiciary."

True copy:

[SEAL] CHAS. H. MILLER, *Secretary.*

Mr. MILLER. Thank you.

Mr. DAVIS. Thank you.

Senator O'CONOR. For those who are interested in further hearings, there will be another hearing tomorrow in room 424 at 10:30 o'clock.

We will recess now until that time.

(Whereupon, at 11:10 a. m., a recess was taken until Saturday, October 8, 1949, at 10:30 a. m.)

DISPLACED PERSONS

SATURDAY, OCTOBER 8, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10:30 a. m., in room 424, Senate Office Building, Senator Forrest Donnell presiding.

Present: Senator Donnell.

Also present: Messrs. Richard Arens, Frank W. Schroeder, and Thomas J. Davis, professional staff members.

Senator DONNELL. The meeting will come to order.

Let the record show that the subcommittee has learned with sorrow of the death which occurred this morning of the Honorable Bert H. Miller, United States Senator from the State of Idaho, and a member of the Senate Committee on the Judiciary.

Let the record show further that, in respect to the memory of Senator Miller, no business will be transacted by this committee today. The committee now stands in recess.

(Thereupon, at 10:45 a. m., the subcommittee recessed subject to call.)

DISPLACED PERSONS

FRIDAY, FEBRUARY 3, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 2 p. m., pursuant to call, in room 424, Senate Office Building, Senator William E. Jenner presiding.

Present: Senator Jenner.

Also present: Messrs. Richard Arens, Thomas J. Davis, and Frank W. Schroeder, professional staff members.

Senator JENNER. You may proceed, Mr. Arens.

Mr. ARENS. This is a continuation of the hearings which have been conducted under the jurisdiction of the Senate Committee on the Judiciary in its consideration of legislation to amend the Displaced Persons Act of 1948.

The witness today is Mr. Edward M. Glazek. Mr. Glazek, would you kindly stand and raise your right hand to be sworn?

Senator JENNER. Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GLAZEK. I do.

TESTIMONY OF EDWARD M. GLAZEK, KNOXVILLE, TENN.

Mr. ARENS. Would you kindly identify yourself and give us your residence and occupation?

Mr. GLAZEK. My name is Edward M. Glazek. My native home in this country is Detroit, Mich. At present, I am going to the University of Tennessee Law School in Knoxville, Tenn. I live in Knoxville at 327 East Caldwell, Knoxville, Tenn.

Mr. ARENS. What is your occupation?

Mr. GLAZEK. Student at the present time, under the GI bill of rights.

Mr. ARENS. Mr. Glazek, you were formerly an employee of the Displaced Persons Commission, were you not?

Mr. GLAZEK. I was.

Mr. ARENS. During what period of time were you employed by the Displaced Persons Commission?

Mr. GLAZEK. I was sworn into the Commission on the 14th of February 1949, and went overseas on the 17th of February 1949. We stayed in Frankfurt for orientation at the coordinator's headquarters in Frankfurt until March—I cannot recall the exact date—13th or 14th. Then I was assigned to the field office at Munich.

Mr. ARENS. Prior to that time, had you had experience in the general work of displaced persons?

Mr. GLAZEK. I did. I began my displaced-persons work with the UNRRA as a principal welfare officer, and for this work I was recruited in Marseilles. At that time I was at a station area in Marseilles, the Calas Station area of the United States Army. There I was recruited for work with UNRRA, and I was discharged in Paris from my Army duties on the 28th of August and went into employ immediately thereafter in Paris and was sent to Haarlem, Holland, where I stayed for 2 weeks, getting the initial training and assigned to a team which was to be engaged in displaced-persons work.

Mr. ARENS. Would you give us a word about your service record?

Mr. GLAZEK. I joined the Canadian Air Force on December 20, 1940, trained in Canada for a year and a month, and on February 17 sailed for Belfast, Ireland, with the Canadian forces. I was transferred to the American Air Force on the 24th of February 1943, and served until discharge in Paris, August 1945, with fifty-some-odd days of terminal leave due to me.

Mr. ARENS. You have appeared before this committee pursuant to a subpena issued by the committee; have you not?

Mr. GLAZEK. I have.

Mr. ARENS. You have appeared to testify with reference to the displaced-persons situation in Europe, with particular reference to problems of administration; is that right?

Mr. GLAZEK. That is correct.

Mr. ARENS. Will you just kindly proceed in your own way, Mr. Glazek, to lay before the committee such facts as you feel are of interest to the committee?

Mr. GLAZEK. In order to fully judge and to estimate and evaluate the work of the persons we are to consider under this immigration act, we would have to go back a little to tell something about the past history of these people; how they happened to be in Germany or Austria, in the western zones of occupation, and the reason for their being there. We cannot do that collectively as a single group and say that displaced persons alike came to Germany.

We must subdivide this into the Baltic group, the Polish Ukrainian group, the Jewish refugees, the Rumanian Ukrainians, and the Yugoslavs, which are to be considered as United Nations.

Now, as to the Baltics, at the time of the treaty between Russia and Germany, Russia occupied all the Baltic States, including Lithuania, Latvia, Estonia. At that time the first object of the Red Army was to liquidate certain elements which were not reliable. These were intellectual groups and the better-off economic groups.

So they started liquidating and deporting the families deep into Russia. At that time, Germany had a program of bringing in all the minority groups, what were known as Volksdeutsche at the time. So, Germany offered to take some of these people if they recognized themselves or identified themselves as of German origin. So, many of these Baltics registered as Germans and were transferred over the German line and became, for all practical purposes, German citizens. In so becoming, they were expected to perform as German citizens. When the war started with Russia and Germany marched in through the Baltic again, these people became auxiliary government of the German occupation forces.

Consequently, when the Nazis had to retire from the Baltic countries due to adverse conditions of the war, these people followed

through. They could not stay behind, because they were compromised and could not stay. So, they came to Germany and remained. When the western zones were occupied by the Americans, we naturally accepted them as United Nations displaced persons.

I might say in passing that, of all the DP's, these people probably behaved the best of all. They are a group of people who are industrious, intelligent, and an educated group, as compared to some others.

Then you have next to consider the Rumanian-Ukrainian group, which was considerable. This group came from the Rumanian province of Bessarabia, which was occupied by the Red Army and, naturally, all these people left their lands, businesses, and so on, left and came into Rumania. Again Germany took these people under their wing by giving them German citizenship and bringing them into Germany, promising to settle them on lands from which the Polish peasants were evicted; from the lands which were immediately incorporated into the German Reich. Those lands are the Posen Province, the Katowice, and western parts of Poland, which at one time had been part of Germany.

These also are people whom we accepted as United Nations displaced persons, with one exception, that under the Registration Act of the Military Government in 1946 we had made a distinction between those people who actively participated and helped the Nazis in Germany or voluntarily went to work there and those people who were actually displaced by the war involuntarily; that is, brought there without their own volition.

Then you have to consider the large Polish-Ukrainian population coming from the eastern provinces of Poland, now under the Soviet domination. These people had participated in a great deal of propaganda that Nazis had spread prior to the war between Poland and Germany. A great deal of propaganda and money was spent by the Nazis there before they ever marched in. Consequently, when the war started, and before the Polish Armies were completely annihilated and dismembered, these Ukrainians formed vigilante committees in pro-Nazi activities and attacked these remnants of the army and did a great deal of massacring of the Polish population, as well as Jewish, and they continued in Jewish massacre throughout the whole Nazi occupation.

These people, too, when the war came to their doorstep and the Germans were retiring, they, too, retired with the German armies, for it was impossible for them to stay due to the compromise they made at the time of the occupation.

Then you have the Jewish question, which is the most important of all. At the time of liberation of Jews from concentration camps, there were very few survivors. Most of the Jews who survived in Poland were the ones who made their way to the Russian zones and returned with the Russian armies at the time of the German victory. They, of course, worked and toiled during the time in Russia. As soon as the war was over, they were free and came back to Poland.

Immediately after the war ended, the Zionist movement, sponsored and organized and well financed by the American Jewry, sponsored a movement in Poland, in central Europe, generally, especially in Hungary, Czechoslovakia, and Poland, with two objectives in mind. These objectives were, first, to bring as many Jewish people out of

Poland, out of Hungary, out of Czechoslovakia, into the American-occupied zones of Austria and Germany.

Now, I am stating these facts as they were stated to me, that they were interested in bringing as many refugees as possible into the American zones in order to complicate the refugee situation to such degree that the United States Government would favor the creation of the Israel State, that is, if they have so many people who are unwanted by any country and have no place to go, that it would be all the more in their favor to speak for them that they must have a country to go somewhere.

Consequently, a poll was taken in 1946 for the Jewish refugees as to where they wanted to go. They all signed that they wanted to go to Palestine. That was a good statement, as far as the Zionist committee was concerned, in propaganda for the Israel State.

The other objective was to liquidate the Jewish question in central Europe. They knew that since centuries ago, the anti-Semitic feeling of the countries was such that it was not worth while to be the elements there to continue this progress of anti-Semitism. Consequently, they wanted to liquidate it once and for all. In order to do this, it was not easy for the committee just to go to Poland or Hungary or Czechoslovakia and say, "Now, we think you should move out to Germany or to Austria." They were well financed. In order to do this they had to bribe the officials there.

Incidentally, the Jewish element in the Communist Party of both Poland and Czechoslovakia and Hungary, was considerable. It was not because they believed in communism, but, I think, it was a necessity for them to obtain certain privileges of people being admitted to closer economic and political relationship than they would if they were not Communists.

Mr. ARENS. Mr. Glazek, with that background would you express yourself now on the specific matters of administration of the displaced-persons program? I understand you have brought with you considerable documentary material which you had in your custody as a result of your service as an employee of the Displaced Persons Commission.

Mr. GLAZEK. Well, I am sorry; I did not finish the whole statement, which would have tied it up.

Mr. ARENS. I beg your pardon. I thought you had finished.

Mr. GLAZEK. No, sir.

Senator JENNER. Go right ahead.

Mr. GLAZEK. The thing is that I wanted to state that these Jewish displaced persons were not people who had been in Germany during the war or prior to December 22, 1945, which is the cut-off date in the bill itself.

Mr. ARENS. When did they come in?

Mr. GLAZEK. They began arriving in November and December of '45, but the bulk, 90 percent of them, came after January of 1946. They came in very large numbers, and, at that time, they overstrained all the facilities of UNRRA and the United States Army to such degree that there was a complaint.

Even General Morgan had made a complaint about the Jewish displaced persons arriving in such great numbers, claiming there was persecution, anti-Semitism, in Poland. He said, "There is no evidence, no one can really point out such evidence of such persecution." Con-

sequently, General Morgan was fired from his job as Director of UNRRA in Germany and the Jews continued to come.

Then in May of 1945, there was an occurrence of anti-Semitic nature in Kielce, Poland. At that time it was stated that anti-Semitism was so great in Poland that another 150,000 Jews were to be moved out. I was in Poland in 1946, 3 months after the occurrence of this incident. I talked with various people there. I can speak Polish, I learned to speak Russian, and I speak German. These people claimed that it was a put-up job for the simple reason that at that time the Communist Party was weak in Poland and was having a hard time. There were jokes about the elections that were carried on by the Communist Party, and that actually, this anti-Semitic riot that happened in Kielce had helped the Polish Communist Party to the extent that the world-wide press, especially in the United States, had broken the confidence of the Poles to such a degree that the Russians marched in with 17 or 18 divisions of troops, occupied the capital cities of each province, and, by so doing, were able to annihilate all the opposition to the Communist move.

Now those things were told to me as I am saying here in conjunction with the displaced-persons activity as these people arrived there.

The Jews arrived, as I said before, after January 1946, with the exception of a certain number which I stated was around 10 percent before that date. They had never been in Germany or Austria or any of the occupied zones.

When in 1946 the military government ordered a registration of all displaced persons, they categorized as ex-anti-nationals and United Nations. The Jews were accepted as United Nations, and at that time, on the basis of documents which each person had, they were registered as to the date of their arrival, as to the date of their acceptance in camp, and various pertinent data in which we were interested. That shows that only a small percentage of Jewish refugees were actually in Germany prior to the 22d of December 1945.

When I went to work in the field office in the Commission, I observed that the records and documents were falsified to the extent as to date, very often as to names, very often as to the background. I further observed that when going on the street, as a normal civilian, I could hear people joking. There were many displaced persons congregating on various corners in the city of Munich, and they would joke about the various things.

I would stand by. I understood the language they were speaking, and they would joke about going to IRO saying, "I want to be registered under a different name than I have" or "I want to be registered stating that I came to this United States zone on such and such a time rather than the actual time." They were joking between themselves.

So, consequently, I became very interested and I tried to find out further on this basis. I found that this was going on wholesale. Whether the IRO officials were actually engaged in this malpractice, I cannot say. I only say that it was done through interpreters, indigenous employees to these offices, who were presenting papers without any question. Very often they would even coach the person who was having his documents made as to how to answer the questions in order to qualify under the act.

Mr. ARENS. Right there may I ask you a question or two, Mr. Glazek? I understand you have a document in your possession in the

nature of a directive covering the false and fraudulent document situation. Would you kindly at this time allude to that document and read that document into the record?

Mr. GLAZEK. I have. Here is one dated April 1, 1949, false statements and falsifications of documents.

Mr. ARENS. From whom is that document and to whom is it directed?

Mr. GLAZEK. This document is to all staff, from Elliott M. Shirk. Mr. Shirk, whom I know personally, was the assistant coordinator for the Frankfurt office, for European headquarters.

Mr. AREN. Of what?

Mr. GLAZEK. Of the Displaced Persons Commission.

Mr. ARENS. Would you kindly read that document into the record?

Mr. GLAZEK. Yes [reading].

1. You will be interested to know that the consular service has for some time now liberalized its policy toward those persons who may have misrepresented facts prior to or in the course of making application for immigration to the United States. Consular officers have been instructed to advise each candidate as he appears for interview that should he wish to make any correction of previous statements or falsifications on documents he may do so without necessarily prejudicing his case up to the time he gives sworn testimony which results in the issuing of the visa.

This principle does not apply, of course, where the falsification involves perjury. The reasoning behind this position is well understood. Innumerable displaced persons once made misrepresentations in the sincere effort to protect themselves against retaliation from authorities representing governments from which they had taken refuge.

2. It is unlikely, however, in the tense moments which surround the consular interview that a candidate would alter the position which he had previously taken and which is on record. It is stressed, consequently, that every effort should be made during the early period of documentation to encourage applicants to alter any falsely presented facts in the registration forms or elsewhere and thus protect themselves against conflicting evidence that may adversely affect their later immigration status.

It has been suggested in this connection that posters in appropriate languages be utilized throughout resident camps suggesting this as an advisable and authoritative course.

Mr. ARENS. How do you interpret that? As being one who had been closely associated with the practices and procedures?

Mr. GLAZEK. I interpret this in this way: That prior to the DP Act coming into effect in 1948, under the Presidential Executive order, there were many people who applied for immigration to the United States. In application at such time, which was in 1945 and 1946, they made various false statements. The Executive order at that time specified that no person could apply unless he was a persecuted person, that is, a concentration-camp inmate, or could prove himself to have been persecuted by the Nazi authorities, and that he should have been in the United States zone of Austria or Germany prior to the 22d of December 1945.

People who came after that date tried to get in under this act and have, consequently, made false statements to the consular officers. The consular officers were very strict in this matter and applied every diligence to find out fraud. When they found them out, they would reject them. Others they never came to. The number of cases was so great that by the time the act was in effect the cases were unsolved at that time.

Consequently, when we were looking through records of various people that were immigrating under the DP Act, we were supposed

to consult the records of the consular office. The consular officers at that time would reveal there the various discrepancies as to the record of these people at the time they first gave the information and the second time when they applied under the DP Act. So this discrepancy, of course, would disqualify a person immediately. However, this was overcome by actual persuasion or by actual—at one time we were stopped from looking at these consular files.

Mr. ARENS. Who stopped you from looking at these consular files?

Mr. GLAZEK. I believe this was done by the coordinator's office to the whole staff.

Mr. ARENS. Who do you mean?

Mr. GLAZEK. Mr. Squadrilli [1] or anyone in his place. I cannot recall the exact name. But it was so that the consular files were closed to us and we were not to consider these files. These files were most prejudicial to the people who were applying at the time.

Mr. ARENS. How did you happen to leave the Displaced Persons Commission?

Mr. GLAZEK. While I was working with the Commission, I felt a great deal of moral restraint on the thing that was going on. I kept a file of all the processing that I did and I felt it was injurious, as far as this country was concerned.

I was not against the Displaced Persons Act, because I believe there are many worthy people who should come, and I sincerely believe that Jews who have suffered a great deal should come also, but I was against the very fact that these people have to come here by fraud; that if we are benevolent and want to help these people, let us go and make a law which will permit them to come as of right rather than by fraud.

I saw so much of this fraud going on that I was absolutely nervously strained to the extent that I felt it was my duty to the country that it was not right, that I did not feel that every individual had a right to interpret the law as he placed it for his own sake, that if the law was made, no matter how discriminatory, we should act according to the provisions, and if there is any actual discrimination, it should be taken care of by our legislative body, which is designated to do the exact job.

Mr. ARENS. Did you make a report of this situation to the Displaced Persons Commission?

Mr. GLAZEK. Consequently, there was an incident of one interview whereby a woman claiming to have been a Nansen pass-holder proved to be a complete fraud. She had not reported her previous marriage to a German citizen, and she becoming a German citizen by virtue of her marriage, she had not reported her service with the German Army in her own country in Russia. Furthermore, she reported herself to be a White Russian living in Poland before the war and holding a Nansen pass.

I went to discuss it with Mr. Don Main,[2] who was my senior officer, and he objected to my coming to his office and said she should be believed, that she had a Nansen pass. In a moment of irritation, I told him I didn't know what he was talking about and for a person holding a position as high as he did, he should know a little more than he did.

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[1] The testimony of Alexander Squadrilli appears on p. 828.
[2] For the testimony of Donal Main, see p. 557.

So he told me he didn't think I was the right person in this job. He notified Frankfurt, and Frankfurt asked me to come for an interview. In Frankfurt I told my position as it was. They said that they would transfer me from Munich to Hamburg. I refused the transfer and asked to be sent to the United States where I can make a report.

I came back to the United States on May 1, reported at the headquarters of the DP Commission and spoke to Mr. Hazes,[1] who informed me that he would appreciate it if I would write the report. I stated they ought to give me several days, that I wanted to go to see my children. I did go home, and, I believe a week later, I sent my report to the Commission.

Following that, approximately 15 or 20 days, I received a letter that the Commission had read my report, appreciated it, and requested my resignation. I then sent my resignation and this ended my action or my work with the committee.

Mr. ARENS. Is this a true and correct copy of the report which you made to the Displaced Persons Commission, Mr. Glazek?

Mr. GLAZEK. This is.

Mr. ARENS. If the Senator please, I should like to suggest that this be incorporated in the record at this point.

Senator JENNER. It will be incorporated in the record at this point.

(The report referred to was marked "Glazek Exhibit No. 1" and is as follows:)

MAY 11, 1949.

Mr. UGO CARUSI,
Chairman, Displaced Persons Commission,
Washington 25, D. C.

DEAR SIR: April 26, 1949, during an interview with Mr. Morgan and Mr. Shirk, in Frankfurt, Germany, I expressed a desire to resign from my position as an assistant selector with the Displaced Persons Commission. I made this decision following a period of 2 months of actual participation in the Commission's activity of selecting candidates for immigration. After this period of observation, I came to feel very strongly that the method of selection was not in agreement with the desired intention and purpose of the Displaced Persons Act; that the most important details of this project have been delegated to organizations which are not directly supported by the Federal Government and consequently have no responsibility to any of its agencies. The fulfillment of these details by the IRO and the various welfare agencies is reprehensible and their activities should be investigated by a competent authority.

Following are my major objections to the procedure presently in effect. The European representatives of the various welfare agencies, which handle the distribution of anonymous assurances to displaced persons, employ clerical staffs of persons with prejudices toward various nationality groups. These staff clerks have a great influence with the agency representatives, so that they act to restrain the assignment of assurances to members of certain groups and push assignments to the members of their own group.

It is also true that these staff clerks are accepting bribe for using their "pull" to obtain an anonymous assurance from their chief for prospective candidates. One notable exception to this practice that I could observe, was the Jewish Agency, HIAS. It appears that the personnel of this agency has been more carefully selected and the displaced persons they have to deal with, have the least suspicious personal history records. This agency is by far the most successful in carrying out the required program.

The most important factor in selection of candidates for immigration is documentation. This function is being performed for the Commission by IRO. The basis for any documentation are the substantiating documents or certified copies thereof.

[1] Arthur J. Hazes, executive director, Displaced Persons Commission.

It is claimed that the displaced persons for the most part do not possess any personal documents. That is not true. The only persons, who for the most part do not have documents, are the former concentration camp inmates; however, these constitute but a small percentage of the applicants.

The majority of applicants have not been in concentration camps, and they do possess the vital documents, if they do not have the originals, then they have legally certified copies thereof, or German documents which contain the pertinent information about themselves.

Issuance of documents by IRO has become a complete racket and is unworthy of reliability. Majority of displaced persons coming from Baltic countries, Polish Ukrainians, Rumanians, Hungarians, Slovakians, and Croatians, have records of treachery, complete Nazi collaboration, and in many cases have committed atrocities. This fact is especially true of the Polish Ukrainians. They are the people who have no documents and provide substitutes which they dictate in a manner acceptable to the Commission.

These are the people who have the greatest energy to exert, often with bribery and corruption, to go to any country which will accept them, but they would never return to their homeland, no matter what form of government may be in existence there, because they are compromised with their neighbors beyond repair.

It is very naive of us to believe that only the Communist form of government is the deterrent factor in the repatriation. One need only to ask any Polish Jew, who lived under the Nazi Ukrainian terror, to find out who these people really are. Even among the former concentration camp inmates there are many who were put there for the most vile antisocial crimes and now parade before us as political victims and refugees. Among these so-called political refugees are many Communist agents, who on orders from their masters desire to make their way to the United States.

Individuals who normally could not qualify present false documents which are readily accepted and often such individuals are coached by the IRO interviewers as to their answers. If the prospective candidates do not possess documents, IRO has the authority to issue such on the mere statement of the individual under oath. The applicants are interviewed by indigenous clerks and these documents are certified by IRO officers without a direct contact with the candidates. This procedure offers an opportunity for widespread bribery and corruption.

Having been in displaced persons work for the last 3 years, and having learnt by experience the historical background of various groups of displaced persons by direct interview with over 8,000 persons, and having supervised registration and documentation of over 200,000 displaced persons in Austria, I was able without difficulty to discern the falsification of documents. Through this method of documentation individuals who served the Nazis as traitors of their own countries, and persons who committed atrocities against Jews and other types of criminals who served their terms in concentration camps, as well as possible Communist agents are being processed with little possibility for detection. These types of individuals are poor material for United States citizenship.

The activity of the Displaced Persons Commission in European operations is restrained by a large volume of work and too few personnel to a mere perusal of documentation and to act as a clearance center for expediment of cases to other governmental agencies for further processing.

There is hardly an effort made to screen applicants, and the burden of this activity is left to CIC, United States consulate and law-enforcement agencies at the port of embarkation.

The attitude of the Commission has been to criticize the CIC agency's restricted reports as being a deterrent factor in the processing of required quota of applicants.

It appears that the Commission is more interested in filling the quota than in the quality of the processed applicants. Consequently, people who have falsified documents and who have much to hide in their personal-history records have their cases pushed along without an investigation to ascertain the validity of their documents. Thus many persons are finding their way with completely false information about themselves.

The senior officer of the Commission in the field for whom I worked has repeatedly refused to grant me permission to call the applicants for interview in order to determine their eligibility. The reason given was that this procedure would hold up the case from 2 to 3 weeks.

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Similarly, documentation which appeared incorrect could not be sent to the IRO for correction because this organization refused to correct any statement it has once certified.

In practice there were many such incorrect certifications, and it was the duty of the Commission personnel to pass these on for further processing. Restricted CIC reports which contained derogatory information about applicants were also dealt with in the same manner, by refusal to call the applicant in for clarification.

I have in my possession copies of analyst reports of such restricted cases where I had to use an ingenious method of explaining away the remarks which were included in the CIC report in order that these applicants may qualify.

I have also been greatly interested in the very small number of Polish cases being processed by the Commission. There is much confusion as to the statistical reports of Polish displaced persons being accepted. The reason for this is that Polish nationality has become the most convenient group classification, and both Jewish and Ukrainian applicants claim it. I have made the following break-down of the 148 cases for which I wrote analyst reports during the 4-week period of my employment with the Commission's field office in Munich.

And although this is not a conclusive evidence, it is very indicative as to the actual statistical reports. Of the groups which are represented in the immigration quotas under this project, the Munich area, from which this report is made, contains a large number of Jewish, Ukrainian, and Polish residents. Yet the actual number of Polish displaced persons being processed is very small as compared with the other nationality groups.

At the height of the Commission's activity in Europe to expedite immigration of displaced persons, Poles are forced to repatriate, finding no opportunities for resettlement elsewhere.

Recently a trainload of 56 cars, loaded with Polish displaced persons, was repatriated to Poland.

Following is a report of the nationality break-down of the cases on which I wrote up the analyst reports:

Total	164
Jewish	69
Polish	50
German	6
Hungarian	6
Czech	4
Rumanian	3
Ukrainian	34
Polish	26
U. S. S. R	7
Rumanian	1
White Russian (Nansen)	15
Baltics	15
Lithuanian	7
Estonian	1
Latvian	7
Yugoslavian	7
Polish	5
Bulgarian	1
Armenian	1
Orphan	1

There is also the case of the Polish guards, whose representatives have been to see me and pleaded that I intercede in their behalf. Of the 3 companies of Polish guards in Munich are, numbering 600 men, only 15 have departed for United States so far.

In the Frankfurt area of over 1,000 Polish guards, approximately 100 have been processed. Their case is unique in that they have been employed in the United States Army for a period of 3 years and that they have proven themselves to be of good character and moral bahavior and they desire to join the United States Army when this opportunity is extended to them.

This concludes my report and should you have interest in having me appear in person for an interview, to enlarge on some of the points I have discussed, and to report on some others, that are not included, I shall be happy to do so.

If in the opinion of the Commission my objections which are stated above are such that it cannot employ me further, I then request that my resignation be accepted.

Very sincerely yours,

EDWARD M. GLAZEK.

Mr. ARENS. Mr. Glazek, in the determination of eligibility, what participation, if any, is made by the International Refugee Organization?

Mr. GLAZEK. The International Refugee Organization is responsible for complete documentation. This documentation we were warned and cautioned to accept at full value, without particularly questioning as to the merits of truth of the documentation.

Mr. ARENS. Who warned you to accept the IRO determinations at face value?

Mr. GLAZEK. First we were warned by the Coordinator in his initial interview with us. He stated that it was not our province to meddle with the documentation itself.

Of course, he did say that if it appeared to be completely incorrect, we were to make it correct or we were to make some sort of investigation to see that it was correct, that we were not to pass cases which might be questioned at face value.

Mr. ARENS. What opportunity did the representatives of the DPC, such as yourself, have to interview the individual applicants to ascertain whether or not they were qualified and eligible?

Mr. GLAZEK. Very little. There were several cases that I have in my files which I requested interview on. I was told that it would take too much time and that we must pass the cases along in order to meet our quota. That, of course, necessitated my using whatever ingenious ability I had to explain away the possible derogatory remarks that were entered into by CIC or other agencies in order that these people might qualify.

Mr. ARENS. Would you comment and elaborate on that point a little further, about the derogatory remarks of the CIC that you had to explain away?

Mr. GLAZEK. Yes, sir.

Senator JENNER. Before you answer that, Mr. Glazek, can you tell me whether or not this is a correct understanding of the situation? Regardless of the type of person that you might suspect, perhaps a subversive person or anything else, you were not permitted to interview that person or to see him, in many cases; is that correct?

Mr. GLAZEK. That is not true, sir. There were several cases that I did see. But it seemed to take so long that later on we were cautioned not to.

There was no question of subversive activity on the part of the person anyway, because it never appeared in documentation. The only way you really could find out such information was really through an interview of the person and questioning him in his own language. That way you could do it. But we were not given the opportunity to do this.

Senator JENNER. But the Displaced Persons Commission put this on a mass production basis and said, "We do not have time to interview these people; we have to meet a quota and pass them on"; is that right?

Mr. GLAZEK. That is right.

Senator JENNER. Then you passed on most applicants by papers and files prepared by the International Refugee Organization and no American had anything to do with that; is that correct?

Mr. GLAZEK. That is correct, sir. Perhaps the refugee officer might have been an American, or he might not; I don't know.

Mr. ARENS. What is your appraisal, on the basis of your experience and observation, of the adequacies or inadequacies of the staff of the Displaced Persons Commission which is operating in Europe?

Mr. GLAZEK. I would say that the inadequacy is on two premises. First, the staff is too small to work with the volume of work that is presented to it.

The next premise is that the staff itself is incompetent, because the people who are selected for the job are not necessarily people who have either experience or knowledge or education in this particular field. The people who are selected on the basis of political pull that they may have with various political officials are accepted without a great deal of test as to their skill and knowledge of the subject with which they are to deal.

Senator JENNER. From your own knowledge, these people on the Displaced Persons Commission, representing this country in this processing, the people that do the little interviewing that is done, are they American citizens? In other words, what percentage of the Displaced Persons Commission employees in Europe are American citizens, if you know?

Mr. GLAZEK. The Displaced Persons Commission itself are all Americans, all. But we use clerical staffs, interpreters and so on, who are not American citizens.

Mr. ARENS. Mr. Glazek, I understand you have brought with you a number of typical cases which you feel illustrate the contentions which you have made before the committee today. We should be obliged if you would take those cases now and allude to them.

While you are getting those out of your briefcase, may I ask you to elaborate on the CIC situation there and the extent to which the unfavorable or adverse reports of the CIC are overruled?

Mr. GLAZEK. The cases which I will allude to here are the ones wherein the derogatory remarks were entered into the report by the CIC. The CIC in general is very ineffective. They, too, have staffs which are not acquainted with the subject, or if they are, they are inadequate in number and the volume of work is too great for them to do anything about it. Consequently, wherever they do have some derogatory remarks, they are entered there and then we, of course, are told that it doesn't matter.

As I will demonstrate here in these cases, I requested and called in people wherein the derogatory remarks were stated and I was refused the request to call these people in, simply because it would take too much time and would hold up a case up to 2 weeks' time.

Mr. ARENS. Who told you to do that?

Mr. GLAZEK. This was done by my senior officer, or his subordinate.

Senator JENNER. Who was your senior officer?

Mr. GLAZEK. Don Main.

Senator JENNER. Is he still an employee of the Displaced Persons Commission?

Mr. GLAZEK. He is still an employee, but I cannot say he was in any way responsible for this. This was done at the headquarters, the coordinator's office in Frankfurt.

Senator JENNER. That is Mr. Squadrilli's office, is that right?

Mr. GLAZEK. Yes.

Mr. ARENS. Will you kindly proceed in your own way, Mr. Glazek, to make reference to the cases you have before you now?

Mr. GLAZEK. I can give you a typical case here.

Mr. ARENS. Before you start on those, what do these files which you have before you illustrate?

Mr. GLAZEK. Several of them illustrate that the people arrived after the cut-off date, which was registered with the CIC or the consular files, but nevertheless we passed them on.

Mr. ARENS. Do you mean that they immigrated to this country?

Senator JENNER. In other words, in violation of the law?

Mr. GLAZEK. Right, sir.

Mr. ARENS. What percentage of the people who have been brought to this country, on the basis of your experience under the displaced-persons law, have come in illegally or pursuant to fraud?

Mr. GLAZEK. The non-Jewish might be estimated to be about 15 to 20 percent. The Jewish is over half.

Mr. ARENS. Let us clarify that. Do you mean of the people who have actually arrived in this country those are the percentages?

Mr. GLAZEK. No, people who are being processed. I have no way of knowing how the other security agencies have reacted on this and what possible effect they had in restraining further processing of these people.

Senator JENNER. After you passed these people, in other words, after the Displaced Persons Commission acted on these files that were prepared originaly by the IRO, there was no way that the immigration officials or the consular officials could ascertain this fraud; is that right?

In other words, they could not look back of the record, they had to accept what the IRO would send over; is that correct?

Mr. GLAZEK. Not unless they were good fortune tellers, or otherwise, they could find out something somewhere else.

Senator JENNER. Unless it came to you extemporaneously, there was nothing in the files to indicate the facts; is that correct?

Mr. GLAZEK. That is right. In other words, there was nothing in the file when he was processed to state there was any suspicion.

Of course, there were face value errors made and anybody going over the record, of course, could tell and could stop somebody from going through. But these were pure errors on our part. If we saw it, we corrected it so that it would be correct rather than incorrect.

Mr. ARENS. To what extent did and does IRO certify as eligible displaced persons or as displaced persons people who are not eligible displaced persons or displaced persons?

Mr. GLAZEK. With IRO it was a matter this way: They had what they called a certifying officer. A person would go to a clerk and this clerk would type up the information given to him by the applicant. The applicant could state whatever he desired to state and it was typed at face value as true.

Now, in earlier times, there were demands made for records. However, as the rush came on big, and people were paying considerations for such things in order to immigrate somewhere, there were often cases where the clerk would caution the man in what way to answer the questions in order that he may qualify.

Mr. ARENS. Do you mean the IRO clerk?

Mr. GLAZEK. The IRO clerk; yes. Now, I stated in my report that this was done for a consideration and, of course, I have questioned people who have actually told me of these things.

Mr. ARENS. Do you mean that they told you of paying money?

Mr. GLAZEK. Told me of paying money.

Mr. ARENS. What did they pay the money for?

Mr. GLAZEK. For a set of documents which would be according to their desire.

Mr. ARENS. To what extent is the false and fraudulent document mill operating over there now?

Mr. GLAZEK. Every displaced persons camp had an unofficial fraudulent document center, just like we have here in the Federal Government. Then the documents were issued by DP officers. To what extent the IRO officer was implicated in this, I cannot say. I have never questioned one myself.

Mr. ARENS. To make this statement as a fact, how do you know that there are fraudulent document mills operating there in a wholesale manner?

Mr. GLAZEK. When I was a displaced-persons officer in upper Austria, we uncovered several of them. For instance, just before I left for the United States in 1948, I was instrumental in discovering that there were former SS men, people who belonged to the SS Ukrainian division there, and they were under false documents. They were people who had tattoo marks on their arms, because the SS divisions all had their blood typed and tattooed under the arm. They were there for 2 years living on Government expense in the camps without working, exempt from duties, and so on, as United Nations displaced persons.

Mr. ARENS. Then did you report all this to the Displaced Persons Commission on May 11, 1949, and your resignation was then asked for?

Mr. GLAZEK. No. The thing I am talking about was in 1948, when I was a displaced-persons officer. I uncovered these frauds. At that time, I uncovered a mill of fraudulent documentation.

Mr. ARENS. I understand that, but in this report that you submitted to the Displaced Persons Commission under date of May 11, 1949, did you allude to the false and fraudulent document situation?

Mr. GLAZEK. Yes. There is a statement to the effect that people are having false documents.

Senator JENNER. What kind of mills were these? I would just like to know for my own information. What did you discover in these false document mills? What kind of set-up did they have?

Mr. GLAZEK. They would make plates, in the same manner as the forgers, and they would take a certain document which was normal, like the DP card, for instance. This was issued by the military government. This DP card could be reproduced on their plates. They would reproduce them and produce stamps and signatures.

Of course, no one actually looked at the signature to see whether it was authentic or not and they passed on as displaced persons. On the basis of that kind of a DP card, they could go to the PCIRO, which was the Provisional Committee of the IRO at that time. They could go there and obtain a regular document issued by the IRO, which was certified by their officer.

Mr. ARENS. To what extent were you permitted, as a displaced persons employee, to look behind the false documents and interrogate the individuals and make independent checks?

Mr. GLAZEK. At that time I was not. When I was questioning these things, I was told that would take too much time.

Now I have a case here.

Mr. ARENS. What are you reading from?

Mr. GLAZEK. I am reading from a case of a person, Reisler, Arnold, as principal applicant, age 29.

Mr. ARENS. Is that a case you worked on?

Mr. GLAZEK. I worked on this case.

Mr. ARENS. Tell us about that case.

Mr. GLAZEK. There is a CIC report deated the 22d of March 1949, giving the following information:

Reference is made to section 1, paragraph 8 of above subject's CIC worksheet, in that records of the American Consulate General, Munich, reveal:

"Reisler, Arnold, born in Gera, Germany, infiltree; arrived Funkkasserne, May 29, 1946. * * *"

Mr. ARENS. That is long after the cut-off date.

Mr. GLAZEK. Yes.

Mr. ARENS. What happened in that case?

Mr. GLAZEK. He claimed to be a German citizen. It is doubtful that he is a German citizen, but it serves his purpose to be a German citizen because at that time he would be properly in that country, even if he arrived after the cut-off date, because he was a citizen of Germany.

Then it says:

No other corroborating evidence available at the United States Consulate General, Munich.

Then I replied, without seeing this man, I replied in this manner or, rather, I made a statement to this effect:

That due consideration has been given to the above report. According to IRO documentation, principal applicant is a German persecutee and has continuously resided in Germany, and at no time had left that country subsequent to war's end. Therefore, it is recommended that the Commission accept the applicant as eligible to immigrate to the United States under the provisions of Public Law 774 (Displaced Persons Act), Eightieth Congress.

Now, this was my reply; I had no knowledge. If I questioned the person, I could definitely ascertain as to the truth of his statement, but it was difficult to do. However, we were told to do the best we could. If I knew something about the person, I might do more than just make a statement.

However, there are better ones.

Mr. ARENS. While you are looking for another case there, may I ask you about the one you have just told us about? Under the present law, the burden of proof is on the applicant displaced person, is it not?

Mr. GLAZEK. Yes; it it.

Mr. ARENS. When you have an adverse CIC security report on an individual, what happens then?

Mr. GLAZEK. If it is not relevant to his immigration anyway, we just make a statement of this sort and it goes on. It was stated that CIC reports are not to be given much credence.

Mr. ARENS. Who said the CIC reports are not to be given much credence?

Mr. GLAZEK. There, again, it was the senior officer and the coordinator.

Mr. ARENS. Let us use a hypothetical case, where the CIC says in effect that this man has been associating with Communists, and is suspected of Communist activities, is that sufficient to deny his application or does the burden then shift to him to prove he is not a Communist?

Mr. GLAZEK. I, myself, have not come across a case like this, and I don't think I have discussed a case of this nature, because the CIC evidently has not been very able to gain this knowledge or information either. I remember in my DP work in the military government I would spend an hour talking to a man in his own language as to his whereabouts and as to his conditions.

I would send him to see the CIC, and he would return in 5 minutes already questioned, and everything was done. Then, of course, I realized at the time the CIC was very ineffective and had no means of doing anything about it. They only had a list of wanted war criminals that they looked through. We had a list of escapees, Czechs, Poles, Yugoslavs. It would take me an hour or so to look through that.

The CIC just looked through their files and could have no knowledge about the man, except that he came from the other country. They would have nothing derogatory about them.

Mr. ARENS. Is an independent investigation made of the applicant to ascertain whether or not he is eligible?

Mr. GLAZEK. It should have been made.

Mr. ARENS. The law provides, does it not, that no one shall be eligible to immigrate to this country unless there shall have first been made a thorough investigation and written report respecting his character, history, and background? Is not that, in effect, what the law provides?

Mr. GLAZEK. As far as the practice is concerned, it is taken care of, because there is a separate sheet filed on each applicant as he is first selected. That sheet goes to the CIC. There the CIC states its report.

What they really do to obtain the report, I could not say, because very often it was only a matter of a few minutes before they checked on a man. So the fulfillment of this act was really gone through, but the effectiveness of it is a question mark.

Mr. ARENS. All right, sir, will you now proceed with these cases which you have?

Mr. GLAZEK. Here is a case. The CIC report is dated March 23, 1949, giving the following information:

> Reference section 3, paragraph 2, during interview subject stated that she registered at DP Camp Gabersee on 15 of May 1947 under the name of Gubner, Catherine.

Now, here is what I replied to that:

> That due consideration has been given to the above report, in which it is stated that the principal applicant had registered in displaced-persons Camp Gabersee under the name of Gubner. During the time in question, places of residents of Jewish as well as other displaced persons were limited to the camps in which they resided * * *.

That means that the population was frozen. There were to be no more additions, no new members taken in.

Mr. ARENS. In other words, this applicant claimed that she registered at a place at a time when you say there could not have been any more registrations; is that right?

Mr. GLAZEK. I do not mean to imply that. She registered in a camp under a false name. I am trying to explain why she registered, without my interviewing this person or seeing her at all.

Now, then:

In this same period, Jewish displaced persons were most restless and had endeavored to locate their lost families, and consequently used every means possible to obtain travel permits or changes of residence.

When considered in the light of these circumstances, the case of the principal applicant involving a changed name for a short time must not constitute a misdemeanor of sincere nature since it was the practice of thousands of people at this time.—Therefore, it is recommended—

that she be accepted.

Mr. ARENS. Who wrote that?

Mr. GLAZEK. I did. I know from my own experience that is what happened, but I am not so certain that this person did exactly that. I did this to explain it away, in order that this person may go through as desired.

Mr. ARENS. Why did you do that? Why did you explain it away?

Mr. GLAZEK. Because we were told we could not interview the people and we could not hold up the case.

Senator JENNER. You were under orders to process them, to get them under the quota and get them over here?

Mr. GLAZEK. Exactly, sir.

Mr. ARENS. All right, will you go to the other cases?

Mr. GLAZEK. This is a case of a CIC report on the 23d of March 1949:

Reference section 3 paragraph 1 of CIC worksheet, there is a discrepancy in the PCIRO resettlement registration form. Paragraph 5 and 12 of registration form indicate that nationality of subject and his wife is Nansen. However, during interview subject stated he was not a Nansen, had never applied for or ever received a Nansen passport. Subject explained that he was erroneously considered a Nansen because of a false story he told screeners at the DP sanitorium in Gauting in 1946. He hold the falsehood to avoid repatriation to the U. S. S. R. * * *

This was my whitewashing of the case:

That due consideration has been given to the above report. The above information included in the CIC report is irrelevant to the principal applicant's eligibility. However, that no prejudicial shadows might be cast on the character of applicant it should be explained that after the war had ended there were many false rumors, and some proved to be true, that all persons of Russian birth would be returned to Soviet Russia except those who held Nansen passports.

In many cases Soviet citizens were forcibly deported to the Russian occupied zone. In consequence of this, many persons who were not Nansen passholders made false statements to escape possible deportation.

Mr. ARENS. How many cases did you whitewash like that under order from the Displaced Persons Commission?

Mr. GLAZEK. There were 12 restricted cases out of 140 cases that were there. I didn't consider them at that time. There were some I rejected actually. I would not process them and gave it up, and then they would be given to somebody else to do the job over.

Mr. ARENS. Did somebody else do the job over and then pass the person?

Mr. GLAZEK. Somebody else who had more nerve than I had.

Senator JENNER. Even you did not have enough whitewash for some of them, did you?

Mr. GLAZEK. For some of them.

In consideration of the whole thing, now, in this case I know it to be a fact that we had deported Russians to the Russian zone to possible danger and that people have made false statements in order to escape this posisble repatriation. The first evidence I had of that was in Marseilles where we shipped over 15,000 Russians, who jumped off ships, did not desire to go back, but we forced them.

Under the Yalta Agreement they had to go back.

Senator JENNER. That is under the Yalta Agreement, is it?

Mr. GLAZEK. Yes. In all probability and I feel certain, this is not a case of a subversive agent or a person who is dangerous to this country.

Senator JENNER. However, you did not see the person, did you? You did not even have a chance to talk to him, did you?

Mr. GLAZEK. No, sir.

Senator JENNER. You were refused the opportunity to talk to him, were you not?

Mr. GLAZEK. That is right, sir. Every case I had here I requested to see the person in order to ascertain for myself as to the truth.

Senator JENNER. Is this the general practice of the Displaced Persons Commission?

Mr. GLAZEK. It has been.

Senator JENNER. Did the other officers working along with you operate under the same instructions? Did they do the same sort of whitewashing?

Mr. GLAZEK. Yes, sir. They would really congregate in the halls and talk about it and feel great irritation about the thing and complain about it to each other. However, there were not enough people who actually would consider going further with this, because they had families, they had connections there established; they did not want to disrupt their life.

Senator JENNER. But even the CIC report could not possibly cover these people that came in where they had no jurisdiction, no files concerning them; is that right?

Mr. GLAZEK. No, it could not have.

Senator JENNER. So you have processed many immigrants to this country under this law on whom no American has checked on in any way; is that right?

Mr. GLAZEK. The CIC made a cursory check.

Senator JENNER. Of course. But if they had no records, their check would be an interview and they would say there were no derogatory matters concerning this person.

Mr. GLAZEK. Very often a person would have a record, but if he signed under an assumed name completely, he would pass through the same office without ever being found out.

Mr. ARENS. Generally, to what extent were you under pressure over there?

Mr. GLAZEK. The pressure was such that we had a certain volume to carry out. I would have 25 cases a day of selection. That is, I would first look through the documents to see that the face value of the document was all right. I would look through the documentation

sheet to see that it was correctly filled and that was my selection. I had no knowledge of the person in any other fashion or way, except what I saw on the paper.

Senator JENNER. Of your own knowledge, is there any other country taking displaced persons operating under this system where they do not even interview the applicants coming into their country?

Mr. GLAZEK. Yes, sir. This, of course, pertains to South American Republics.

Unfortunately, we have waited much too long with the Displaced Persons Act to make it more effective and more useful. Prior to 1948, before our act became effective, the people who were most useful in employment, education and people who were probably the best people of the lot, moved out to south American countries, to Canada.

They were selected on the basis of their skills, on the basis of their education, and that they were unmarried and available for work without responsibilities of a family. Then we come along, after the skimming has been done and we take in the lot that is left over. Now, of these people who are left over, there is a considerable element which are compromised and could never return home, regardless of who was ruling in their country. These other people are finding their way here.

Mr. ARENS. What do you mean by that class of people? Do you mean they are undesirable in general?

Mr. GLAZEK. That class of people who have compromised themselves to their countries in such a way as to become traitors to their own countries and they, consequently, could never return there.

The assumption we have is that every displaced person who finds himself in Germany or Austria in the western zones is a person that has been forced to be evicted either by the Nazis or the Communists. In many cases it is true, but in other cases—and where is a great segment of them—these people are compromised beyond anything which a reasonable man could condone. They are perpetrators of murders, crimes of all sorts. That is especially true of Polish Ukranians. That is especially true of various other people who have committed these acts.

Senator JENNER. Yes.

Mr. ARENS. How about black-market activities?

Mr. GLAZEK. Black-market activities were carried on, but one cannot say that this is an activity which is a crime. It was almost necessary for people to carry on some sort of activity in order to survive.

Mr. ARENS. To what extent is the black-market activity centered in the DP group over there?

Mr. GLAZEK. That was, of course, largely centered in the Jewish element, who are organized on a great scale, operating with millions of dollars. We uncovered one thing of that sort in Linze, Austria, where they were importing goods from Switzerland as gift parcels, but actually they were goods ordered and paid for by a combine.

Senator JENNER. In other words, there is a great segment of these people coming into this country under these false documents and under the methods of operation of the Displaced Persons Commission that are just plain opportunists, who would be just plain Communists or Nazis or anything, whatever would suit the occasion?

Mr. GLAZEK. That is what I wanted to state.

Senator JENNER. From the standpoint of our investigation or screening, we have no reason to know that they will not be anything other than what they want to be in this country that suits their particular needs; is that corect?

Mr. GLAZEK. Yes, sir. That is my main objection to these people.

Mr. ARENS. What is your appraisal of the Volksdeutsche?

Mr. GLAZEK. The Volksdeutsche constitute today probably the most miserable element of all the refugees.

Mr. ARENS. How did the Volksdeutsche get into Germany and Austria?

Mr. GLAZEK. The Volksdeutsche, of course, were compromised during Hitler's time. They were residents of Yugoslavia, Hungary. Poland, of Czechoslovakia and they lived there for centuries, some of these people, but they always maintained their German culture.

The German culture being superior to the culture in which they lived, naturally they stuck to the one that was higher. When Hitler came into power he offered them citizenship, and, consequently, they accepted it. But it was a question at the time whether they could deny it or not. If they denied it they would have been shot. So it was a blanket acceptance. Everybody had to accept it.

Senator JENNER. So at Potsdam we made it possible for Russia to drive these people out, those with German blood, did we not?

Mr. GLAZEK. I believe, sir, that this was a deliberate step on the part of the Rusians to so thickly populate our zones with the refugees, to the extent where there would be complete chaos, complete burden on this country of all the people that were moved in. There are between 10 and 15 million people, refugees, in the American and British zones of Germany that were deliberately put there, in order that they might make our occupation so difficult that we would give up in complete disaster.

Senator JENNER. That was made possible by the Potsdam agreement, was it not?

Mr. GLAZEK. Exactly, sir. There was no necessity there.

Senator JENNER. Are they displaced persons under the IRO definition?

Mr. GLAZEK. They are completely excluded. Over 10,000,000 people live on what they can pick up or make in any way they can.

The IRO committee working with displaced persons is completely insignificant, because they are not dealing with the majority, but they are dealing with a fraction of the people.

Mr. ARENS. Are these 10 to 15 million people of German ethnic origin, who were driven out of the countries to the east pursuant to the Potsdam agreement, receiving any care or maintenance under IRO?

Mr. GLAZEK. No.

Mr. ARENS. Are they eligible under IRO for immigration?

Mr. GLAZEK. No, they are not. IRO would offer its services if it were possible, I suppose, to give them aid, but no material aid has been given.

Senator JENNER. They are just on their own, are they not, wandering about on the face of Austria and Germany?

Mr. GLAZEK. That is right, sir. There are over half a million of these people in Austria alone and over 10,000,000 in the western zones of Germany.

Mr. ARENS. Would you go on with your records there and refer to the other cases which you have before you?

Mr. GLAZEK. Here is a case:

Reference is made to section 2, paragraph 1, of above subject's CIC work sheet, that the witness during the interview with the agent of this office stated that the subject visited his brother, Nathan Stern, Munich, Liebherrstrasse 20, weekly. When confronted with the above fact, subject stated that he and his brother did not get along well and that is why he did not reveal his existence.

That means that he failed to reveal that he had a brother in Munich.

Reference is made to section 3 paragraph 2 of above subject's CIC work sheet. Subject stated that he voluntarily joined the Russian Army at Lemberg, Poland, on June 22, 1941, and was on active duty as a private until his discharge the 26th of August 1945 at Bratislava. Subject further stated that all men over 32 years of age in his organization were discharged at that time.

Subject was unable to produce his army discharge certificate or other documents.

This is what I stated:

That due consideration has been given to the above report's paragraph 1, in which the principal applicant is supposed to have failed to reveal the existence of his brother. It is very possible that principal applicant, having misunderstood the question put to him in a language not known to him, has failed to give the correct answer.

Furthermore, this type of information is irrelevant to the principal applicant's eligibility and ought not to be considered.

Mind you, I am not speaking for myself. I am ashamed to say that this is part of the record I had written. But I have stood it as long as I could, and when I couldn't stand it any longer, I resigned from the job.

Mr. ARENS. Who was it that caused you to prepare those reports there of which you are now ashamed?

Mr. GLAZEK. These are the things that we were told that must go through, and unless a person is so ineligible on the face of the information that is received about him, we must pass everybody possible.

Mr. ARENS. Who told you to do that?

Mr. GLAZEK. These are, as you see, Jewish cases, especially.

Mr. ARENS. Who gave you that order or direction?

Mr. GLAZEK. In the coordinator's office and in the senior officer's office. It might have been the senior office or the subordinate, but it was, of course, in that direction.

Mr. ARENS. To what extent were you under pressure, aside from the pressure which you say came to you from the Displaced Persons Commission itself, by other organizations operating in Europe?

Mr. GLAZEK. The other organizations had no particular pressure on me and I don't know whether they had on anybody else. They would not approach us. Their approach would be direct to the coordinator's office or to the senior officer, and we were not individually asked.

Senator JENNER. Who are the senior officers?

Mr. GLAZEK. They were the Displaced Persons Commission field representatives.

Senator JENNER. How many do they have over there?

Mr. GLAZEK. In Germany there were six; in Italy, one; in the French zone there was one, I believe.

Senator JENNER. Do you know who the six are in Germany?

Mr. GLAZEK. I probably have their names in some of my files here, sir. They may have been displaced by now.

There is this thing to consider: That there are several agencies operating in the western zones under this Displaced Persons Act as charitable organizations. They are the HIAS—the Hebrew Immigrant Aid Society—the various other Jewish subagencies.

There is the Church World Service; there is the Catholic organization, the Catholic Welfare Conference, and there is the Tolstoy Foundation. There are several. But of all these organizations, I can honestly say that the most efficient one was the Jewish one. It was the best-financed one and it had people working for it who were of high standard.

Senator JENNER. What origin are these six officers over in Germany? Were they Jewish officers also?

Mr. GLAZEK. They are Americans.

Senator JENNER. Do you know what nationality?

Mr. GLAZEK. They are Americans. I cannot say what other derivative nationality they may have been.

Senator JENNER. Do you know the nationality of the people who worked in the IRO?

Mr. GLAZEK. I don't know. There were several Americans, and likewise, there could be Frenchmen or British or whatever other nationality.

Mr. ARENS. Are these cases that you are laying before the committee now typical of other cases which you worked on?

Mr. GLAZEK. I have all my cases that I worked on. I kept a copy of every case. I thought there might be a time where there would be a question raised and I certainly wanted to have as much evidence as I could to prove my facts.

Mr. ARENS. All right, will you just proceed in your own way?

Mr. GLAZEK. Here is a case that is typical of what might be considered as suspicion of black marketing. The CIC report, dated March 28, 1949, gives the following information:

> Reference is made to section 1, paragraph 3, of the above subject's CIC worksheet in that records of the German police, Munich, reveal that subject during 1946 was arrested for possession of American food and for suspicion of black-market activities. Subject received 10 days in jail sentence.

This is what I said in explanation:

> That due consideration has been given to the above report. During the period covered by the CIC report it is an established fact that displaced persons living in and out of camps received American food and clothing from the surplus supplies of American Red Cross parcels often in quantities above the ability to consume. During that period, distribution of two Red Cross parcels to persons regardless of age was made to each displaced person. In consequence of this, thrifty people who did not dispose of the surplus in the black market had built up large quantities of food reserves in their possession.
>
> Often arrests for possession of American food were ordered by United States commanders who were ignorant of the above facts. Consequently, the military government courts released such prisoners without a trial. The above arrest of the principal applicant does not constitute a bar to his eligibility under the Dipslaced Persons Act.
>
> Therefore, it is recommended * * *.

That is, I explained away as I knew how.

And I had thousands of these cases I would be called upon to bail these people out on recognition. But whether he was actually guilty of black marketing or not, I could not tell.

Mr. ARENS. Just a minute. You say you were called in thousands of cases to bail these people out; is that right?

Mr. GLAZEK. When I was a displaced-persons officer; yes. Mere possession of American articles often constituted a crime, but these articles are received in parcels which they were given outright, without any black-market purchase.

Mr. ARENS. Did you explain that away in your report here?

Mr. GLAZEK. Yes.

Mr. ARENS. Are you ashamed of that report, too?

Mr. GLAZEK. No; I am not, sir. I think that if he was really guilty of black-market activity, I believe that he would have gotten a stiffer punishment. He was held on suspicion and released without a trial.

Mr. ARENS. To what extent is this financing of this black-market activity tied in then with the DP-category people over there?

Mr. GLAZEK. Of course, it goes back to this fact, that Jewish displaced persons were not affected by compulsory work programs of Germany or Austria. They were exempt from working in the German economy.

Mr. ARENS. Do you mean after the Allied armies took over?

Mr. GLAZEK. Yes.

Being free from work, they had a great deal of time, and being pretty well supplied with food supplies and clothing from the AJDC and UNRRA and various other agencies, plus from their relatives in this country, of whom they had many, of course, they then had a great deal of surplus commodities to deal with.

In so dealing they grew from a small percent to a great deal of percent, whereby they became large combines and shipped goods by carload from Switzerland and other places where they could obtain them.

Mr. ARENS. Do you mean black-market goods?

Mr. GLAZEK. Yes. And this was done whereby we, at first unknowingly, would sign releases from the German or Austrian post office saying such goods are gifts to these people and are exempt from excise taxes and duty-import taxes. I discovered it immediately and I refused to do it. So they went to another officer and had it done and continued to do it until it was discovered there was a million-dollar deal at times.

They shipped carloads of sugar and cigarettes and other commodities that were very expensive in Austria and brought a great profit.

Mr. ARENS. Before you proceed with your next case, Mr. Glazek, let me ask you this question: By the expiration date of the present law, which will be June 30, 1950, is it not a fact that all of the war DP's will be taken care of?

Mr. GLAZEK. That is a difficult question to state, for this reason: That people who actually deserve to come very often have great difficulties and people who don't deserve to come have an easier time. How many of these people who are so-called orphans, you might say—I don't mean in the child sense—how many of these people remain and have never been gotten to, is a question.

Senator JENNER. But if the law had operated as it was supposed to operate, they would have all been over; is that right?

Mr. GLAZEK. Would have been; yes, sir.

Senator JENNER. But the falsification and the fraud that has been perpetrated on the American people has prevented the deserving people who are entitled to come from coming here; is that correct?

Mr. GLAZEK. I believe that to be true, sir.

Mr. ARENS. Would you proceed with your cases, please?

Mr. GLAZEK. Here is a typical case that might be suspected of having worked for the Russians, but, of course, I don't believe it. We will see.

Reference section 3, paragraph 2, subject stated he abandoned his wife, unborn child, and mother in Bendzin in 1939 to avoid being put in a ghetto, but allegedly went to Bromberg, knowing the Germans were there and started to work for them as a tailor. Subject claimed that after he had worked for the Germans in Bromberg for about 5 months he was allowed to go to Nowogrodek where he also worked as a tailor. Subject first strongly denied the fact that there were Russians in Nowogrodek during this period, but later stated they were there the whole 22 months that he was.

Well, this is a typical case of people trying to escape from one side to the other and there were hundreds of thousands. I believe that the Russians today are holding several hundred thousands of Polish Jews and other nationals who escaped there, as hostages for deals, whatever they can make, with the Jewish State of Israel or other states, whichever they may be. They are there and they cannot escape in any way.

This is my whitewash:

That due consideration has been given to the above report. It was customary among the German occupational troops to tolerate and even shelter Jewish skilled workers such as tailors, shoemakers, and carpenters, in order to secure for themselves the services of these persons for their personal comfort.

It is also true that many Jewish persons chose to work directly for the German personnel in order to escape deportation and persecution, which was inevitable while living on their own.

Mr. ARENS. Once again, why did you whitewash that case?

Mr. GLAZEK. Again, I was not permitted to call the man in.

Senator JENNER. You just used so much whitewash that finally your stomach rebelled against it and you preferred your loyalty to this country rather than to the Displaced Persons Commission; is that right?

Mr. GLAZEK. Sir, my loyalty existed all the time. I felt at no time, that at no time, were these people of this caliber the type that would constitute a threat. If I did think so—and I did several times—I rejected the case.

I am sorry, I called this man in, sir, because my statement continues:

By his own statement, principal applicant availed himself of the opportunity to escape by hiding in forests while permitted to visit another locality, also under German occupation at that time, as a reward for his good services rendered to his employers. That he escaped to the Russian occupied area in preference to remaining in the German area is quite understandable since in the German area he was merely tolerated on a whim of some well-disposed German officers, but had no status or rights to security of his person from other whims which were of violent nature. In the Russian zone, on the other hand, Jews were not singled out for special acts of persecution. He had remained there until the German Army occupied this area, at which time principal applicant fled with other people to hide in the forests.

I interviewed this man. I think I had two or three people during all the time that I was there, that I was permitted to call in.

Mr. ARENS. By the way, do you not have with you some directives which you say were issued by the Displaced Persons Commission?

Mr. GLAZEK. I have, sir.

Mr. ARENS. Do you feel you would care to allude to any of those directives at this time? Who actually runs the Displaced Persons Commission operation in Europe?

Mr. GLAZEK. The coordinator, in the name of the Commission, of course.

Mr. ARENS. Who runs the coordinator?

Mr. GLAZEK. There are certain people more influential than others. Of course, I do not want to put myself on the spot as stating such and such, unless it is demanded of me.

Senator JENNER. Do you know of your own knowledge, or is it hearsay.

Mr. GLAZEK. I believe that people of a certain religious sect have much more to say than other people and I believe that a certain amount of records are falsified in order that the publication will not speak the true facts, in order to give a true estimate of what is going on.

For instance, I believe that the number of Jewish displaced persons coming into this country is much greater than actually is put in the record. I believe that some of these people are under Polish or other quotas which are not filled by the Polish people but filled by the Jewish refugees.

Mr. ARENS. The statistics published in the statement of Senator McCarran, which were taken from the official records, indicate 27 percent of the displaced persons who have come into the country have been of Jewish faith, about 49 percent of the Catholic faith, and the balance of Protestant and other faiths.

What is your estimate of those figures?

Mr. GLAZEK. My own observation would tell me that the percentage of Jewish immigrants is much greater.

Mr. ARENS. Why?

Mr. GLAZEK. That is by processing alone. Now, I have a record in my report, which was to be incorporated here, stating that this is the processing that I myself did with my own effort. I processed 148 cases. Of this there were 69 Jewish cases. That means, broken down by nationality, Polish Jews, 50; Germans, 6; Hungarians, 6; Czech, 4; Rumanian, 3.

Then following that, Ukrainians, 34 cases; Polish, 26; U. S. S. R., 7. That is Polish Ukrainians and U. S. S. R. Ukrainians. Then Rumanians, 1; White Russians, Nansen passholders, of which I doubt there were one or two actual Nansen, but they might be non-Nansen or the Red Russians, who do not wish to return, 15.

How many of these actually can be suspected of subversive activity one cannot tell unless they were examined for that purpose.

Now, then, this in percentage gives approximately 45 percent or so of Jewish. That is not indicative of the over-all picture.

But when I went to Frankfurt and I told them of my figures, they said, "Why, you're wrong. Actually, Ben Kaplan here has 60 percent Jews being processed."

Mr. ARENS. Who is Ben Kaplan?

Mr. GLAZEK. He was the executive assistant to the coordinator in the Frankfurt office.

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Mr. ARENS. What time was it that you went there and talked to Mr. Kaplan?

Mr. GLAZEK. On the 26th of April.

Mr. ARENS. Of what year?

Mr. GLAZEK. 1949.

Mr. ARENS. How do you account for the fact that you assert that our statistics here do not reflect the true situation?

Mr. GLAZEK. Simply by observation of the processing that was going on. We had much more Jewish cases. I would say that the credit for that lies with the Jewish agencies which exist there, who do their utmost to expedite the work in a most expeditious manner, whereas the other organizations are not so well oiled financially and not so well staffed.

Mr. ARENS. How many of the people of the Jewish faith were in the occupied areas on December 22, 1945?

Mr. GLAZEK. In actual figures, I could not state, but I could say about 10 percent of the people that were there, say, 6 months later.

You see, the Jewish refugees started coming from Poland in such great droves that there was no estimate made. They would come one group out of a camp. They would move out and leave their DP cards for rations and so on in the camps. New Jewish people would come in and accept these names and cards and use them over, and then the third and fourth and tenth lot. You never could tell who they were. You never would know what their names were.

Mr. ARENS. To what extent have there been brought to this country people who have arrived in those zones after December 22, 1945?

Mr. GLAZEK. I believe I have stated that before that there is not much question as to the cut-off date, because as long as you can get a document which states that you came before that date, then you could have come in 1948. There are cases, I imagine, that did come in 1948.

As long as you get a document which states you came before December 22, 1945, it makes no difference and you have no way of knowing it. The documentation states when you came in and we were to accept that documentation at face value.

Mr. ARENS. You were obliged to accept those documentations at face value, even though you may have thought they were fraudulent; is that right?

Mr. GLAZEK. If they were fraudulent, I would have asked for permission to question and they would say there was too much time taken up with such investigation; that it was not relevant to our work; that the responsibility for documentation was with the IRO.

Mr. ARENS. With the International Refugee Organization?

Mr. GLAZEK. Yes.

I remember one particular case where I found a mistake that the man actually came in at a different time by his subsequent data and information. I asked for the IRO to correct it. The IRO refused. They said, "Once we put our name to it, it stands as it is." I asked this through the senior officer, and he informed me that the IRO refused to make the correction.

Senator JENNER. Was that Mr. Don Main?

Mr. GLAZEK. Yes.

Mr. ARENS. Would you go ahead and discuss these directives which you have there, which emanated from the Displaced Persons Coordinator in Europe?

Mr. GLAZEK. Here is a statement which provides the rules and regulations which are to be included in the documentation.

That the principal applicant has not participated in any movement which is or has been hostile to the United States in form of government.

That is taken from the act itself.

Now, I found frequently very questionable people coming under this, under the Ukrainians, from Poland, who actually committed many atrocity acts, as much as the Germans or perhaps surpassed what the Germans did in Poland. They are accepted by IRO as United Nations.

When the military government was making registrations in 1946, we were making distinctions as to so-called ex-enemy aliens. They might have been Polish Ukrainians and those whom we called United Nations Ukrainians.

When IRO came in, they just wiped out all our records and accepted all these people as United Nations and as people who had not taken action against the United States, when actually they had. They have served in SS divisions; they have served in the army, in concentration camps, and service of all sorts. They were people who were participating in this war against us, and these are the people who are today accepted as our allies and that is an objective. This states definitely a rule which is broken.

Mr. ARENS. In view of what you have just said, Mr. Glazek, do you believe that people who served in the SS divisions have actually been coming to the United States?

Mr. GLAZEK. I have reason to believe some of them might have come here, but I cannot make definite statements.

Senator JENNER. From what you have told us in describing the way of handling these applicants, there is nothing to keep them out if they falsify their documents.

Mr. GLAZEK. That is right. For instance, there was a lot of pressure put on each UNRRA camp that they should not harbor any war criminals or people who have been closely allied with the Germans during the war. But, after we started screening, more than half the people in each camp were of that particular category. They, of course, bribed the doctor, who, when he examines them, should notice the tattoo mark, if he belonged to an SS division.

Now, there are several other categories, like the people in Croatia. The choice of joining three organizations. Whichever organization they joined, they were ineligible. They had the chance to join the German Army. If they refused that, they had the chance to join the home army, which was the Dom Obrana, which is the organization we say was against us. They had a chance to join the Ustashi, which was the Gestapo. They had to join one of them.

In several instances these people were put on the spot to such a degree that it was impossible to escape compromising themselves. Here is a case.

Some of this is typed by German stenographers and, therefore, there are typographical errors and language errors, which I have dictated in proper form. But because of their inability to speak and write English, they have made mistakes. So, it is not to be taken as literal words.

Here is a case where the CIC report, dated the 31st of March 1949, gives the following information:

Reference is made to section 1, paragraph 8 of above subject's work sheet in that records of the American Consulate General, Munich, reveal—

"Szapiro, Clara, age 48, DP, arrived United States zone March 22, 1946."

No other corroborating evidence available at the United States Consulate General, Munich.

This is again the whitewashing:

That due consideration has been given to the above report. It has been impossible to support the statement included in the CIC report with any concrete evidence. Consequently, the IRO documentation is accepted as including the proper date of entry into Germany by the principal applicant. Therefore, it is recommended * * *

Mr. ARENS. Is that a case in which the CIC said the man did not get there until 1946, but the IRO document, which the IRO prepared on the basis of representations by the man himself, said that he was there in ample time to qualify?

Mr. GLAZEK. Yes, sir.

Senator JENNER. So, you disregarded the CIC report and took the IRO; is that right?

Mr. GLAZEK. There again we were told to disregard it. I believe there would be later testimony, which was already in my time when I was there, that we ere not to regard certain activities, such as black-market actions of IRO, very seriously; that we were supposed to pass them on.

Mr. ARENS. This is another case in which you whitewashed it, notwithstanding the fact the CIC report said in effect that the man is ineligible; is that right?

Mr. GLAZEK. That is right, sir.

Mr. ARENS. Why, again, did you whitewash that case?

Mr. GLAZEK. There again the pressure that was put on.

Mr. ARENS. By whom?

Mr. GLAZEK. By the Commission.

In each instance, in all these cases, I would come in to the senior officer and state I would like to see this person. It wouldn't get there for an hour or maybe a day or 2 days, and I would receive it with a statement that it takes too much time and do what you can with it.

Mr. ARENS. Do you have any more cases, sir?

Mr. GLAZEK. Then I have, of course, normal cases, which, if one has any knowledge of these things he would see there is a lot of falsification, but about whom there were no derogatory remarks from the investigating agency. So we just passed it on. But I am sure that if we were closely examining these things, we would discover that half of these people should be made ineligible on the basis of the provisions of the act itself.

Mr. ARENS. Are those cases, though, that were passed?

Mr. GLAZEK. Those are cases that were passed, about which there were no derogatory remarks, and we could not raise any issue whatsoever once there was no derogatory remark made by the investigating agency.

Mr. ARENS. But do you feel that, on your examination of the file in the case, approximately half of them are ineligible, but they were passed nevertheless?

Mr. GLAZEK. Yes, sir.

I guess this concludes what I have to say, but I certainly will be glad to answer any more questions. I believe there is much more information that could be given in answer, if you so desire.

The report, of course, touches on all the particular things I have stated here.

Mr. ARENS. That is the report submitted to the Displaced Persons Commission; is that right?

Mr. GLAZEK. Yes. I submitted my report to Mr. Carusi.

Senator JENNER. Was the report the cause of your resignation?

Mr. GLAZEK. Yes. I have the letter here which replies to my report.

Senator JENNER. Would you read that letter?

Mr. GLAZEK. Yes, sir.

This is written to me in Detroit:

DEAR MR. GLAZEK: This is written in reference to your report dated May 11, 1949, which was transmitted to Commissioner Carusi.

I have personally reviewed this report with much interest, as has Mr. Carusi, and we have considered all the factors raised by you very carefully. However, in view of all the circumstances involved, and in keeping with your suggestion as outlined in the last paragraph of your report and as discussed briefly with you in person when you visited the Washington office, it is believed that the best solution to the case would be for you to submit your resignation, effective at the earliest date possible.

I am sorry that there are no positions within the continental United States in which a person of your qualifications might be utilized and trust that you will understand that your resignation does not reflect a discredit on your personality.

It is signed by Mr. Arthur J. Hazes. He was the executive director.

Senator JENNER. In other words, Mr. Glazek, it comes to this point: that, in order to do that which you think is best for your country's interests, you have to get out of the displaced persons work or you have to march along with their policy?

Mr. GLAZEK. That was the only way, sir.

Senator JENNER. This committee appreciates your giving your time in coming here, and we appreciate the information you have given us and your factual statement from your experience, in working with the Displaced Persons Commission.

I was just wondering whether or not you have seen Senator McCarran's statement entitled "Facts Versus Fiction."

Mr. GLAZEK. I have, sir.

Senator JENNER. I wish you would comment to the committee on what your estimate of that document is.

Mr. GLAZEK. I sent my report to Mr. Carusi, as presented here, on May 11—and I sent a copy 2 weeks later to the Central Intelligence Agency, the same copy. I was amazed to see the correlation or the comparison in Mr. McCarran's report and the report that I wrote, meaning that there was so much similarity to the facts which I stated and the fact stated in Mr. McCarran's report that I was tempted to think that perhaps my report had reached him at one time or another.

That is presumptuous on my part, but there was so much similarity in that report.

Senator JENNER. And you think it was a fair, honest report of the situation; do you?

Mr. GLAZEK. Fair. To the extent as to figures quoted, as to the number of people coming in, as to various phases, my estimate would vary somewhat from the estimate in the report itself.

Senator JENNER. In other words, your estimate would be lower, or higher, which?

Mr. GLAZEK. Higher, greater.

Senator JENNER. In other words, you think that probably Senator McCarran's presentation is an understatement of the true situation; is that correct?

Mr. GLAZEK. It is understatement.

I believe that the basis of that is that the figures are controlled in the Coordinator's office in Frankfurt to please the public rather than to give true facts.

Senator JENNER. Thank you very much, Mr. Glazek.

Mr. GLAZEK. You are welcome.

Senator JENNER. The committee will recess subject to call of the Chair.

(Thereupon, at 3:45 p. m., the committee recessed, to reconvene subject to call of the Chair.)

DISPLACED PERSONS

MONDAY, FEBRUARY 6, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 2 p. m., pursuant to call, in room 424, Senate Office Building, Senator Pat McCarran, chairman, presiding.

Present: Senators McCarran, Kilgore, Kefauver, and Ferguson.

Also present: Messrs. Richard Arens, Thomas J. Davis, and Frank W. Schroeder, professional staff members.

The CHAIRMAN. The committee will come to order. This is a hearing pursuant to call for the full Committee on the Judiciary, for the purpose of hearing a witness, under House bill 4567, known as the Displaced Persons Act.

The witness will be sworn.

Mr. ARENS. Will you please rise and be sworn, sir?

The CHAIRMAN. Do you solemnly swear the testimony you are about to give before the Judiciary Committee of the United States Senate, to be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CUTLER. I do.

TESTIMONY OF JOHN WILSON CUTLER, JR., DISPLACED PERSONS COMMISSION

The CHAIRMAN. Will you state your name, please?

Mr. CUTLER. John Wilson Cutler, Jr.

The CHAIRMAN. Have you been in the employ of the Displaced Persons Commission?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. When did you go into the employment?

Mr. CUTLER. October 21, 1948.

The CHAIRMAN. Where is your home?

Mr. CUTLER. New York City.

The CHAIRMAN. How old are you?

Mr. CUTLER. Thirty-three.

The CHAIRMAN. Do you have a family?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. Where does your family reside?

Mr. CUTLER. They are now in Germany, my wife and child.

The CHAIRMAN. Where were you born?

Mr. CUTLER. Beverly, Mass.

The CHAIRMAN. Out of what school or schools are you?

Mr. CUTLER. I went to St. Mark's School and Harvard University.

The CHAIRMAN. Do you have a military service record?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. Where did you serve, and for how long?

Mr. CUTLER. I first served in 1940 with the American field service in France, ambulance driver; then in the Middle East in 1941, and later with the RAF, from 1941 to 1943, when I crashed.

The end of 1943 to 1945, I was in the United States Air Force and I was shot down over Yugoslavia and a prisoner of war the last year of the war.

The CHAIRMAN. How long have you been with the Displaced Persons Commission?

Mr. CUTLER. A year and 4 months, approximately.

The CHAIRMAN. Where were you stationed?

Mr. CUTLER. I was stationed in Germany.

The CHAIRMAN. What place in Germany?

Mr. CUTLER. In Butzbach, Germany, and Munich, and 1 week in Frankfurt.

The CHAIRMAN. You may proceed now, Mr. Arens.

Mr. ARENS. If the chairman please, I should like to place in the record at this time a copy of subpena duces tecum, which was served on Mr. Cutler, commanding his appearance and commanding him to bring with him certain records for presentation to the Senate Committee on the Judiciary.

The CHAIRMAN. The subpena will be inserted in the record.

(The subpena referred to was filed for the information of the subcommittee.)

Mr. ARENS. Mr. Cutler, it is the information of the committee that you have certain factual material which you should like to place before the committee. I should like to ask you now to proceed in your own way, and as you progress in your testimony, we will have certain questions to propound.

Mr. CUTLER. Mr. Chairman, with your permission, I would like to preface my testimony before the committee with a brief statement.

The CHAIRMAN. All right.

Mr. CUTLER. Upon the release to the press of my testimony which was taken in Munich, Germany, on Monday, the 3d of October 1949, a series of charges against me were broadcast in the German press, and I understand similar charges have been broadcast here in the United States. I was charged with lying in my testimony. That charge is wholly without any foundation whatsoever in fact, and I welcome the most comprehensive investigation of the situation in Germany, upon which my testimony was based. To that end, I sent Mr. Carusi two cables asking for investigation to clear up the whole situation.

The CHAIRMAN. Following the testimony which you gave before the chairman of this committee in Germany, were you called to Frankfurt?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. How long after you had given the testimony before me were you called to Frankfurt?

Mr. CUTLER. I was called to Frankfurt on December 4. Before I was called to Frankfurt, I had spoken to Mr. Carusi, the latter part of October, and to Mr. Rosenfield in November, and then I was called to Frankfurt on December 4.

The CHAIRMAN. Who called you to Frankfurt?

Mr. CUTLER. Mr. Rosenfield.

The CHAIRMAN. What was the occasion of your being called to Frankfurt, so far as you know?

Mr. CUTLER. To discuss these statements which I made to you. I discussed with Mr. Carusi and Mr. Rosenfield what I had discussed with you on October 3, the things I considered wrong with the administration of the DP program.

The CHAIRMAN. What happened when you went to Frankfurt?

Mr. CUTLER. I was called there to a meeting, at which were present Mr. Rosenfield, Mr. Squadrilli, the coordinator for Germany, Mr. Kaplan, Mr. Bashein,[1] and Mr. Ryan.

The CHAIRMAN. What took place at that meeting?

Mr. CUTLER. It lasted for 5 hours, and it was a discussion of the charges or the statements that I had made to you, and which I had discussed previously for 2½ hours with Mr. Rosenfield. They took up the cases that I had brought to your attention, and some others also that I had discussed.

The CHAIRMAN. All right, proceed in your own way, now.

Mr. CUTLER. Second, I have been charged with incompetency in the performance of my duties, in answer to which I submit the following document. This is to Mr. Wilson Cutler, Jr., from the Office of the Coordinator in Frankfurt, subject: Promotion. It is dated the 6th of May 1949:

> In recognition of the satisfactory manner in which you have carried your responsibilities as an analyst, your promotion to that title and grade has been recommended and approved. Enclosed herewith is confirming "Notification of Personnel Action."
>
> Congratulations. ALEX E. SQUADRILLI.

The CHAIRMAN. What did you say you had been charged with?

Mr. CUTLER. Incompetency in the performance of my duties.

The CHAIRMAN. When were you charged, before or after you made these statements before me?

Mr. CUTLER. After, in the press. The statements were all in the press. Furthermore, at the end of that meeting in Frankfurt on December 4, I asked Mr. Rosenfield if I might see a copy of the notes taken at this meeting. There was a stenographer present. I was promised a copy of the notes.

The CHAIRMAN. That is, what meeting are you referring to?

Mr. CUTLER. The meeting of December 4.

The CHAIRMAN. At Frankfurt?

Mr. CUTLER. Yes, sir. I was promised a copy of the notes, and I have repeatedly asked for a copy of the notes, and I have never received same.

The CHAIRMAN. Was a stenographer present when you were before this group in Frankfurt?

Mr. CUTLER. Yes, sir.

[1] The testimony of Alex Squadrilli appears on p. 828, of Benjamin Kaplin on p. 1026, and of Meyer D. Bashein on p. 881.

The CHAIRMAN. Who was the principal interrogator?

Mr. CUTLER. Mr. Rosenfield. At the conclusion of this examination, which lasted 5 hours, I was charged with disloyalty to the Commission, and I replied my first loyalty was the United States Government, second, to the Commission. My testimony, Mr. Chairman, I need hardly say, was given in good faith and in response to your desire for information in regard to what the displaced person problem was in Germany. If the people of the United States only knew the situation, what was really going on in Germany, they would be seriously concerned with the whole situation there.

Ninety percent of the testimony that I am going to give you today is documentary evidence that I have right here. The other 10 percent can be backed up by documentary evidence in Germany, or people in Germany. Is there any particular part I should take up first?

Mr. ARENS. I want to invite your attention, first of all, Mr. Cutler, to the security problems in conjunction with the administration of the displaced persons program. I ask you to present to the committee such factual information as you have and documentary information which you have on the issue of the security problems in the administration of the program.

Mr. CUTLER. On May 16, we were told in a meeting by Mr. Bashein, the senior officer at Butzbach, that the VVN, the Vereinigte Verfolgte des Nazismus, which is the Association of Persons Persecuted by Nazism, these certificates were for people who had been in concentration camps and they were signed with "VVN."

These certificates were found in many folders, IRO documentation forms, and these were considered as proof simply to say that the man had been in Germany before the date line. That was the documentary evidence that he had been in Germany before 1945, of course, if he had been in a concentration camp.

On May 16, Mr. Bashein told us that the VVN society for persecution certificates were not longer to be considered valid as it was found to be a Communist-front organization. We were told this. I am going to quote my exact words that I put down, because I considered all this serious. He just told us this casually at the end of the meeting, not to pay any attention to them; they were of no more use as proof that the man had been in Germany. I found out later from my German secretary that she had read this 3 weeks ago in a German paper.

Over 2 months later, on the 25th of July 1949, we received the following confidential memorandum from Mr. Squadrilli in Frankfurt:

To: All senior officers.
Subject: Membership in the Vereinigte Verfolgte des Nazismus (VVN) translation: Association of Persons Persecuted by Nazism.

As a result of numerous requests from the field for information on this subject, the following statement has been obtained from the Counterintelligence Corps:

"Membership in the VVN is not, of itself, conclusive proof that a person is a member of the Communist Party or is a Communist sympathizer. While at a conservative estimate approximately 40 percent of the entire membership of the VVN is made up of members of the Communist Party, the Communist Party members or sympathizers have succeeded in almost all cases in wresting control from the other factions within the organization to further the ends of the Communist Party, the remaining 60 percent of the membership is composed of persecutees who belong to other political parties, religious societies, and independent organizations."

The Commission will continue to accept as conclusive the statement of CIC as to whether the person "appears" or "does not appear" to have been a member of or participated in a movement which is hostile, etc. However, for purposes of information to the vice consuls and immigration inspectors, CIC has been requested to indicate in their work sheets: (1) Date of membership; (2) reason for membership; (3) activity within the VVN; (4) position within the VVN, i. e., whether he held any sort of office.

ALEX E. SQUADRILLI.

Mr. ARENS. What percentage of VVN certificate people have gained admission into the United States, or what numbers?

Mr. CUTLER. That would be impossible for me to say because it was a very common thing in every folder. We didn't pay particular attention to it. It was in a very large percentage, I would say, that have been persecuted. I couldn't possibly tell, sir.

Mr. ARENS. Have there been a substantial number of VVN people admitted into the United States pursuant to the present displaced persons program?

Mr. CUTLER. Since this announcement?

Mr. ARENS. At any time?

Mr. CUTLER. Yes.

Mr. ARENS. These VVN people are members of the Communist front organization, in accordance with the directive of the Displaced Persons Commission itself; is that right?

Mr. CUTLER. As the directive says, at least 40 percent is a conservative estimate.

The CHAIRMAN. Before you received that directive, were you honoring that organization?

Mr. CUTLER. No. I said more than 2 months previous we just received word in a meeting not to pay any attention to that VVN certificate.

The CHAIRMAN. Who gave you that word?

Mr. CUTLER. That was Mr. Bashein. He was the senior officer at Butzbach. Of course, after this announcement, from then on it was gone into thoroughly. But before that—for instance, here is a man who was an official, Gladstein, Alex. He was an official of the VVN from the 1st of July 1947 to the present date, according to CIC report. It was said at Butzbach that Mr. Bashein said it didn't matter; it wasn't conclusive.

Mr. ARENS. Was this man admitted into the United States?

Mr. CUTLER. As far as I know.

Mr. ARENS. Was he passed by the Displaced Persons Commission?

Mr. CUTLER. Yes, sir.

Mr. ARENS. He was an official of VVN, the Communist front organization; is that right?

Mr. CUTLER. Yes.

What I want to say is that the reason that I have come over here and jeopardized my position—and I want to say now that I have a very good job, as far as salary is concerned, I made more money than I made before in my position, and my wife and I are perfectly happy in Germany—but the fact is that things like this and the steady pressure on everybody to pass everything no matter how, if you can't prove it, pass it, it has been that way in every bit of the whole organization. That is not only in the DP organization, but it spreads down to the

lowest DP clerk, the personal eligibility, the selector, the analyst, and even to the senior officer.

The reason I say that is that originally in Butzbach, four of us had gone to Butzbach to complain, before this thing all took place, before the VVN, and we had been told that we had no right to question what our superior officer told us and that we had no right to reject anybody; that if we wanted to reject somebody we had to hand the case over to him and he could overrule us at any time.

The CHAIRMAN. Who could overrule you?

Mr. CUTLER. The senior officer. Shortly after this, that is, four of us from our organization at Butzbach—and there were about six there at the time, at the same time, or shortly thereafter——

The CHAIRMAN. Where did you four go, the four that you make reference to? You say you went somewhere.

Mr. CUTLER. We went to Frankfurt.

The CHAIRMAN. To do what?

Mr. CUTLER. To complain about the existing situation. At that time we were concerned with the fact that we were not allowed to see the DP's we selected. In doubtful cases we wished to be able to interview the applicant to see if by a personal investigation, interview, we could determine certain facts; and we were told we could not. Now, in the Munich area, for instance, that is the one area that I know, you have always been allowed to interview applicants of doubtful caliber. Shortly thereafter, seven people, seven members of the Ludwigsburg mission, went to Frankfurt for more or less the same reason, to the best of my knowledge.

The CHAIRMAN. What did your group of four do when they went to Frankfurt?

Mr. CUTLER. We asked Mr. Squadrilli if we would not be permitted to see certain DP applicants about whom questions had been raised regarding their eligibility.

The CHAIRMAN. Was that their eligibility, or their loyalty?

Mr. CUTLER. That was at that time their eligibility. This was very early in the program; 2 months after the commencement of the program. In Ludwigsburg, seven members of the team, out of a total membership of nine, went to Frankfurt for the same reason, or more or less the same reason.

The CHAIRMAN. What were you told in Frankfurt?

Mr. CUTLER. We were told that we had no right to question the orders of the senior officer and that if he had given us those instructions, we were to follow them out.

Mr. ARENS. Who are the senior officers? Could you tell us about them?

Mr. CUTLER. Their names?

Mr. ARENS. Yes, sir.

Mr. CUTLER. They are Mr. Bashein.

There are seven senior officers in Germany.

The CHAIRMAN. Are they located in seven different places?

Mr. CUTLER. Yes.

When I first went there there were seven senior officers in Germany. I can give you the names: Mr. Bashien, Miss Ruskin, Miss Myerson, Mr. Hoexter, Mr. Main, Mr. Dervan, and Mr. Conan.

Mr. ARENS. How many of these senior officers were formerly affiliated with one of the groups which is active in expediting the work of aliens in their emigration to the United States?

Mr. CUTLER. At least three of those.

Mr. ARENS. Who are they?

Mr. CUTLER. Mr. Bashein, Miss Ruskin, Miss Myerson, and Mr. Kaplan—well, he isn't a senior officer.

Mr. ARENS. What is Mr. Kaplan's function?

Mr. CUTLER. He is the executive assistant to Mr. Squadrilli.

Mr. ARENS. What is his background?

Mr. CUTLER. He was formerly employed by AJDC, which is American Joint Distribution Committee.

Mr. ARENS. You have told us about some Communists who have gained admission to the United States, or people who were in a Communist-front organization. Do you have any information about former SS men entering the United States?

Mr. CUTLER. The only evidence I have on that is that I have heard reliably, from many sources, that several hundred—in fact, as many as 500—SS men have entered the United States.

The CHAIRMAN. What is an SS man?

Mr. CUTLER. That is the Schutz Staffel; that is the German group who were mostly concerned with persecution of individuals, concentration camps, Hitler's elite troops.

Senator FERGUSON. Under what regulation did they enter?

Mr. CUTLER. I don't know. I could not tell you that. I personally am very strongly against it.

Senator FERGUSON. Do you have any information on that, Mr. Arens, as to how they entered?

Mr. ARENS. Only from witnesses such as this gentleman, Senator.

Senator FERGUSON. How did you hear they entered, Mr. Cutler? Five hundred is a lot of officers.

Mr. CUTLER. I want to read you—in that category, I said several hundred. I had heard of many sources. The highest figure was 500.

This is to all senior officers, dated the 3d of October 1949, from Alex E. Squadrilli:

> Confirming verbal instructions issued at senior officers' meeting at Frankfurt, September 17, you will please forward to Frankfurt headquarters, without decision, the files on all cases where applicants served in a Waffen SS unit, and in which IRO has reconfirmed eligibility under its mandate.
>
> Disposition thereof will be determined by Frankfurt headquarters. Applicants should be notified by you that their cases are in suspense, awaiting final decision by Frankfurt headquarters.

Senator FERGUSON. I am not clear about the SS officers. Were they Germans?

Mr. CUTLER. Some of them were, and some of them were Baltic troops who joined, say, the Latvian SS or the Esthonian SS.

> Preliminarily, you are to continue submitting all such cases to IRO for reaffirmation of IRO eligibility, and to disqualify under section 2 (b) all cases where IRO eligibility is withdrawn * * *.

Now, that was on the 3d of October 1949. Before that, many SS men had entered the United States. The exact numbers, I cannot give you, but I would suggest that a check be made with immigration authorities at Bremen, who have that, and that is where I heard it.

Mr. ARENS. Mr. Cutler, would you continue with the pressure that was brought and that is being brought on Displaced Persons Commission personnel over there for the purpose of passing cases?

Mr. CUTLER. I am going to read a security report. This is from headquarters, Counter Intelligence Corps, region VIII, Seven Thousand Nine Hundred and Seventieth County Intelligence Corps Group, APO 742, Berlin, Germany, June 16, 1949:

Subject: Wityk, Stephan; E. C. No. 37185; File No. 61.
To: Senior officer, DP Commission, area I, 16 Bitzbach, Hesse, APO 807, United States Army.

A check of local court records on subject revealed that he was convicted of black-marketing in Potsdam (Soviet Zone) on August 5, 1948, and given a sentence of 10 days in jail or 100 reichsmarks fine.

Subject paid the fine. Subject did not readily admit this fact and only broke down after being shown the evidence.

A check of the region VIII CIC files revealed that subject was arrested in the Soviet sector of Berlin on March 10, 1948, for failure to have proper identification papers. He was taken to the Kommandatura where he was repeatedly questioned. * * *

That is the headquarters of the Russians in Berlin.

* * * Subject was finally released on March 21, 1948, with the intervention and the help of a Polish military mission captain. * * *

That is underlined in the CIC report.

* * * He was at the time proved to be a Polish national, not a stateless person. Subject again did not readily admit his arrest and had to be repeatedly questioned until he finally told his story.

The fact that subject did get help in securing his release from the Polish Mission, which recognized him as a Polish national, and his previous conviction as a black marketeer tend to make him a possible security suspect.

Subject attempted to be evacuated from Berlin in September-October 1948 with other Berlin DP's, but was refused security clearance by the S–2 of Berlin military post.

From the sources available to this organization at this time, it appears that Wityk, Stephan, may be or may have been a member of, or participated in, a movement which, in our opinion, is, or has been hostile to the United States or the form of government of the United States.

This statement does not constitute a recommendation.

GEORGE A. HENRI,
Special Agent, CIC, Visa Officer.

Now, let me emphasize that these two cases are only two of a great many, and my job has not been security. Sometimes when another member of the team was sick, or he was out for some reason, I have handled security cases, but it has not been my position.

Senator FERGUSON. Were those two cases passed and did the people come over?

Mr. CUTLER. This case was passed by the DP Commission. Whether he has come over or not—I brought this case up with Mr. Rosenfield in the meeting, and he was passed. It was said that he was all right. Now, I don't know whether he is in the United States, of course. That is something I cannot say. After the DP Commission, it goes to the consul and from the consul it goes to the Immigration.

Mr. ARENS. Do you have information respecting the number of cases which are presently being held by consuls in the face of pressure brought by the Displaced Persons Commission?

Mr. CUTLER. In Salzburg, the vice consul at Salzburg told me that there are 50 cases being held by the consul, that they have rejected in the face of strong pressure, and 6 of these cases are security cases.

The CHAIRMAN. Pressure from what source?

Mr. CUTLER. Pressure from the DP Commission.

Mr. ARENS. Who in the DP Commission was there?

Mr. CUTLER. Mr. Dervan was the senior officer there, and at a later date Mr. Rosenfield was in Salzburg.

Mr. ARENS. What did Mr. Rosenfield do in Salzburg?

Mr. CUTLER. Mr. Rosenfield discussed the situation with the vice consuls there, and the vice consuls refused to alter their position from the fact that they would prevent these 50 cases from going to the United States.

Mr. ARENS. These are cases which the DP Commission had passed; are they?

Mr. ARENS. What did Mr. Rosenfield do, to your knowledge, with the end in view of causing the consul to pass the cases that he wanted to hold up?

Mr. CUTLER. What did he do?

Mr. CUTLER. What did he do?

Mr. CUTLER. He was closeted—I was not there, but I heard that it was the talk of Salzburg for a long period of time—the entire afternoon with Vice Consul Reynolds concerning this situation

Mr. ARENS. With reference to black marketing, what instructions, if any, were you given, and your associates given, as selectors with the Displaced Persons Commission, with reference to people who had been engaged in large-scale black marketing operations, who were making application for a displaced person status?

Mr. CUTLER. On June 21, there was a meeting in Mr. Bashein's office about the question of applicant's character. On the analysts' reports, we must write in every analyst report that the man is of good moral character.

I had objected on many occasions to passing, to writing my name on a report stating that the man was of good moral character when I considered that he was not.

Senator FERGUSON. Do they consider the fact that a man had been convicted of black marketing?

Mr. CUTLER. They do not consider it to be a bad moral character, whereas I did.

Senator FERGUSON. Why is that? I thought criminal records were evidence.

Mr. CUTLER. Can I just read it?

Senator FERGUSON. Yes.

Mr. CUTLER. Mr. Bashein read a letter from headquarters in Frankfurt stating that black marketing is no offense, and no reason for disqualification whatsoever, no matter how many convictions or fines, et cetera.

Senator FERGUSON. Let us get that. Do I understand, then, that our Commission, the DP Commission, did not treat convictions of black marketing as any violation of law and would allow those people to come in?

Mr. CUTLER. Yes, sir.

Senator FERGUSON. Did you ever talk to any Commissioner on that particular item? With whom did you discuss that?

Mr. CUTLER. I discussed that with Mr. Rosenfield at the meeting of December 4. We had a 5-hour meeting.

Senator FERGUSON. What was the attitude of the Commission? Why did they say that was not a violation of law?

Mr. CUTLER. They considered that unless it was a very large scale, extremely large scale case, that it was not a question of the man's character. They considered it not to be of bad character.

The CHAIRMAN. How large?

Mr. CUTLER. That is what was never brought out to me. Can I quote a case right here on that subject?

The CHAIRMAN. Yes.

Mr. CUTLER. While we are on this meeting of June 21, can I add something else to what was said? Mr. Bashein said we must all testify that all applicants are of good character or behavior, "or else, if you cannot reconcile that with your conscience, quit the job."

Mr. ARENS. Who was Mr. Bashein?

Mr. CUTLER. Senior officer in Butzbach.

The CHAIRMAN. Senior officer for the Displaced Persons Commission?

Mr. CUTLER. Yes, sir. At the same time, on the security angle, to show the pressure—you see, we were under pressure to pass these cases, for instance. I refused.

Senator FERGUSON. When you say "we were under pressure," what was the pressure?

Mr. CUTLER. The pressure was from Mr. Bashein to pass the cases. I thought it was only he who was doing that, and I found out he was under pressure also.

Mr. ARENS. Do you have a typical case there of pressure?

Mr. CUTLER. Yes. Let me give you an example of a black-marketeering case that I consider a big one. It was passed by Mr. Bashein.

Stein, Bencze, No. 25774: The CIC report says he was rejected by Canada for immigration, also rejected by United States previously. He and his brother, Moses, allegedly acquired false documents for purposes of emigration. Possesses illegal Kennkarte—that is a German identity card. This part is quoted:

> Estimated to have close to 1,000,000 reichsmarks acquired through large-scale black-market activities. Before currency reform in June 1948 bought quantities of goods, plus automobile. Estimated at present (August 16, 1948) to have 50,000 United States dollars result of black marketeering in Ulm.
>
> Refused visa from consul at Stuttgart because of false documents.

They wind up with—

> CIC wishes to be notified if subject will proceed to United States.

Senator FERGUSON. Did that man come to the United States?

Mr. CUTLER. I overstepped my authority and brought this case, with one other member of the Commission, to the attention of the consul, and I do not think he has entered the United States. He was passed by the DP Commission, but I do not think that the consul—however, I could not swear one way or the other.

Mr. ARENS. But he was passed by the Displaced Persons Commission, was he not?

Mr. CUTLER. Yes. And the consul, I believe, was in many cases under pressure to pass this case.

Mr. ARENS. What is that you have there now?

Mr. CUTLER. This is a security case, which expresses, to my opinion, the pressure that has been brought on every single person connected with displaced persons in Germany.

This is region III, CIC work sheet, file No. 10524, subject: Brukirer, Szlama; address, Berlin, Charlottenburg, Leibnizstrasse 55.

I won't read you the CIS statements there—they are in regular form—unless you wish. I will read the substance.

Interrogation of subject: He was forced to do compulsory labor until 1943. He started living illegally in Poland until the end of the war. Subject had already applied for a visa under the old Presidential directive in 1945. This visa was refused him on the ground that he did not meet residence requirements. Subject claimed at the time "and still claims now," having arrived in Berlin from Poland on 20th of December 1945, when he lived at the Hotel Stadt Königsberg, Stuttgarterplatz 8, Berlin-Charlottenburg.

A check with the hotel revealed, however, that the subject falsified his registration there with the help of a hotel clerk for a substantial remuneration. Subject, in fact, arrived there in Berlin between the 29th of December 1945 and the 2d of January 1946. He remained in the hotel only a short time and took frequent trips to Poland. On the 8th of February 1946, he moved to the Dueppel Center DP camp, where he organized the religious organization Agadth Israel. At the same time, he learned the trade of optician with the firm of Gerhard Heymann, Mullerstrasse 22a, Berlin N-65.

He still took frequent trips to Poland until late 1948 and is said to have strong ties with the contact men in the Soviet zone of occupation in the Soviet sector of Berlin. He has been known to be involved in several black-market deals for the Soviets in 1947 and 1948. He has no employment of any sort and claims to be living with the help of his relatives in the United States.

Based on the sources available to this organization at this time, it appears that Szlama Brukirer may be or has been a member of or participated in a movement which is or has been hostile to the United States or the form of government of the United States.

Now, to show you what I mean by pressure, my senior officer, Mr. Bashein, rejected this case, and I will read you his rejection:

The thorough investigation which has been conducted into the character, history, and eligibility of the principal applicant, as supported by the statements, certifications, and other documents contained in the Commission's files, has established to the satisfaction of the Commission as follows:

(*a*) The principal applicant claims that he arrived from Poland in Berlin, Germany, on December 20, 1945, at which time he registered at the Hotel Stadt Koenigsberg. However, the CIC checked the hotel records and found that the applicant falsified his registration there, with the help of a hotel clerk, for a substantial remuneration; that in fact he arrived in Berlin between December 29, 1945, and January 2, 1946. He is, therefore, not an eligible displaced person as defined in section 2 (c) of the act.

(*b*) In addition, the CIC report indicates that he may be or has been a member of, or participated in, a movement which is or has been hostile to the United States or the form of government of the United States.

This statement is based on the fact that the applicant is said to have strong ties with contact men in the Soviet zone and the Soviet sector of Berlin.

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The applicant is, therefore, rejected in accordance with section 700.15 (b) of the regulations.

M. D. BASHEIN.

Then there is correspondence from various organizations brought to bear, by which this case is eventually sent back to Mr. Bashein and again rejected.

The CHAIRMAN. Who sent it back?

Mr. CUTLER. Frankfurt headquarters.

The CHAIRMAN. Who is the headquarters?

Mr. CUTLER. Mr. Squadrilli, Mr. Kaplan, and——

The CHAIRMAN. Do you mean it was sent back after rejection?

Mr. CUTLER. Yes.

The CHAIRMAN. Sent back from Frankfurt?

Mr. CUTLER. Sent back from Frankfurt.

Senator KEFAUVER. From whom are the letters that you have referred to there?

Mr. CUTLER. This letter is from Agadth Israel Youth Council of America, dated September 13, 1948, which is before this. Would you like me to read it, or the pertinent points?

Senator KEFAUVER. Just tell us what it contains.

Mr. CUTLER. He is writing to the American consulate general that if Mr. Brukirer wishes to receive the documents for his emigration to America, they will be glad to help in any way. It is signed for the Agadth Israel Youth Council.

Then here is another letter from the Bnei Magen David Congregation, Brooklyn, N. Y. This is addressed to the DP Commission, Butzbach, Germany. This is signed by Rabbi A. Hecht. It is to the same effect as before:

Mr. Brukirer is a deeply religious person, who has many religious achievements to his credit. Having helped to reorganize the Jewish community in the American occupation zone of Berlin, he is very active in communal affairs.

I would greatly appreciate your facilitating his coming to this country * * *

As a result of this letter, or other letters, which I could not say, I just know it is in the file, this was said to Mr. Bashein and he rejected it again.

The subject of this one is: "Confirmation of disqualification."

He said that the new evidence brought did not in any way change the case. He winds up with:

We would also suggest that you pass this case on to Mr. DeCapua with respect to the security matter involved in the CIC report.

Then there are more letters in the file.

This last rejection was 3 months later.

On August 24, then there are more letters. This one is from Headquarters, European Command, Office of the Adviser on Jewish Affairs, APO 403, U. S. Army. This is addressed to "Dear Ben," that is, to Mr. Benjamin Kaplan, executive assistant of the Displaced Persons Commission:

I am herewith enclosing a letter from Mr. Henry Ortner and a certificate pertaining to the case of Szlama Brukirer. I hope that his information may serve to reopen the case and that eventually Brukirer will be declared eligible for emigration to the States.

The rest is personal.

With best wishes,
Sincerely,

ABRAHAM S. HYMAN,
Major, JAGC, Assistant to the Adviser on Jewish Affairs.

Mr. ARENS. Where is he located?

Mr. CUTLER. He is located with the Army in Germany. I have never had any contact with him, so I believe he is located in Berlin. He is attached with the Army.

Now this is from the Hebrew Emigrant Aid Society, and this is addressed to Maj. Thomas S. Hyman, Office of the Adviser on Jewish Affairs. I just want to show you, Mr. Chairman, the pressure that is put on all along the line for each one of these cases to be passed. Ordinarily, unless you can prove something—and it is very hard, as this committee knows, to prove any man an out-and-out Communist, or connected in any way with the Communist Party, or even subversive. CIC is under this pressure also. I will mention that point later.

This letter is to Maj. Abraham Hyman, Office of the Adviser on Jewish Affairs:

MY DEAR ABE: I have a copy of a letter written to you by Ben Kaplan regarding the above.

I agree with Ben about the findings of CIC, but I disagree at the point where he says in paragraph 3, "He is therefore not an eligible displaced person as defined in section 2 (c) of the act."

Attached herewith is proof that Mr. Brukirer was in Berlin prior to December 22, 1945. The applicant was afraid to disclose the fact that he was in the Russian section of Berlin because some DP (guardhouse lawyer) told him Russian sector of Berlin would disqualify him under the act.

I submit this to you for the reason that Ben wrote you and I do believe you ought to forward the proof of residence.

HENRY ORTNER,
Director, HIAS, Germany.

Then on the 17th of June 1945, this is from HIAS, AJDC, Coordinating Committee, addressed to the United States Displaced Persons Commission; re Brukirer, Szlama:

Rejection of the above-named case is hereby acknowledged. Not having been advised of the reason for the rejection, it is very difficult for us to file an appeal for the above named, as our interview with this person gave us no clue for the possible reason of rejection.

Would respectfully request that, if, in your opinion, the applicant's rejection was not based on a threat to the security of the United States, request be made by you to the CIC to downgrade their report. * * *

Mr. ARENS. What do they mean by downgrade the CIC report?

Mr. CUTLER. That is what it says there. I couldn't say. I could guess at it.

Mr. ARENS. Is that a term that was used over there?

Mr. CUTLER. That would mean to make the report more favorable, in my opinion.

Mr. ARENS. Do you mean to make the CIC report more favorable?

Mr. CUTLER. That would be my reading of it.

* * * so that the reason for the rejection may be revealed to us, in order that we may protect the interests of the applicant by filing an appropriate appeal. We must add here that the applicant states that he has never been convicted of any crime whatsoever involving moral turpitude, nor has he ever been a mem-

ber of any organization or society that advocated the overthrow of the democratic form of government.

Your reconsideration of the case will be greatly appreciated.

Respectfully yours,

GLADYS ROTH,
HIAS HADC, Coordinator.

Now, this case was then sent to me after it had already been rejected twice, and then it was sent to Munich, as he had moved to Munich.

As I left, that was on my desk and I don't know where it is now. It was on my desk in Munich. I was just going to say that these cases, as I can't emphasize enough, are just two of them.

Mr. ARENS. Have you had occasion to receive directives to withdraw from the files adverse information which had been developed?

Mr. CUTLER. Yes, I have something on that, too.

I will read you a memorandum, May 25, 1949, which is addressed to all members of the staff, subject: "Withdrawal of material from related files."

The following is taken from memorandum from Mr. A. E. Squadrilli, USDPC Coordinator, under date of May 16, 1949:

"1. The immigration inspector at Bremen reports that in numerous cases part of the CIC report referring to derogatory information has been withdrawn, or for some other reason is not present, in the related file even though the Commission's report refers to such derogatory information."

2. This will serve to repeat previous instructions that all material pertinent to a case must remain in the related file.

In November 1949, approximately 6 months later, there was another memorandum to the same effect:

Care in assemblying and dispatching case files of applicants—

which says the same thing.

This is a case I will read you about withdrawing applicants from the file. This is to Mr. Donald Main, senior officer, Area VI, from Alex Squadrilli, subject: E. C. 38839:

The above-captioned case is being returned herewith for reprocessing.

You will please withdraw Mr. Suter's report of rejection.

In the absence of other disqualifying factors, you are directed to write a favorable report in this case because this headquarters does not consider the offense of record to be in itself sufficiently grave to establish bad moral character.

You will note that the applicant is on parole for 1 year as of November 2, 1948. Before you can write the new report, therefore, he must obtain a commutation of his parole from the military government to made a part of the record.* * *

Mr. ARENS. For what was he on parole?

Mr. CUTLER. The crime he had committed. There are many similar cases.

Mr. ARENS. Am I to understand they had directed a favorable report to be written on a man who was then on parole?

Mr. CUTLER. Oh, yes; there are several of that. This happens to be one of them.

* * * If this is not forthcoming, you cannot finalize the case until the term of parole has expired.

I have had several like that personally.

Here is another case, if you wish, that is of the same matter, to Mr. Donald Main, senior officer, from Alex E. Squadrilli, Coordinator, subject: E. C. No. 5664, Kohn, Joseph:

The above-captioned file is returned herewith for reprocessing as directed below.

As far as the Commission is concerned, rejections under section 10 of the act in document and perjury cases must be based upon proof * * *

And that is almost impossible, I may say, over in Germany.

Mr. ARENS. Would you elaborate on that? How difficult it is to obtain proof that would stand up in a court?

Mr. CUTLER. Well, it is practically impossible in Germany to obtain proof in a court, of perjury. It is very, very difficult. These are almost all informal.

Mr. ARENS. If a CIC examiner comes along and says that it is alleged, or information which the CIC has is to the effect that a man is a Communist, is that sufficient to bar the man, as far as the Displaced Persons Commission is concerned?

Mr. CUTLER. Then the subject is: If the CIC can prove it. That is the question. Can they prove it? Time and again the same thing has come up.

Mr. ARENS. What do you mean by saying the same thing has come up?

Mr. CUTLER. Everybody must prove. If the man is a Communist, you must prove it. If he is a perjurer, you must prove it, and so on in many instances.

Mr. ARENS. The law says the burden of proof is on the applicant, does it not?

Mr. CUTLER. Yes, the law says that.

Mr. ARENS. But is it your testimony in effect that the CIC has to prove the man is a Communist before the man is rejected?

Mr. CUTLER. In many cases, yes.

* * * either the record of a court conviction, or a confession in writing, or a signed consular statement to the effect that the applicant committed perjury, or was previously denied a visa because of the submission of false documents.

If the applicant is otherwise acceptable, you will, therefore, write a favorable report with appropriate reference therein to the allegation of record and the Commission findings in the premises.

Please withdraw from the file all previous Commission reports and notifications before forwarding same to the consul. This letter may be incorporated in the file in support of the directed action.

ALEX E. SQUADRILLI.

The CHAIRMAN. Right there, let me ask you: How prevalent are letters like that last letter that you read?

Mr. CUTLER. Well, that would be very hard to say. Do you mean how many cases are there? I know there are many others like that. I want to emphasize, I can't emphasize enough, that for the last 6 months I have been in the best place, in Munich, and in the opinion of other people who feel like I do, in by far the best area in Germany, the Munich area. Of that there is no question. In fact, my superior officer in Munich is very much of the same mind as I am, and he has had much, much pressure brought to bear on him steadily.

The CHAIRMAN. Who is your superior officer?

Mr. CUTLER. Mr. Main. This is another one on Waffen SS cases, which just bears out what I said before. I might read one part of it. The subject is: "Waffen SS cases."

* * * This is a basic policy question which will be resolved by the Commission in Washington, and it may be necessary to hold these cases for a long period pending receipt of this policy. * * *

That is dated 7th of December 1949.

I am just reading you that to show that there have been many, many SS men who have come to the United States.

Mr. ARENS. Mr. Cutler, I now invite your attention to the false and fraudulent documents situation, and ask you to present to the committee such facts as you have on that situation.

Mr. CUTLER. Again, I can't emphasize enough that on false documents, as far as registration, to make them eligible under the 22d of December 1945, it has been common knowledge that a very great percentage of these documents are false. Everybody knows it. Every German secretary connected with the operation, every DP, knows it, and everybody in the Commission knows it.

The CHAIRMAN. The Counter Intelligence Corps of the Army found printing presses running off these fraudulent documents; is not that true?

Mr. CUTLER. Well, I will read you some CIC reports, Senator. Up until very recently, and then only in our area—this report is dated the 21st of December 1949—there has been no effort made by CIC to look at these documents, to examine them to see if they were fraudulent. Now, I understand that is orders from the DP Commission. However, in our area it has been arranged with the CIC that, starting in December 1949, just 1 month before I came back, they would look into certain documents that we had rather qualms about passing, that we could see obviously were late entries, in my opinion and the opinion of the fellows working there. Before that, we had to take everything IRO said as gospel truth. If IRO said the man came in 1945, that was all the proof that was needed, nothing else of any sort was needed.

The CHAIRMAN. If you found the proof to the contrary, you were not to follow that proof; is that correct?

Mr. CUTLER. It was very hard to find that proof. The man had a document. There was no way we had of possibly inspecting those documents. I will read you the results. The CIC has gone into several towns. This is the first one, one of the first towns they looked into.

This is from Headquarters, Region IV, Sixty-sixth CIC Detachment, subject: "Fraudulent residence certificates from Schnaitsee, Germany"; to: Commanding Officer, Sixty-sixth CIC Detachment, USAREUR, APO 154, United States Army, attention Major Abraham:

> Enclosed is photostatic copy of foreign residence register of Gemeinde Schnaitsee with cover letter signed by Mayer, secretary of the Gemeinde—

That is the German community—

> and addressed to Miss Gertrude Ruskin, USDP Commission. This list, which alleges residence of DP's in Schnaitsee, has been established as fraudulent. The following facts have been uncovered:
>
> (*a*) Many of the alleged residents show the date of registration to be on the Sunday or a German legal holiday. The registration office for Schnaitsee revealed that the office is closed on Sundays and German legal holidays. Thus a person arriving in Schnaitsee on Sunday, November 25, 1945, would be registered on Monday, November 26, 1945. Person would not be permitted to back date his registration. An inspection of list reveals 28 persons showing date of registration on a Sunday or German legal holiday. * * *
>
> Bernhard Mueller, Kommissar of Landpolizei, Schnaitsee, and Georg Mayer, secretary of Gemeinde Schnaitsee, were interviewed, at which time Mayer admitted irregularities in maintenance of his registration records.

At the request of Bernhard Mueller, Kommissar of Landpolizei, Schnaitsee, Mayer wrote and signed a statement admitting having falsely registered numerous DP's. * * *

A list of foreign residents of Schnaitsee during the various months, which was submitted to the Landrat Treasury, is enclosed. These rosters were submitted in order to draw monetary allowances from the treasury. During the period November 1945 through March 1946, the highest number of foreign residents reported was eight.

Alleged list of residents has more than 200 foreign residents in Schanitsee during the period of November 1945 to March 1946.

Before I finish the report, I want to say that of those 200 cases—they say at least 200 cases—76 are either in the United States or along the route, possibly in Bremen; but the vast majority are already in the United States.

Mr. ARENS. Those are cases in which people had false documents obviously because they could not have registered at the place on Sunday; is that correct?

Mr. CUTLER. Correct.

So that 74 people from this are in the United States or are in Bremen awaiting a ship. Mr. Main brought this list and other lists. Almost every town the CIC have gone into they found the same result. It is something we all knew. Everybody knew. It was common knowledge. But CIC has been discouraged from going into it before.

The CHAIRMAN. You say that CIC has been discouraged from going into it before. What do you mean by that? Who discouraged the CIC?

Mr. CUTLER. They have received instructions from the DP Commission that that is outside their jurisdiction; that they don't have to bother about that. So they do not want to do something that is outside their jurisdiction.

Senator KILGORE. Mr. Chairman, let us put that in the record.

The CHAIRMAN. It is in the record.

Senator KILGORE. The whole thing. It appears to be correspondence, of which he is not personally cognizant. I would want him to put it in the record.

Mr. CUTLER. I couldn't tell you what the correspondence is. I am just reading from the report.

Senator KILGORE. Is that your own statement? Do you know of your own personal knowledge? Do you personally know that these facts are correct?

Mr. CUTLER. Yes; I do know that.

Senator KILGORE. How do you know it?

Mr. CUTLER. Everybody——

Senator KILGORE. No. How do you know it? If you were put on in court and sworn to testify as a witness, could you say, "I personally know this of my own knowledge"?

Mr. CUTLER. The CIC have told me that.

Senator KILGORE. Wait a minute. Can you say you personally know this of your own knowledge?

Mr. CUTLER. I know what these documents are for.

Senator KILGORE. Do you know that these facts are correct?

Mr. CUTLER. Yes.

Senator KILGORE. As stated?

Mr. CUTLER. Yes.

Senator KILGORE. And you personally, of your own knowledge, have checked every case and know that every single one of them is correct?

Mr. CUTLER. Yes. I am reading CIC reports.

Senator KILGORE. I am talking about your knowledge. I am not talking about the CIC.

Mr. CUTLER. Oh, if the CIC made a mistake, I couldn't tell.

Senator KILGORE. I am asking you whether you know about them personally.

Mr. CUTLER. I investigated. I will come later as to how I investigated IRO records. That has been my job in Munich.

Senator KILGORE. I know, but this material you are reading now comes from the reports of the CIC, not your own personal knowledge; is that correct?

Mr. CUTLER. Yes.

Senator KEFAUVER. May I ask you a question? You said the CIC was instructed not to pay any attention to the forged documents, not to go into that matter. How do you know that?

Mr. CUTLER. In our area it has been arranged that just starting, as I say, as of December, that they would be. Now, the CIC has informed us that they beforehand received instructions that the documents—that they have so many other things that that was outside their jurisdiction; in other words, that the man had a document, that he was there, and it wouldn't prove anything to do with him being Communist or subversive or criminal or anything else; it was just a document. They could not look into all that.

Senator KILGORE. But who gave them those instructions?

Mr. CUTLER. They received that from the Displaced Persons Commission.

Senator KILGORE. Are they issuing orders to the CIC and telling them not to look into things; or is the head of the CIC the one that passed the word down?

Mr. CUTLER. That I couldn't tell you.

Senator KILGORE. I am talking about the people who talked to you. Where did they get their information? From CIC?

Mr. CUTLER. Yes; from CIC directly. I have personally received it, that they gave me.

Senator KILGORE. Were you with CIC?

Mr. CUTLER. I have worked in contact with them. I am not with them, no.

Senator KILGORE. Do you mean you were with them?

Mr. CUTLER. Yes, I have worked on this thing. You see, I have worked in the same room. We look at the IRO records, and then if we think that——

Senator KILGORE. What was your official capacity?

The CHAIRMAN. Let him finish his answer. You would look at the IRO records and then what?

Mr. CUTLER. Yes, I looked at IRO records, and when I thought for any reason this man may possibly have entered after the time and there was a record, I would send it to CIC. So I worked in the same room.

Senator KILGORE. I am still asking which agency employed you. Did you work with the Displaced Persons Commission or the CIC, or what?

Mr. CUTLER. No; the United States Displaced Persons Commission.

Senator KILGORE. That is what I wanted to straighten out.

Mr. CUTLER. I am sorry.

Senator KEFAUVER. I am sorry I did not come in earlier, but are you still with the Displaced Persons Commission?

Mr. CUTLER. Yes, I am. As I say, I was called back to testify and be subpenaed.

Senator KEFAUVER. You brought these records in response to a subpena duces tecum, did you?

Mr. CUTLER. I am sorry you did not get the first part. These statements had come out that I had discussed before with Senator McCarran. I had talked to Mr. Rosenfield and Mr. Carusi, and then the statements came out in the paper a short time ago. I believe they came in the American papers, too. But I was in Germany then, and they came out in the German paper, in which these charges were made that my statements were false and I was activated to do this for this reason and that reason. So, actually, I immediately sent Mr. Carusi a cable, in which I asked for an investigation of the whole matter as soon as possible. Then I received no answer. So, a week later I sent another cable repeating my request of the first cable, and I received a letter just before I came in. At the moment they didn't think an investigation was necessary.

Meanwhile, at the very moment, I received a subpena, or a telegram, telling me that I would be subpenaed. It was signed by Mr. Acheson. So, naturally, I brought these records back to prove the facts that I had been accused of lying.

Senator KEFAUVER. Who accused you of lying?

Mr. CUTLER. The statements in the paper. I had been accused in the paper. If anybody has any of those clippings——

Senator KILGORE. I am trying to get to the bottom and find out what this gentleman's knowledge is.

Mr. CUTLER. These statements in the paper said that my charges were false, and that they were made up of lies.

Senator KILGORE. Where were you stationed?

Mr. CUTLER. I was stationed in Munich, at the last point; before that, in Butzbach, and 1 week in Frankfurt. So I was called back, and I just came back about 3 days ago.

The CHAIRMAN. Go on where you left off, Mr. Cutler.

Senator KILGORE. This first matter that you just finished testifying about, did that come to you through reports from the CIC?

Mr. CUTLER. Yes.

Senator KILGORE. Was it the CIC people in the office with whom you worked who gave you that information? It is not first-hand knowledge on your part, is it?

Mr. CUTLER. Yes, sir.

Senator KILGORE. Were the statements made to you by them as to why they were not operating in certain fashion?

Mr. CUTLER. These are copies of their reports. Yes.

Senator KILGORE. Could you list who some of those CIC people were, for the record?

Mr. CUTLER. In Munich, it is Captain Rolak. In Berlin——

Senator KILGORE. Was it the Munich group from which you got this knowledge? I am trying to get this information. You see, as it is, it is hearsay, and I am trying to get back to the fundamentals.

Mr. CUTLER. Yes, sir. This is another part of the CIC. I am continuing it. They show that:

Exhibit VII is a photostatic copy of a card file retained in the office of Georg Mayer and allegedly established date of residence of Zynger, Szmul Leib, in Schnaitsee as of November 22, 1945. Zynger came to Schnaitsee in September 1949 and stated to Mayer that he, Zynger, had been in Schnaitsee in November 1945 and requested that his name be entered on the registry to reflect this date.

Zynger produced a notarized statement and two witnesses who attested that they had seen Zynger in Schnaitsee in November 1945. A check of the Schnaitsee registry revealed that one of these witnesses, Josef Land, himself arrived in Schnaitsee initially on July 3, 1947.

Bernhard Mueller, Kommissar of L'Andpolizie, Schnaitsee, was interviewed on December 9, 1949, at which time he stated that he has initiated legal proceedings against Georg Mayer for falsification of official records.

As a result of this investigation, a list of all DP's concerned has been compiled. * * *

I would like to read this bit here because it is something that everybody has said for a long time, and I think we all knew, but it has never come out in proof before; with your permission, Mr. Chairman.

The CHAIRMAN. What are you reading from?

Mr. CUTLER. This is interrogation of community clerk Mayer, who is involved, who took the bribes.

The CHAIRMAN. Interrogation by whom?

Mr. CUTLER. By the CIC agents. I won't read the whole thing because it is rather long.

Senator KEFAUVER. Was Mayer the community clerk?

Mr. CUTLER. He was the clerk who falsified the records on these people of 1945.

Senator KILGORE. Mr. Chairman, could we have that incorporated in the record? He can read whatever part he wants to.

Senator KEFAUVER. Was Mayer a German, or American?

Mr. CUTLER. He was German.

Senator KILGORE. Was he with the IRO?

Mr. CUTLER. No. He was a German national in the town. These Geamans were free living, and also some DP's. This is pertinent to the fact that everybody has said for a long time that anybody could get a certificate of registration or proof for a pack of cigarettes or marks. So I would like to read this with your permission, Mr. Chairman.

The CHAIRMAN. All right.

Mr. CUTLER. It was his language. It had to be translated from German, so it is a little rough.

* * * Until May 1946 almost all Jews, except some of them, have left Schnaitsee. Late in summer this year about 20 Jews came to see me on different days. That mostly happened in the evening hours. They came to the community office. Those people wanted to have documents from me which they needed for emigration. Mainly they wanted a certificate that they were living at Schnaitsee, already before November 1, 1945. Between those people there were also some who indeed were living at Schnaitsee at that time. A part of them I still could remember.

However, there were people between them, whom I didn't know and of whom I was of the opinion that they were not residing at Schnaitsee in 1945. One of them even brought a witness along for whom he was looking himself. One of

the witnesses was a refugee by the name of Lang, who himself only came to Schnaitsee in 1946. This was known to me, but I didn't care for that. The Jews came and showed me their DP cards and asked of me that I registered them from a date previous to December 1945.

Some of them didn't come personally, but applied to me in writing. They said people paid the requested fee of 1.20 deutschemarks——

That is, 1 deutschemark and 20 pfennigs—

for registration and 2.50 deutschemarks for the issuance of a certificate.

Furthermore, in some cases I received one or two packages of cigarettes or a quarter of 1 pound of coffee, or one of them didn't care for giving him back the change to 5 deutschemarks left over. Only small presents of money and other slight gifts are therefore applicable.

A certain Czechoslovakian named Simon Jankowitsch even promised me a suit, which, however, I never received. Some of the others sometimes promised me more valuable presents, but they didn't follow their promise. I should be rich if I would have got everything I was promised.

I did everything in order to fulfill the request which often was expressed by the IRO or the press, namely, to treat people favorably. I also wanted to be helpful to those people, as far as it was in my power, to accelerate their emigration. I knew that those people needed the certificates for emigration to the United States. I didn't think of the possibility that some of those people, with the false certificates which I issued, forced their immigration to the United States.

Those Jews always stated that they already had a work contract with some businessman in the States. Therefore, I had the belief that everything was in order. I cannot add furthermore to this matter.

Signed, "Georg Mayer," and the witness is Mueller, who was the German chief of police.

Now, that was one of the first towns. The next one is from headquarters, region IV, Sixty-sixth CIC Detachment, Subject: Issuance of certificates of residence, to Mr. Donald Main, senior officer of the USDP Commission.

Enclosed herewith please find report of investigation on certificates of residence issued in Weilheim, Germany, and signed statements of Baron, Richard, and Huber, Lina, the two persons involved in this matter.

It will be noted that Huber, Lina, is no longer employed by Stadt Weilheim, and information received subsequent to investigation reveals that Baron, Richard, has been released from employment by Stadt Weilheim.

It is the conclusion of this section that any documents proving residence and originating in Weilheim are questionable.

For your information.

Signed for the commanding officer, "B. J. Rolak, captain, Chief, Visa Section."

There is a long voluntary statement by Baron who, incidentally, is a DP, and he was registering these people. Usually, however, it is a German.

This is from headquarters, region V, Sixty-sixth CIC Detachment, Visa Section, APO 407–A United States Army, December 27, 1949, subject: False Identity Documents, Kaufbeuren, Germany, signed by B. J. Rolak.

Senator KILGORE. Why not put the whole thing in the record?

Mr. CUTLER. Well, in the Schnaitsee there were 200 cases.

Senator KILGORE. I mean that last list you are talking about.

Mr. CUTLER. This one, Kaufbeuren, well, I will read you what it says.

Senator KILGORE. Just submit it for the record.

Mr. CUTLER. I must read this to make it clear.

Mr. Schnidele—

this was the man—

stated that Glueck—

The man who issued the false documents—

issued residence certificates to DP's without first consulting any of the records available in his office. After a cursory examination Schindele gave the following names as having false kennkarten issued by Glueck prior to April 1, 1949—

Do you want me to read the names? There are only about 10.

Senator KILGORE. I thought you might submit it for the record.

Mr. CUTLER. Twelve people, I think.

Senator KILGORE. That would be a lot easier than reading them.

Senator KEFAUVER. Are you translating as you are going along, or is that in English, what you are reading?

Mr. CUTLER. That is all in English, but it is translated. That is the way he would talk in translating it. Whoever translated it didn't translate it to perfect English.

The CHAIRMAN. All right, let us proceed.

Mr. CUTLER. Again, I must say that was the 21st of December 1949, and the next one was the 6th of January 1949, and the other one was the 27th of December of 1949. And I left the 30th of January, and other cases were coming in all the time. I don't have the records, but they can be found.

The CHAIRMAN. Other cases of what?

Mr. CUTLER. Other towns, almost every town they went into. Other cases were coming in. For example, in the month of January they found two districts of Munich had also been registering false documents, and a town called Roding, near the Czechoslovakian border, that they found that there had been one person living there in that period 1945 to 1946 and a hundred certificates had been issued. But I just want to say that is only the beginning. I mean that if every area was investigated, I think, personally, and almost everybody concerned with it would agree with me, the same situation would be found. That is my opinion.

Mr. ARENS. Are those areas where the CIC went in to make specific spot checks on false or fraudulent documents?

Mr. CUTLER. Yes; at the request of Mr. Main, the senior officer.

Senator KILGORE. The Munich area is all you can testify to; is that right?

Mr. CUTLER. That is right. I was in Munich before and——

Senator KILGORE. And is Mr. Main the one who asked for the reports?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. What is your answer? You were saying "I was in Munich before" and you were interrupted.

Mr. CUTLER. I have been in Munich since July of last year. Before that I was in Butzbach, and we never in any way checked or asked CIC to check any documents of that sort.

Senator KILGORE. Was that in the American zone?

Mr. CUTLER. Yes, sir; I have been only in the American zone.

The CHAIRMAN. Why did you not check or ask the CIC to check documents of that kind?

Mr. CUTLER. We never were allowed to.

The CHAIRMAN. Who stopped you?

Mr. CUTLER. Mr. Bashein, the senior officer. To the best of my knowledge, again, that procedure is widespread in the whole zone. To the best of my knowledge, I can almost swear that there is no other area, at least there wasn't when I left, that looked into the documents, other than Munich. We initiated this procedure.

The CHAIRMAN. All right; are there any other questions?

Mr. ARENS. Mr. Cutler, may I now invite your attention to the processing of applicants under the farmer priority of the law, and ask you how that is being administered?

Mr. CUTLER. We have never made any effort at all to bother about priorities, up until the 22d of November 1949, when we had to—you see, there are 30 percent, as you know, farmers who have to be admitted, and it had been the policy of the DP Commission to give a visa or to pass these people through as they came along regardless of whether he was a farmer or a butcher or baker or candlestick maker.

Senator KILGORE. That is, you passed them on?

Mr. CUTLER. Yes; we passed them on regardless of the farmers. There was no control of any sort.

Senator KILGORE. In other words, the question of eligibility by you was passed on. You did not say, "We certify these people are farmers," you simply passed them on to the Visa Division; is that right?

Mr. CUTLER. Yes.

Mr. ARENS. But the Visa Division does not make any check to ascertain whether or not the man is a farmer?

Mr. CUTLER. No. Starting in November 1949, we had begun to check. Up to that time it was found that we were so far from the 30 percent because we had taken everybody in order, that very strict, rigid controls would have to take place, and not only in Munich, but this is in all of Germany. The percentage I couldn't tell you exactly, but that would have to be checked at headquarters. But it was obviously far below, because since that date we have in our office, I can say, got 1,000 cases stacked up in 1 room there waiting because they are not farmers and cannot go. For a large part of the time since the 22d of November of 1949, we have only been able to process just farmers.

Mr. ARENS. What examination is made to ascertain whether or not a particular applicant is a farmer?

Mr. CUTLER. That is a very cursory examination. As I said, we never see the applicant except in rare cases.

Mr. ARENS. By "we," whom do you mean?

Mr. CUTLER. Nobody in the DP Commission. We never see them at all.

Mr. ARENS. What do you work on?

Mr. CUTLER. Just a case that is presented to us by IRO.

Mr. ARENS. By the International Refugee Organization?

Mr. CUTLER. The International Refugee Organization.

Mr. ARENS. To what extent are you bound by the facts presented by the International Refugee Organization?

Mr. CUTLER. We are bound completely by what they say: If I can explain, for instance, if a man is going as a farmer on his assurance,

and it says on his IRO work-sheet record that of the last 12 years of employment he was for 1 year a farmer, that is the end of it, he is a farmer. It only goes back 12 years; it doesn't go back any further than that. If it says that he has never been a farmer, then he is called in. Since the 22d of November he is called in and you ask him if he has ever worked on a farm. If he says yes, well, he is a farmer.

Senator KILGORE. Let me interrupt at that point with a question. I have looked over some of the records that have come up. Let us suppose that you, as an individual, and any other employee of the Displaced Persons Commission, were compelled to certify that this man is eligible under the law, and sign your name to it; that he meets the requirements of being a farmer. What would happen?

Mr. CUTLER. Then I don't think you would have so many farmers here.

Senator KILGORE. In other words, the weakness there was the fact that nobody had to personally certify and stand responsible; is that right?

Mr. CUTLER. Yes, sir; correct.

Senator KILGORE. All right. Now go ahead. I want to just get that into the record.

The CHAIRMAN. From where do you get your information on that subject; from what source?

Mr. CUTLER. That he was a farmer, well, if it says on the IRO work-sheet that the man had been a farmer for any period at all, that was sufficient. But, as I say, if it said that he wasn't a farmer, then you called him in and you asked him whether he was a farmer, and if he said he had farmed, well, he had first priority.

Senator KILGORE. Let me go ahead further there with this: Suppose the law had said you or anybody in your capacity, when you called a man in, were compelled to certify this man as being a farmer; would you have operated the way you have been operating in the past?

Mr. CUTLER. No, sir.

Senator KILGORE. In other words, did not we have a rather weak law in there? That is the point I am getting at.

Mr. CUTLER. Yes, sir.

Senator KILGORE. That did not put the responsibility on the various officials that had to pass on it. That is the point I am getting at.

Mr. CUTLER. Yes, sir; and correctly. We were under such pressure to pass everybody and to make him a farmer and to pass him no matter whether he was. That was the whole situation.

Senator KILGORE. What I am getting at is whether it is a question of administrative or legal import that has caused the trouble. Actually, if the burden has been cast upon the administrative section by law so that each man was personally required to certify that, "I find this man is a farmer," you would have had a much stricter operation, would you not?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. What do you mean by your answer there when you said you were under such pressure to pass them? What did you mean by that?

Mr. CUTLER. I mean that everybody has been under pressure, as I have tried to show you, in every phase of the operation, to pass every case that is possible.

The CHAIRMAN. Where does the pressure come from?

Mr. CUTLER. The pressure come from—I don't know whether I told you already, but we once went up to Frankfurt, some of us, because we thought——

The CHAIRMAN. That does not answer my question. Where does that pressure come from?

Mr. CUTLER. At Butzbach it came from my immediate senior officer, who I thought was responsible. And then I went to Frankfurt and found that he was under pressure from Frankfurt, and they were under pressure.

The CHAIRMAN. From whom? From what?

Mr. CUTLER. Well, I don't really know. They were under pressure from either Washington or some agency, possibly.

Mr. ARENS. How much time does CIC have to investigate a case?

Mr. CUTLER. Well, if I could read you this also on this meeting—I read you the part that CIC had had their ears pinned back in Berlin, from making reports.

The CHAIRMAN. We did not hear anything about them having their ears pinned back.

Mr. CUTLER. That was the meeting on June 21. I don't know whether you were here, sir.

Senator KILGORE. Was that Frankfurt?

Mr. CUTLER. No, Butzbach. You see, I was transferred because I would not sign these cases of moral character when a man was a large-scale black marketeer. I read one case which was typical. I did not want to sign my name to the statement that he was of good moral character, because I didn't feel he was. And I read once before that if you cannot reconcile that with your conscience, quit the job, if you cannot sign these reports. At the same time it was said that the CIC man in Berlin, which was the man who wrote the two reports I have shown you, "has had his ears pinned back"—that can be quoted—for making reports, insinuations, casting doubts, and from now on he would not be allowed to use words as "allegedly," and so forth.

From then on CIC did not write the same reports in from Berlin. They wrote shorter and much more concise, like they did not write the case history, like I showed you many typical cases.

Mr. ARENS. Do you know of any other people like yourself who got in trouble with the DPC for protesting the procedure whereby they would be compelled to sign false statements on behalf of the DP's?

Mr. CUTLER. Yes; I know several.

Mr. ARENS. Tell us about that.

Mr. CUTLER. One is Mr. Glazek,[1] who, I believe, wrote a letter saying that he was tired of——

Senator KILGORE. Now, you did not have to sign these——

The CHAIRMAN. Let us get the answer first. Finish your answer so that we will get one thing at a time.

Mr. CUTLER. He wrote a letter saying that he was tired of sending displaced persons to the United States that were not displaced persons, in his opinion.

Senator KILGORE. May I interrupt and ask you: Actually, you did not sign anything with reference to individuals; did you? This thing

[1] For the testimony of Edward Glazek, see p. 485.

happened when somebody would write a letter, or would protest something, or something of that sort; is not that right?

Mr. CUTLER. No.

Senator KILGORE. Of course, from the files, I never saw anybody who ever certified that a man was so and so. Am I wrong in that? All you would have is a mimeographed signature at the bottom of the sheet.

Mr. CUTLER. We had an analyst report.

Senator KILGORE. But in the file that comes to the United States there is just a mimeographed signature on the sheet.

Mr. CUTLER. We had a file. It said the man's name, the family complement, and then you said, "This man is of good moral character," and so on.

Senator KILGORE. Then the interviewer signs his name?

Mr. CUTLER. It was never an interview because you never saw him. You just wrote up the form.

Senator KILGORE. But at the end of it did you sign your name?

Mr. CUTLER. Yes. As I said, I objected to signing my name.

Senator KILGORE. The point I am getting at is—maybe the chairman is more lenient on this—but the files I have seen never contain signatures, except some mimeographed signatures on forms. What I am getting at is: Do the officials over there ever have to certify to anything, or not?

The CHAIRMAN. He only saw copies.

Senator KILGORE. I am trying to get to the bottom of what is the cause of these copies.

The CHAIRMAN. There are original instruments, are there not?

Mr. CUTLER. Yes.

The CHAIRMAN. There are original instruments, signed by original signatures, are there not?

Mr. CUTLER. Yes.

Senator KILGORE. But they do not come forward with the file; is that right?

Mr. CUTLER. Yes.

Senator KILGORE. I am talking about the files forwarded to the United States.

Mr. CUTLER. I couldn't tell you that. That is out of our sight.

Senator KILGORE. The ones I saw had no signature.

Mr. CUTLER. They possibly withdraw that at Bremen. That I couldn't tell you.

Mr. ARENS. But do the case analysts or selectors have to set forth the facts as they present them to the higher echelon in the Displaced Persons Commission and sign their names to the facts?

Mr. CUTLER. Yes, sir.

Mr. ARENS. Do you know anybody else besides Glazek who was fired or got in trouble because he protested signing his name to alleged facts which were not facts?

Mr. CUTLER. The senior officer in Austria, Salzburg, in the beginning, was fired from his position for writing past, or not going through channels, not going through Mr. Squadrilli. I believe he wrote to Mr. Carusi complaining about the situation. I couldn't say if he was fired from the Commission, or not. I know he was fired from his position in Salzburg.

Mr. ARENS. Do you know anything about a situation in the area under the jurisdiction of Gertrude Ruskin [1] where employees had some difficulty along this line?

Mr. CUTLER. That is the Ludwigsburg area in which at the same time or shortly after the time that I went to Frankfurt to complain about the situation as I saw it with three other members of my team, seven members of her team out of a possible nine went to Frankfurt to complain about the situation, the Frankfurt headquarters. They were told—one of them is a very good friend of mine—that the situation they would look into and have an investigation and that everything would be all right. All seven were transferred.

Senator KILGORE. Whom did you go to see in Frankfurt?

Mr. CUTLER. We went to see Mr. Squadrilli and Mr. Kaplan.

Senator KILGORE. Mr. Squadrilli who was in charge?

Mr. CUTLER. He is coordinator.

Senator KILGORE. He is in charge of the whole picture?

Mr. CUTLER. Yes.

Senator KILGORE. In that theater?

Mr. CUTLER. Yes; and his executive assistant, Mr. Kaplan.

Mr. ARENS. Who is the real power in the DPC over there?

Mr. CUTLER. Mr. Squadrilli is the European coordinator, who is the European power. Mr. Kaplan——

Mr. ARENS. Who is he?

Mr. CUTLER. Executive assistant.

The CHAIRMAN. What were you told when you went to Frankfurt?

Mr. CUTLER. I was told I had my instructions, why could I not obey them?

Senator KEFAUVER. By whom were you told this?

Mr. CUTLER. By Mr. Squadrilli.

The CHAIRMAN. You were asked the question a minute ago by Mr. Arens as to who was the real power and you gave some other name than Mr. Squadrilli. Is it not a fact that Mr. Squadrilli is the head of the entire activity over there on the displaced persons? Is he not the coordinator in charge of that?

Mr. CUTLER. He is the highest position; yes, sir. My opinion is that he is not the complete authority on many situations and I think in one of those cases there was a letter there and I know of another case that we have, it is also a security case, Mr. Main's office, which was sent back to him again to pass, and CIC had said this man may be or may have been hostile to the United States. He was involved in a subversive group and there is a letter in the file which can easily be found.

The CHAIRMAN. Do you say that Squadrilli's office or the Frankfurt office sent that case back to Main's office telling him to pass this applicant?

Mr. CUTLER. Yes; to reconsider this rejection is the way they worded it. In this case the name is Majdanbun. As I say, Mr. Main has that case and he has been told to reconsider his rejection. What I am getting at is that there is a letter in that file which he showed me from somebody in the United States, saying that "In view of your refusal, rejection by the Displaced Persons Commission, I will offer you four

[1] For the testimony of Gertrude Ruskin, see p. 978.

different bits of advice, four things for you to do. First, get in touch with Ben Kaplan, of the United States Displaced Persons Commission," and then the other three. That file is in Munich today, to the best of my knowledge.

The CHAIRMAN. From whom is that letter?

Mr. CUTLER. I could not tell you. It is a letter in the file. I believe, in fact, I know, it is very similar to this other case which I showed you.

The CHAIRMAN. Was the case reversed?

Mr. CUTLER. Not to the best of my knowledge; no, sir.

The CHAIRMAN. It is still pending in Main's office?

Mr. CUTLER. It is still pending because Mr. Main has strongly held out against the constant pressure, just like many of us have had pressure in other ways. He has had pressure as a senior officer.

Mr. ARENS. What percent of the cases you have handled have you rejected?

Mr. CUTLER. In Butzbach I was not allowed to reject a case. Other areas are the same.

The CHAIRMAN. Why were you not allowed to reject a case?

Mr. CUTLER. Their rejection was in control of two or three people. It varied. If you wanted to reject a case, you would write a slip saying, "Rejected," and it would be passed to a certain individual who would either reject it or not. I never knew. I had no possible way of knowing. I was never informed and that was the end of the case, so far as I am concerned. In Munich I rejected from a period of July 1949 to January this year, 26 cases, a total of 26 cases.

The CHAIRMAN. How many of those have you been able to have stick?

Mr. CUTLER. Those were all, those were the ones that stuck.

The CHAIRMAN. Those rejection cases which you have been able to have stick?

Mr. CUTLER. Yes.

The CHAIRMAN. Would you give us the break-down of nationalities on those cases where you have rejected and have been able to have it stick?

Mr. CUTLER. I have to do them by religion, by the group that sponsored them. Nine were UARC—that is United Ukranian Relief Committee. Eight were Church World Service. Five were independent, a certain individual sponsored them. Four were Catholic. That is 26 rejections.

Mr. ARENS. Those were the only ones you were able to have stick?

Mr. CUTLER. Yes, sir; in that time.

Mr. ARENS. Will you give us the reasons for those rejections?

Mr. CUTLER. Of those 26, 18 were rejected because they had gone to another country on IRO to work there and if they were sick or had been returned or didn't like the work or came back for some reason or other. That is about 70 percent. Almost everybody fell in that category. Fifteen went to work in the Belgian coal mines.

The CHAIRMAN. Were the 26 the only cases you rejected?

Mr. CUTLER. I rejected two security cases. I did not count them in there.

Mr. ARENS. How many cases have you rejected which you have not been able to have stick?

Mr. CUTLER. I have no idea.

Mr. ARENS. What is your best estimate of the number of adverse cases which you as a selector have been able to have stick?

Mr. CUTLER. I could answer it if you put it, "How many cases do I think were ineligible."

Senator KILGORE. How many cases did you write a rejection on and on which you were overruled?

Mr. CUTLER. I believe only one at Munich. At Butzbach I couldn't reject anybody.

Senator KILGORE. At Munich, you rejected one. In other words, you rejected 27 at Munich, one of which was reversed?

Mr. CUTLER. Yes.

Senator KILGORE. And the others went through?

Mr. CUTLER. There were many at Munich though that we have held in suspense. We have had a thousand cases in suspense that we cannot reject, but we are not passing.

Senator KILGORE. Let me ask you a question along that line here. Your job over there is to determine the eligibility under the Displaced Persons Act?

Mr. CUTLER. Yes, sir.

Senator KILGORE. That was whether or not this man fell in the 30 percent farmer group, 40 percent other group, or within the IRO. Now it has been said that nobody ever saw an American citizen until he appeared before the consul. I think your testimony has clarified but I want to get it in the record. The real facts of the case are that the reason for that is that in the main under the administrative procedure then in existence and now in existence the IRO reports were taken and studied without the appearance, personal appearance, of the applicant. Is that not right?

Mr. CUTLER. Correct, sir.

Senator KILGORE. And then, the eligibility having been determined, those were certified to the Visa Section of the State Department for proper action and then, and then only, did an American interview them?

Mr. CUTLER. The consul, yes, sir; the first time.

Senator KILGORE. Suppose, on the other hand, at the outset each person so applying for eligibility had been required to come in and appear before on interviewer of the Displaced Persons Commission, and even though there might be an appeal from his decision, shall we say to a higher echelon, do you think it would have worked better?

Mr. CUTLER. Yes, sir.

Senator KILGORE. If so, you would have had a personal opportunity to interview the applicant and not just accept him upon a record made up by the International Refugee Organization?

Mr. CUTLER. Yes, sir. I might be able to illustrate that.

Senator KILGORE. I wish you would.

Mr. CUTLER. The Australian and Canadian immigration services have a system of personal interview of every applicant. He goes into a room. I have gone through the whole set-up. He goes into the room and he is seen by a security man. He is seen by a visa officer. He does it all together and each one sees him and each one puts him through an interrogation, finds out everything he can, and a friend of mine, a Norwegian, in IRO, told me, "I looked at the transports going

to Canada and Australia and then I looked at the transports going to the United States and I feel very sorry for your country."

Senator KILGORE. The point I am getting at is that the biggest weakness in this whole picture is the fact that these people were not called in for personal interviews by the Displaced Persons Commission representatives, interview or whatever you may call it, and also by the Visa Division and the Immigration Service, and the leaving out of that first echelon created a weakness. Is that right?

Mr. CUTLER. Yes, sir, absolutely.

Senator KILGORE. In other words, the acceptance of the IRO report was without question the biggest weakness?

Mr. CUTLER. Yes, sir; and on the IRO report, you must remember that the job of the International Refugee Organization is to get rid of the displaced persons, as many and as soon as possible, no matter how; that is their job. The people who do the actual work are all DP's, practically all. There is an IRO eligibility officer who will be Allied personnel, who is at the top, but he accepts the work done by the DP's and he signs his signature.

Mr. ARENS. When the American consul officer gets a file on a particular DP, does the American consul officer, in addition to making an ascertainment whether or not the DP is eligible under the immigration law, also make an ascertainment as to whether or not the applicant is an eligible DP?

Mr. CUTLER. No, sir.

The CHAIRMAN. By whom is that done?

Mr. CUTLER. By IRO entirely.

The CHAIRMAN. And IRO makes that determination through employees who are themselves DP's?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. In other words, under the operation of the present law the determination of who is an eligible DP to come to this country is in the first instance made by the International Refugee Organization and in the second instance the Displaced Persons Commission employees are bound by the determination which has in the first instance been made by IRO employees?

Mr. CUTLER. Yes, sir; completely, absolutely. The policy before was to send the cases back to IRO to reaffirm their eligibility.

The CHAIRMAN. What became of that policy?

Mr. CUTLER. I do not know what the policy is at the moment. It changes. It probably is entirely different now. I couldn't tell you.

Mr. ARENS. How much time does CIC have to investigate a case? We started to talk about that a little while ago and got off on another subject.

Mr. CUTLER. Approximately 10 days, roughly, but that includes our sending the case to them and then it is sent to CIC and there is probably delay where it is waiting. Then they send it back again. About 10 days from the time we send it to them and it is back. It varies in some cases.

Senator KILGORE. Their principal job is to investigate whether or not there are subversive interests in the person; they are not charged with the job of finding out whether or not there has been fraud there? Are they charged with that job, too?

Mr. CUTLER. Yes, sir; but as has been pointed out on these documents, it is very hard to prove.

Senator KILGORE. Are they actually charged by the Displaced Persons Commission?

Mr. CUTLER. No.

Mr. ARENS. If this fraud occurred prior to the time the man is certified by IRO, there is no agency that investigates to ascertain the fraud?

Mr. CUTLER. That is right; yes, sir.

Mr. ARENS. If the CIC comes up with the report to the effect that the man is reported to be a Communist or to be subversive, what must the CIC then do before the man will be rejected by the Displaced Persons Commission?

Mr. CUTLER. The situation I believe has improved somewhat, but at the time of those cases and others the CIC must in many cases be able to prove, or else this pressure is put on them to prove, that that man is a Communist or is a subversive of some sort or may be suspected of being hostile.

Mr. ARENS. How do you reconcile that with the provision in the law that the burden is on the applicant to establish his eligibility?

Mr. CUTLER. I don't.

Mr. ARENS. You feel that there is a violation of the law in that respect?

Mr. CUTLER. Yes, sir.

Senator KILGORE. One other question I would like to ask you is this: You have a great number of what you call decision personnel concerned with displaced persons?

Mr. CUTLER. Yes, sir.

Senator KILGORE. Do you have any in what might be called the interviewing group or the certifying group? Do we employ anybody in the certifying group over there?

Mr. CUTLER. We have German secretaries.

Senator KILGORE. You have secretaries but the man who makes a decision, if you make a decision, is always an American citizen?

Mr. CUTLER. Yes, sir; on the Displaced Persons Commission.

Senator KILGORE. Now about what percent would you say are indigenous persons?

Mr. CUTLER. Counting the secretaries?

Senator KILGORE. And everybody else, of the whole personnel.

Mr. CUTLER. I will give you an example in our whole office, 17 American personnel, and I believe 37 or 38 Germans.

Senator KILGORE. What would be their capacities?

Mr. CUTLER. They were in the file room, record room, in charge of the records.

Senator KILGORE. They do stenographic work?

Mr. CUTLER. They do— for instance, a large percent of the American staff does not speak German, and they are interpreters.

Senator KILGORE. Now, of the decision group, what percent are ex-UNRRA personnel?

Mr. CUTLER. That would be hard to say. I couldn't tell you that.

Senator KILGORE. I am just curious. That has been brought out.

Mr. CHTLER. Either in agencies or UNRRA of the whole personnel?

Senator KILGORE. I am talking about the whole operation of the

Displaced Persons Commission in Europe, the European group. What percent would say say are ex-UNRRA?

Mr. CUTLER. Possibly 15 percent or something like that. That is an estimate.

Senator KILGORE. Where does the 85 percent of the other American-citizen group come from?

Mr. CUTLER. It is possibly a little higher than 15 percent. Then there are agencies who are handling displaced persons, not UNRRA.

Senator KILGORE. Explain that for the record.

Mr. CUTLER. There is the American Joint Distribution Committee.

Senator KILGORE. How many of those people do you estimate?

Mr. CUTLER. Three of the senior officers and executive assistant are members of that organization.

Mr. ARENS. Three of the senior officers and the executive assistant to the Displaced Persons Commission in Europe were formerly one of the agencies processing displaced persons?

Mr. CUTLER. At least.

Senator KILGORE. Kaplan was what?

Mr. CUTLER. AJDC.

Senator KILGORE. Who were the others that you know?

The CHAIRMAN. Squadrilli, for instance.

Mr. CUTLER. I think he was UNRRA—IRO. He was IRO.

Senator KILGORE. He went from UNRRA to IRO?

Mr. CUTLER. Yes, sir. Now I remember he was a director in Heidelberg, I believe.

Mr. ARENS. Will you tell us about the internal dissension in the Commission itself on the selection of these senior officers?

Mr. CUTLER. After I talked to Senator McCarran on October 3, Mr. Carusi came to Germany and I requested that I be granted an interview with him; I would like to talk to him as he hadn't been there, I didn't have the opportunity before. He granted that request and we talked for an hour and a quarter about the situation. I told him that I had some of my senior officers that I found fault with, and I also told him I had talked with Senator McCarran. He told me that he had been against the hiring of several of these. He told me that he had himself from the beginning originally been against the hiring of my senior officers in Butzbach.

Mr. ARENS. Who told you that?

Mr. CUTLER. Mr. Carusi.

Mr. ARENS. Whom did he say he was against?

Mr. CUTLER. He didn't name any names. He said three of the group of senior officers.

The CHAIRMAN. Who was your senior officer in Butzbach?

Mr. CUTLER. Basheim.

Mr. ARENS. Who hired your senior officers that Mr. Carusi felt shouldn't be hired?

Mr. CUTLER. That is hard to say.

Mr. ARENS. I do not want speculation.

Mr. CUTLER. I could not prove it.

Mr. ARENS. Will you tell us about the black-market activities in the occupied areas insofar as they relate to the personnel of the Displaced Persons Commission?

Mr. CUTLER. A subject like that is very difficult because I don't have the proof. That is just something that is common knowledge. I would be putting myself in a rather difficult position if I came out with all the things I know.

Senator KILGORE. All you have to testify in general reputation?

Mr. CUTLER. Yes; and I don't want to put myself in that position.

The CHAIRMAN. You said you would be putting yourself in a difficult position if you came out with all you know. Did you mean that statement?

Mr. CUTLER. One hundred percent.

Senator MCCARRAN. In other words, you do not want to tell all you know?

Senator KILGORE. In other words, you know it yourself?

Mr. CUTLER. I know it but I cannot prove it. What I am telling you here, I have 90 percent right here and 10 percent is in documents in Germany or 10 percent can be corroborated by people I know and can believe in their truthfulness. I don't have the exact proof on a subject like that which I would rather not go into.

Mr. ARENS. On the basis of the knowledge you have, do you feel there is a direct tie-up between certain employees of the Displaced Persons Commission and the black-market activities in the DP camps?

Mr. CUTLER. I would say that that is a very good supposition; yes.

The CHAIRMAN. That is a supposition that you hear generally discussed?

Mr. CUTLER. Yes, Mr. Chairman.

Senator KILGORE. Let me ask a question at this point. For the benefit of the record, I wish you would describe the black-market activities in the DP camps because I think that is a matter of general interest to the American public and to the Members of the Senate. To what extent do black markets operate in and about the DPC camps?

Mr. CUTLER. Can I give you a few examples?

Senator KILGORE. Yes; that is what I want.

Mr. CUTLER. Here is a man—I will quote: "Case of Natan Abelman, 57907, USNA"—United Service for New Americans which is the same as AJDC. I have here "return to Baron." In other words, I have to explain that. I wanted to reject him but I was unable to do so. I gave it to another man.

Mr. ARENS. What do you mean?

Mr. CUTLER. In Butzbach I wasn't allowed to reject anybody.

Senator KILGORE. You returned him to somebody else because you did not have the authority to reject?

Mr. CUTLER. That is right.

Arrested by CIC 13 April for trafficking in coffee on large scale. Owner of warehouse, etc. Released on 10,000 reichsmarks bail. Awaiting trial. Arrested twice previously.

I have here, "Unable to reject." That is a very typical case.

Here is another one, Stefan Berger, No. 44907. I have here: "Unable to reject." I rejected him and then I was told that I couldn't reject him.

The CHAIRMAN. Why did you reject him?

Mr. CUTLER. On character. In January 1949, he was arrested for possessing $463 in military payment certificates. That is the Amer-

ican Allied scrip, American money, which nobody is supposed to have except American personnel.

Senator KILGORE. How had he acquired that?

Mr. CUTLER. Black market.

Senator KILGORE. In other words, Americans had paid him that in the black market?

Mr. CUTLER. I surmise.

Senator KILGORE. That is money paid to American personnel only and is not in general circulation within Germany?

Mr. CUTLER. That is right, sir. You use it at the PX, commissary, American officers' club, and enlisted men's club.

Senator KILGORE. It is forbidden for anyone other than authorized personnel to have that money?

Mr. CUTLER. Yes, sir. "May 1949, illegal import, and so forth." He was importing something from Switzerland. "Is at present out on bail. He paid bail of 15,000 deutschmarks."

Here is his brother. He was involved in the same thing. These are just legion.

The CHAIRMAN. What do you mean by "These are just legion?"

Mr. CUTLER. Those are typical cases.

Senator KILGORE. Both those cases were in the vicinity of the DP camps?

Mr. CUTLER. I believe they were living privately.

Senator KILGORE. In the vicinity?

Mr. CUTLER. Yes, sir; they lived in town outside the camp. You see, they made enough money in the black market here to buy a nice house.

Senator KILGORE. They were listed as DP's?

Mr. CUTLER. Yes.

The CHAIRMAN. You said they made enough money in the black market to buy a house?

Mr. CUTLER. To buy a nice apartment and some of them have bought several houses.

The CHAIRMAN. They made that money while in the DP camps?

Mr. CUTLER. On deals like that. It was like this. This is what happens in my opinion. These people get these parcels of food from agencies or from relatives in the States or from some other source, I don't know, and they get these and they sell these to the Germans. The Germans pay them in marks or in goods and then they trade the marks for military payment certificates and so on.

Mr. ARENS. Do you have any information respecting American Government relief supplies or CARE packages finding their way in the black market?

Mr. CUTLER. It is a matter of common knowledge.

Senator KILGORE. From your personal knowledge do you have any record of any employees in the Displaced Persons Commission being mixed up in the black-market activities?

Mr. CUTLER. I don't want to say anything I can't prove.

Senator KILGORE. In other words, you have heard rumors?

Mr. CUTLER. Yes.

Senator KILGORE. But you have no personal knowledge?

Mr. CUTLER. Exactly.

Senator KILGORE. May I go further? Were those people about whom you have heard rumors, shall we say, American citizens or were they indigenous personnel?

Mr. CUTLER. American citizens.

Senator KILGORE. May I ask you something else? Are there not the same kind of rumors about a whole lot of other types of personnel in Germany in other agencies?

Mr. CUTLER. Yes, sir.

Senator KILGORE. In other words, rumors are quite general as to black marketing by representatives of all sorts of agencies as ours abroad?

Mr. CUTLER. Yes.

Senator KILGORE. Is that not hurting our standing in Europe?

Mr. CUTLER. I can't tell you how much it has hurt our standing. It is unbelievable how much it has hurt our standing. I have seen it. I was in Germany in 1944 and 1945. I have seen it in 1946 and I have seen it now.

Senator KILGORE. But the reports that our own people, regardless of what agency they have been connected with, have been engaging in black marketing has definitely hurt the standing of the American Government in Europe?

Mr. CUTLER. Yes, sir; correct.

Senator KILGORE. And black marketing is one general occupation in Germany?

Mr. CUTLER. Yes.

The CHAIRMAN. Do you mean to tell me that the only ones who are in black marketing are American citizens over there?

Mr. CUTLER. No; that wasn't what you asked me.

Senator KILGORE. I asked if it were not quite general.

Mr. CUTLER. It is general among everybody.

The CHAIRMAN. Now, are those in the DP camps, those who are on the DP list, applicants for DP status, engaged in black marketing?

Mr. CUTLER. Yes, sir. I am just giving you these.

The CHAIRMAN. In other words, I do not want to throw all over on American citizens.

Senator KILGORE. Senator McCarran, I was just trying to show that black marketing in Germany was quite a general indoor sport, at least according to rumor, among all the people, the Germans and everybody else.

Mr. CUTLER. Yes.

Senator KILGORE. That is the common thought?

Mr. CUTLER. Yes. However, I would say that I agree with what Senator McCarran said, that we shouldn't think that the Americans—I would say that the greatest offenders are these people I am talking about right now.

The CHAIRMAN. I want to go into another matter you mentioned. You mentioned having followed through the Australian Commission's work. They are all Australian citizens, are they not, who are doing that work?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. They select their people?

Mr. CUTLER. Yes, sir; they select people for good citizenship, who they think will make good Australians.

The CHAIRMAN. They call their people selectees, do they not?

Mr. CUTLER. They don't have the same set-up at all. They have a visa officer who corresponds, one man. I have some figures, as a matter of fact.

The CHAIRMAN. What I mean is, from the time they first lay a hand on the party who wants to go to Australia until he gets on the boat, he is screened by Australian citizens?

Mr. CUTLER. Yes, sir. They don't take the word of the IRO to hire him to go to Australia.

Senator KILGORE. What you mean by that is that from the time they get the man's name until he is ready to go out, all reports are made by Australian citizens?

Mr. CUTLER. Yes.

Senator KILGORE. And they probably have indigenous persons to do that?

Mr. CUTLER. Their visa officer corresponds, one man, to the Displaced Persons Commission and the American consul and he is one man. I have sat through their interviews. I think that man was really very thoroughly screened when he went to Australia.

The CHAIRMAN. He was not taken on the IRO recommendation?

Mr. CUTLER. Not the slightest bit to do with IRO whatsoever. IRO got him to the camp. I will read a few more. Here is Simon Taube. I rejected this case. I don't know what happened to it. I tried to reject him on character.

Arrested by Military Corps. Court in May 1946. Sentenced to 6 months in prison. Repatriated to Poland.

He was let out of prison to go to Poland in 1946 where he tried to emigrate to Palestine with the Zionist organization, but they returned him to Germany in the same camp he left.

Mr. ARENS. To make the record clear, it has been your testimony, has it not, that the DPC superior officer directed that the man's black market activities, irrespective as to how serious they had been, had nothing to do with his character?

Mr. CUTLER. Here is Moniek Kacza, No. 52133:

Subject is large-scale black marketeer—diamonds, jewels, and foreign currency. Appears on a roster of undesirable Jewish DP's.

The CHAIRMAN. Where was he?

Mr. CUTLER. He was one of the cases that came through. That was Butzbach. The Munich situation is very, very different. There were some cases I would like to have rejected but they weren't terribly serious—sort of small scale.

Senator KILGORE. Your trouble at Munich was not commensurate with your trouble at Butzbach?

Mr. CUTLER. No; on these fraudulent documents we discovered—I know what the senior officer told me; I know he did that.

Senator KILGORE. You found a much better situation at Munich on forged documents than anywhere else?

Mr. CUTLER. I was just about to resign when I was sent to Munich. Here is this case, to show you how we have nothing at all to say about the assurance, the job he is going for, which is sort of comparatively

minor to everything else. Here is a case of a man who was going as a farm laborer. He had a certificate saying he couldn't work because he has heart trouble.

Mr. ARENS. Did he get through?

Mr. CUTLER. Yes. That has nothing to do with us at all. We are told it is none of our business, all that stuff. That is just one of many. We have sent old women, 70 years old. We are told that that assurance has nothing at all to do with the selection.

Mr. ARENS. On the basis of these views you have expressed here as an employee of the Displaced Persons Commission, and on the basis of your association with the other men in the same echelon, how would you express their attitude on the screening and on the processing?

Mr. CUTLER. I think that there are a great many men who feel the same as I do. I told Mr. Carusi about Butzbach. In fact, I can pick out of possibly—I forget whether there were seven or eight or nine people when I left who felt the same way as I did, but for one reason or another at the moment they were financially in trouble or their wife or baby was in the act of coming over. As a matter of fact, my case, for one reason or another they could not speak out or else they didn't want to speak out for very long. I feel the majority of the people in the low echelon feel the way I do. As I say, they won't say anything about it, a lot of them, but I believe they will feel more or less the same as I do. That is only supposition. I know a lot do because I have spoken to them.

Senator KILGORE. At the time you had one who was the coordinator?

Mr. CUTLER. Mr. Squadrilli.

Senator KILGORE. He has an assistant, Mr. Kaplan?

Mr. CUTLER. Yes.

Senator KILGORE. He had a staff around him; is that right?

Mr. CUTLER. Yes, sir.

Senator KILGORE. The next echelon was the man in charge in places like Munich and Butzbach and others?

Mr. CUTLER. Salzburg and Bremen.

Senator KILGORE. The next echelon had men in your position who interviewed people in those various areas?

Mr. CUTLER. Yes.

Senator KILGORE. That is what you might call the third echelon in command?

Mr. CUTLER. Yes.

Senator KILGORE. Now what came next below that? That was your clerical personnel; is that right?

Mr. CUTLER. Yes. After that came indigenous personnel.

Senator KILGORE. You had a coordinator of the staff?

Mr. CUTLER. Yes.

Senator KILGORE. Then you had a man in charge of each particular area?

Mr. CUTLER. Yes.

Senator KILGORE. Then under that man were American citizens?

Mr. CUTLER. Yes.

Senator KILGORE. They did the actual case survey work and made the necessary reports?

Mr. CUTLER. Yes.

Senator KILGORE. Were those reports under the signature of the man in charge of the area? The reason I am asking this is that I am puzzled. I have seen some files and what you have told me has disagreed with the files. What has happened to these papers about which you talk? We do not see them in the files of the United States. All I see in the files of the United States are mimeographed statements certifying the man is eligible with the mimeographed signature at the bottom, a CIC report, a set of fingerprints, the visa report, and the immigration report.

Mr. CUTLER. That is all in the files in this country.

Senator KILGORE. How much other stuff is there that is not in that file is what I am after.

Mr. CUTLER. I couldn't tell you that. I do know that at Ludwigsburg the only way those files are signed is with a rubber stamp with a senior officer's name.

Senator KILGORE. The signature on the ones I have seen has been mimeographed.

Mr. CUTLER. Yes; it is just a rubber stamp.

Senator KILGORE. There is a statement signed, for instance, by you.

Mr. CUTLER. There is in my area.

Senator KILGORE. What becomes of it?

Mr. CUTLER. I couldn't tell you.

Senator KILGORE. It is not included in the case file.

Mr. CUTLER. I couldn't tell you.

Senator KILGORE. The case files that I have seen do not include anything like that.

The CHAIRMAN. Did not the head of your Commission tell you to remove the rejections and are not the rejections over the signature of the party who makes the rejection?

Mr. CUTLER. Of course, if the head of Immigration said—many times the CIC reports are missing and everything.

The CHAIRMAN. If the rejection that was made of the application was removed from the files under the order of Mr. Squadrilli or whoever made the order at Frankfurt, then the original signature must of necessity have been removed from the files; is that correct?

Mr. CUTLER. Yes, sir.

Senator KILGORE. Then those must have been held in Germany or destroyed?

Mr. CUTLER. Yes, sir.

Senator KILGORE. I am talking about the files I have seen in which there are only about seven sheets of paper. I am trying to get at what other things have been done that are not included in the files in the United States.

Mr. CUTLER. There are many more papers.

Senator KILGORE. I concluded the seven are the IRO certification, the DPC statement, the CIC, and the fingerprint sheet together with the description and then what has happened in the visa situation. Do you know where the files containing the reports made by your echelon exist?

Mr. CUTLER. I couldn't tell you that. They must know that in Frankfurt and Bremen, the last port of call.

Senator KILGORE. That was the reason that I was insistent upon putting in the present bill the fact that a statement signed by the inter-

viewer for each interview must go forward and the necessary affidavit by the applicant because I felt that that would strengthen the law.

Mr. CUTLER. Yes; I think it should. I think it definitely should.

Mr. ARENS. With respect to the CIC investigations, did the CIC go out and make an independent neighborhood investigation of the applicant or rely exclusively on the then available records?

Mr. CUTLER. They do it this way: They check their records, they check the provost marshal division, the Berlin document center, the press and court record, the provost registry in Berlin, CID files, criminal investigation department. Then for the actual check, the neighborhood check, they go to the neighborhood, they take three people who know the applicant. For instance, on this man, one of these cases I gave you, they take three people and they know that he is in the same neighborhood and they ask him questions about the applicant.

Mr. ARENS. Is there any particular element or group among the displaced persons which has a greater percent, proportionately, of the fraud and false documents as compared to the other groups?

Mr. CUTLER. Yes. Those cases I gave you referred completely to all, I would say, over 95 percent to one group.

Mr. ARENS. What group is that?

Mr. CUTLER. That was the Jewish group.

The CHAIRMAN. Now I have a press statement entitled "McCarran's Charge on DP's Called False By Commission." You had testified before me in Germany, had you not?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. What was the date of that?

Mr. CUTLER. October 3, 1949.

The CHAIRMAN. Where?

Mr. CUTLER. At Munich.

The CHAIRMAN. Did you make any false statements before me at that time?

Mr. CUTLER. No, sir.

The CHAIRMAN. This statement comes from Mr. Carusi:

> Either Senator McCarran himself does not believe that the statements made by Mr. Cutler are worth anything or the Senator is guilty of a serious breach of public trust.

Mr. CUTLER. As I told you, I sent Mr. Carusi two cables asking for an investigation and a letter arrived just as I was leaving saying he did not think an investigation was necessary at the present time.

The CHAIRMAN. They did not attempt to inquire as to whether or not the statement you had made to me was true?

Mr. CUTLER. They inquired in that meeting in Frankfurt on December 4. We went over the cases.

The CHAIRMAN. Did you go over the cases you had gone over with me?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. And as you have gone over them partially today?

Mr. CUTLER. Yes, sir. Since then this is absolutely new—this fraudulent document—nothing ever happened until just lately on that and a lot of these other cases have been since then.

The CHAIRMAN. The statements you made before me in Germany were true?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. And the statements you are making today under oath are true?

Mr. CUTLER. Yes, sir.

Mr. ARENS. Have you seen Senator McCarran's little statement entitled "Displaced Persons—Facts vs. Fiction" in which he tells about the break-down of the administration of the law?

Mr. CUTLER. Yes, sir.

Mr. ARENS. Do you have any appraisal to make on that statement on the basis of your experience and knowledge and intimate acquaintanceships with the actual cases which are being processed?

Mr. CUTLER. I would say it is very conservative.

Mr. ARENS. What is?

Mr. CUTLER. I would say Senator McCarran's statements were not strong enough in my opinion. I never even got around to IRO, which is a very sizable part of the picture. As I say, if we don't have time, there is also an awful lot of information about that to show. I have gone to the camps. I have looked at the records on these cases just starting, as I said, in November, the end of last year, and the records that they based the documentation on that the man entered in 1945 and as a result of that we have all these CIC checks on false documents, fraudulent documents in almost every town they go in, and the ones who don't have documents, their statement is accepted verbatim. A man's statement that he came in 1945 is accepted by IRO.

In one camp I looked into 300 cases. Over 160 of the 300 cases, all those individuals had said they were living in the eastern zone of Germany. There was not an absolute scrap or shadow of proof, only the applicant's word for it: I could quote you cases in which the statements have been changed from the CM–1 form, which is the original IRO statement that was made before the DP Act passed; in many cases you see 1947 in which the man came in 1946 and later on the documentation you got it saying the man came in 1945.

Mr. ARENS. How general are those cases in which a man had his record changed, he in the first place having said he came in 1946 and in the IRO statement which was received subsequently it having appeared that he came in prior to the cut-off date?

Mr. CUTLER. I have reports; I have records that I have written myself.

Mr. ARENS. How general is that?

Mr. CUTLER. That is completely general. As I said, those 300 cases—this is in one camp, for example, and it was the same in the other two camps I visited—160 came from the east zone. There was not an absolute scrap of evidence that they had been in the east zone. They said they were in Breslau, Stettin. Those are all cities in eastern Germany.

The ones who did have documents we sent to CIC with this result. For instance, I looked at personally almost a thousand cases in IRO camps in November and December and the beginning of January 1949—that was my job. I was sent down there by Mr. Main to do this. It was unheard of in the DP Commission and nobody had ever done it before and it was against orders, I know that, because Mr. Main admitted he was taking it upon himself in view of many factors, and after I had looked at almost a thousand cases and found out the farce that the whole program is, on January 9 I was told by IRO

that I would no longer be allowed access to their files except in special cases, then only under the supervision of an IRO official. That is on January 9.

Mr. ARENS. You were going to the IRO files to check on fraudulent and false documents?

Mr. CUTLER. No, to check on their date line.

Mr. ARENS. Whether or not it was fraudulent?

Mr. CUTLER. Yes. In other words, we had received a great percentage of cases as of September and October 1949 and these people on the back of the CMD–IRO registration form, their first registration in IRO was in 1949. They had never been registered with UNRRA according to these records. So naturally it was rather suspicious. So then Mr. Main took it upon himself to initiate these steps. He agreed with Captain Rolak of CIC that they would go through with these documents. You know what they found. That is only the beginning. The next day CIC was also refused the right to inspect their records. The CIC man used to work in there, too.

Mr. ARENS. You mean the Counter Intelligence Corps of the United States Government was refused the right to inspect the records from which certification was made to the United States?

Mr. CUTLER. Yes. This was later rescinded as far as the CIC was concerned but not so far as the DP Commission was concerned.

The CHAIRMAN. You made the statement before me, taken from this clipping:

> Cutler, whose testimony was taken by McCarran in Munich, said, "One-third to a half of the DP applicants are admitted on the basis of fraudulent documents.

That was your testimony before me?

Mr. CUTLER. Yes, sir.

The CHAIRMAN. You still adhere to that?

Mr. CUTLER. Out of a certain group I would say way over 50 percent.

The CHAIRMAN. What group is this to which you have reference?

Mr. CUTLER. That is the Jewish group. I am very conservative.

The CHAIRMAN. By the expiration date of the present law, June 30 of this year, will all of the war DP's or substantially all of the eligible war DP's be taken care of?

Mr. CUTLER. By when?

The CHAIRMAN. By the expiration date of the present law.

Mr. CUTLER. Yes, everybody except a so-called hard core of people who are old, sick, or they have already gone to another country, like the rejects I gave you would try to go to other countries. They are called the hard core of people who I am afraid will have to remain there unless somebody takes them in as charity.

The CHAIRMAN. Into that comes the criminal, the diseased, and very aged and infirm, and so forth?

Mr. CUTLER. Yes.

The CHAIRMAN. That amounts to about how many?

Mr. CUTLER. I couldn't tell you the whole figure.

The CHAIRMAN. It has been variously stated, so I do not blame you for that, 135,000, and some say as high as 170,000.

Mr. CUTLER. I would say that is a pretty fair estimate.

The CHAIRMAN. I think that is all for today. The witness will remain under subpena. You will remain here in Washington for further interrogation by this committee.

Mr. CUTLER. How long will that be?

The CHAIRMAN. It will not be very long.

(Whereupon at 4:30 p. m. the committee recessed to the call of the Chair.)

DISPLACED PERSONS

TUESDAY, FEBRUARY 14, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10:30 a. m., pursuant to call, in room 424, Senate Office Building, Hon. Forrest C. Donnell presiding.

Present: Senators McCarran (chairman), Donnell, Kilgore, Graham, Withers, and Ferguson.

Also present: Richard Arens, staff director of the special subcommittee.

Senator DONNELL. The committee will come to order, please. Let the record show that the hearing now call to order relates to the administration of the existing displaced-persons law.

Our first witness this morning is Mr. Donald W. Main.

Mr. Main, will you come forward, please? Will you raise your right hand and be sworn?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MAIN. I do.

STATEMENT OF DONALD W. MAIN, SENIOR OFFICER, DISPLACED PERSONS COMMISSION, MUNICH, GERMANY

Senator DONNELL. Will you proceed, Mr. Arens?

Mr. ARENS. Will you kindly identify yourself by name, occupation, and a word of your background?

Mr. MAIN. I am Donald W. Main, now employed as the senior officer with the Displaced Persons Commission in Munich, Germany.

Mr. ARENS. How long have you been so employed?

Mr. MAIN. I have been employed since the 28th of September 1948. However, I have been in that capacity since the latter part of October 1948.

Mr. ARENS. Prior to your employment with the Displaced Persons Commission, where were you employed?

Mr. MAIN. For 8 years immediately prior, I was employed by the Immigration and Naturalization Service as a patrol inspector at El Paso, Tex., and at Grand Forks, N. Dak.

I was then employed as an immigrant inspector at Noyes, Minn., and at Kansas City, acting as investigator and hearing examiner. I was later employed as a district administrative services and personnel officer of the Kansas city district.

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Mr. ARENS. Are you on leave of absence from the Immigration and Naturalization Service?

Mr. MAIN. Yes, sir.

Mr. ARENS. May I invite your attention to the issue of false and fraudulent documents in the administration of the displaced-persons law and ask you, first of all, if you have information respecting the existence of the falsification of records by German officials?

Mr. MAIN. Yes.

Considerable evidence recently has been developed which indicates that displaced persons, by their own initiative and through that of others, have been registered by German police authorities so as to show residence prior to December 22, 1945. Upon the basis of these fraudulent records, registration certificates have been issued and presented to the Commission as evidence supporting their claim of entry into Germany, Austria, or Italy, within the dates required by the present Displaced Persons Act.

Mr. ARENS. May I invite your attention specifically to the situation which exists or has existed recently at the community or town called Schnaitsee?

Mr. MAIN. Early in September 1949, the Munich office became suspicious of a series of applications for eligibility under the Displaced Persons Act. As a result of our suspicions, we asked the Counter Intelligence Corps of the Army, in addition to their regular routine investigation, to check into the authenticity of certain documents which were presented to us to establish residence within the required period and also to check the records upon which the certificates were based to determine their authenticity.

Senator FERGUSON. May I inquire?

Senator DONNELL. Certainly.

Senator FERGUSON. How did these people enter the displaced persons' camps, get certificates, and so forth, to prove when they went in, where they were born, and the necessary data?

Mr. MAIN. With reference to their place of birth, if they are unable to get authentic copies of records, which is the case with many of them, affidavits of their own, which are in some cases supported by affidavits of others, are accepted as proof of birth.

Now, with reference to entry and residence in Germany prior to December 22, 1945, other than their own statement, they frequently present documents from German police officials, from IRO camp officials, and others, tending to establish their residence within the required period.

Senator FERGUSON. That is what you are talking about in your first reference to police officials?

Mr. MAIN. That is right, sir.

Senator FERGUSON. In other words, the police officials were giving these people a certificate indicating that they were in the zone before December 22, 1945?

Mr. MAIN. They were giving certificates to the individuals which testified to residence within that period in that particular town.

Senator FERGUSON. Is that prior to December 22, 1945?

Mr. MAIN. Yes.

Senator FERGUSON. And these were false certificates?

Mr. MAIN. The certificates were issued properly in some cases, but were issued upon the basis of fraudulent records that had been created.

Senator FERGUSON. Who created the records?

Mr. MAIN. The German officials who were the recorders of such records.

Senator FERGUSON. Have there been any prosecutions for the creation of those false records?

Mr. MAIN. Prosecutions are now in process.

Senator FERGUSON. Have there been any convictions?

Mr. MAIN. To my knowledge, there have been no convictions as yet.

Senator FERGUSON. How do you account for that? Is it because they have not had time?

Mr. MAIN. Yes; they have not had the time. When I left, there were several who were still in jail who are alleged to have created these false records. I have not followed that, Senator.

Senator FERGUSON. Were these people paid for making these false records?

Mr. MAIN. Some of them were paid. They were paid on some occasions. On other occasions, they were promised various things.

Senator FERGUSON. Who made the payments and who promised consideration?

Mr. MAIN. Generally, I think, it was the displaced person himself who made the promise and who made whatever token payment was made.

Senator FERGUSON. Do you know where they got the money? These people are all poor, are they not?

Mr. MAIN. I have no knowledge of that.

Senator FERGUSON. How much money would be promised in an average case?

Mr. MAIN. I do not recall any money. I know of one particular displaced person who promised an officer a suit of clothes. The officer who was promised the suit of clothes seemed to be quite irritated because he had not received it.

Senator FERGUSON. What has the Commission done to ferret out this fraud and corruption in relation to these German police officers?

Mr. MAIN. As I said in the first part of my statement, when we became suspicious of the group of cases that came through with these late registrations, containing documents tending to prove this residence—although in the cases of others residence was just claimed—we sent a letter to CIC with each individual case asking that they, in addition to their routine investigation, look into the matter of these documents and claims of residence which to us appeared suspicious.

Senator KILGORE. In other words, in addition to investigating the applicant, they would also investigate the supporting evidence to see if it might be fraudulent?

Mr. MAIN. That is right.

Senator FERGUSON. Are you satisfied that the CIC, a branch not including the displaced persons people, has made a thorough search of this fraud on the part both of the displaced persons and the German officials involved?

Mr. MAIN. I am satisfied that, in the cases they have handled, a thorough investigation has been made with reference to the particular point of residence. I do not believe that I am in a position to state

whether or not the matter of the prosecution of the German officials has been carried on as vigorously as possible.

Senator FERGUSON. Why do you hesitate on that?

Mr. MAIN. Because I do not have first-hand knowledge of that.

Senator GRAHAM. Do you have any knowledge to the contrary?

Mr. MAIN. I have no knowledge to the contrary. I know that several of them have been arrested, which indicates that prosecutions are under way.

Senator KILGORE. Who handles those prosecutions?

Mr. MAIN. The military government. The CIC does not handle them. The CIC does not have that authority.

Senator KILGORE. The CIC does not have that authority nor does the Displaced Persons Commission?

Mr. MAIN. That is right, sir.

Senator FERGUSON. Do you know of anything that the Displaced Persons Commission has done to aid this fraud or to consent to it?

Mr. MAIN. No, sir.

Senator FERGUSON. Do you think there is much of this fraud?

Mr. MAIN. I think it is quite extensive.

Senator KILGORE. Mr. Main, prior to December 22, 1945, was there in existence a record of registration of the displaced persons other than the records of the camps where they were taken in, housed, and fed? In other words, what records does the IRO or the Displaced Persons Commission have which they can rely upon and which are, shall we say, American-made and authentic records of residence?

Mr. MAIN. At the time of the liberation of the displaced-persons camps, records were made by the liberating forces, the United States Army.

Senator FERGUSON. That was in 1947?

Mr. MAIN. No; that was in 1945, at the time of the liberation of the camps.

Senator FERGUSON. Are not those records final?

Mr. MAIN. If those records are in existence and can be found and are found to be accurate, they certainly are accepted without question.

Senator FERGUSON. Why do you say "if they are in existence"? were they not kept?

Mr. MAIN. They apparently were not kept in all cases.

Senator FERGUSON. Why not?

Mr. MAIN. I do not know, sir. UNRRA, and later the IRO, were the custodians of those records.

Senator FERGUSON. Do you mean that the Army made these records and then turned them over and did not keep copies of them?

Mr. MAIN. Apparently that was what was done.

Senator KILGORE. To whom did they deliver such records as they made?

Mr. MAIN. Some of them appear in the IRO, in what they call the CM–1 file, the care and maintenance files, which form the basic documentation for IRO eligibility.

Senator KILGORE. But that is not a complete record of all the people who were released from the internment camps?

Mr. MAIN. That is right, sir.

Senator KILGORE. What you are referring to is the liberation of those in the internment camps at which time our Army opened up the

camps, so that those people could go home, could get out, and could get work and do other things outside the camp, if they wanted to, but were permitted to live in the camps if they wanted to?

Mr. MAIN. That is right. They were assisted with food, transportation, inoculations, or anything that the Army could do to relieve their situation.

Ordinarily an Army AEF card was prepared on them. I am not familiar with the distribution of those cards. There are indications that they were made up in at least duplicate form. One card was given to the individual and another card was filed with the camp. Some of those cards have found their way into the IRO documents and are there at the present time. We see them occasionally.

Senator FERGUSON. Can you tell us what happens to a person who has had his record changed? Let us take the example of the displaced person who had offered a suit of clothes to a policeman so as to have him forge a paper or something. Would that individual ever get into this country?

Mr. MAIN. Some of them have.

Senator FERGUSON. How?

Mr. MAIN. Before this was detected.

Senator FERGUSON. Do you know of any cases where, after the detection was made, individuals have been permitted to get visas and come into this country?

Mr. MAIN. No, sir.

Senator FERGUSON. Now, if you had the privilege of writing the law, what kind of a law would you write in this country which would stop what you are saying this morning is wrong?

I agree with you that it is wrong.

Mr. MAIN. I think nothing can be written into the law that will stop such attempts as fraud. You cannot stop the attempts.

Senator FERGUSON. What can be done by the Displaced Persons Commission, through its employees, to detect all of these cases of fraud and see that none of these people ever get into this country?

Mr. MAIN. I think that under the present law, if the fraud is detected and the misrepresentation has been made, their situation is adequately covered as the law bars from admission to the United States anyone who has misrepresented facts for the purpose of gaining admission.

Senator FERGUSON. Then you do not know of a case where the Displaced Persons Act is being violated by the Commission or anyone in connection with it and where these people have come in after they have ascertained that there has been misrepresentation?

Mr. MAIN. No, sir.

Senator GRAHAM. Is there anything that we can do from here on out to safeguard this country against people coming in through fraud?

Mr. MAIN. My personal opinion is that the law we have now cannot overcome these things. It is a matter of recognizing that these things exist, conducting thorough investigations, and doing all that possibly can be done to detect these attempts at fraud.

Proper action on the basis of those findings is being taken.

Senator GRAHAM. Is it your opinion that responsible people are now on the alert since it became known that frauds were being perpetrated?

Mr. MAIN. I am sure that they are on the alert now.

Senator FERGUSON. Can you give us an idea as to how many cases you think there have been at attempt at fraud? You said there were a considerable number and I am now asking you to try and give us the number.

Mr. MAIN. I would say that at least 500 in our particular area have been called to our attention by name.

Senator FERGUSON. Are those persons all being held up so that they will not get visas until there can be an absolutely complete investigation?

Mr. MAIN. Those that have not already departed are being held.

Senator FERGUSON. Then some of them have departed?

Mr. MAIN. Yes, sir.

Senator FERGUSON. What is being done about sending those individuals back as violators of the law? Is there any provision which provides for their deportation? Are any of them being held here at Ellis Island?

Mr. MAIN. I am not certain as to that. My responsibility in that particular matter and my knowledge have been limited to notifying authorities responsible of that fact.

Senator FERGUSON. Did you notify those authorities?

Mr. MAIN. Yes, sir.

Senator FERGUSON. What agencies are responsible for them?

Mr. MAIN. I think that primarily the Immigration and Naturalization Service has responsibility of stopping those to whom visas have already been issued. The Displaced Persons Commission and the consulate are responsible for those to whom visas have not been issued for the purpose of seeing to it that they are not eligible.

Upon receiving this information, it was furnished not only to our headquarters of the Commission in Frankfurt, but I assume to the headquarters in Washington, as well as to the consular officers handling the issuance of visas in our area. In addition, the names of those who had already been processed, were turned over to Mr. Tripp [1] of the Immigration Service at Bremen.

Mr. ARENS. What percentage of your rejections, as a senior officer, have been overturned and people brought into the country, notwithstanding the rejections that you have made as senior officer in your area since you have been with the Displaced Persons Commission?

Mr. MAIN. Is your question: After my rejection, what percentage of the people actually gained admission to the United States?

Mr. ARENS. What percentage of your rejections have been overturned or upset in the higher echelon in the Displaced Persons Commission?

Mr. MAIN. There must first be made a distinction between a rejection and a disqualification.

Senator FERGUSON. May I ask whether or not there is included in your question, Mr. Arens, these cases that we have been talking about?

Mr. ARENS. Yes, sir.

Mr. MAIN. There is a difference in administrative terminology between disqualification and rejection.

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[1] The testimony of Almanza Tripp appears on p. 647.

A disqualification means a determination of ineligibility under section 2 (b) of the act, which requires displaced persons' status under the IRO constitution, and section 2 (c) of the act which requires, generally, entrance into Germany, Austria, or Italy between the specified dates, or status as a persecutee. Those findings of ineligibility are termed disqualifications.

Rejections are cases of ineligibility under section 10 for character or under section 13 as security risks.

Mr. ARENS. Let us take them one by one.

What percentage of your rejections, with that explanation of what a rejection is, since you have been with the Displaced Persons Commission as a senior officer in charge of the Munich area, have been overturned?

Senator KILGORE. Do you mean by the Displaced Persons Commission?

Senator FERGUSON. Do you not mean someone higher than Mr. Main?

Mr. ARENS. Yes; that is right.

Mr. MAIN. I would say, as a very, very rough and probably inaccurate guess, that, of the total number of cases that have been rejected from the beginning of the program to the present date, not to exceed 10 percent have been reversed by higher headquarters.

I would further say that of those 10 percent that were reversed by higher headquarters, where favorable reports were made by the Commission, not less than 8 percent were rejected by the consulate, the consulate refusing to issue visas in those cases.

Senator GRAHAM. Let me get that straight. You say that you roughly estimate that 10 percent of your rejections have been reversed and that the consulate then upheld you, in effect, in 8 percent of the cases?

Mr. MAIN. In at least 8 percent of them, sir. I believe that perhaps it is even more than 8 percent and close to the 10 percent.

Senator FERGUSON. Then only about 2 percent of them got in?

Mr. MAIN. That would be less than 2 percent. May I explain this further, please?

Senator GRAHAM. Yes.

Mr. MAIN. Most of these cases that were rejected and overruled were overruled on the basis of a different interpretation of the responsibility of the Commission in carrying out its function.

It has been my interpretation that the Commission should reject a case of a displaced person who was inadmissible under the immigration laws of the United States as well as ineligible under the Displaced Persons Act.

Many of these cases that were rejected and which were reversed were cases in which the individual had been convicted of a crime involving moral turpitude, which was of such minor character that the headquarters in Frankfurt thought that it did not make the person one of bad moral character.

Senator FERGUSON. Who determines whether the crime is one of moral turpitude? Does that depend on the section of the law that the individual violated?

Mr. MAIN. It is a matter of interpretation that has been handed down by the courts.

Senator FERGUSON. Do you mean the courts in Germany?

Mr. MAIN. No, sir; I refer to the decisions in the courts in the enforcement of the immigration laws of the United States.

Senator KILGORE. Would it be correct to say that the cause of reversal in 10 percent of the cases was based upon the fact that higher authority in the consulate interpreted the law to read that it was up to the Immigration Service to take care of situations of that kind and that the authority of the Commission only went to the eligibility of the individuals as displaced persons?

Mr. MAIN. That is right, sir.

Senator KILGORE. Further, the visa section of the Immigration Service goes into the matter of the qualifications for actual immigration.

Mr. MAIN. That is right.

Senator FERGUSON. Do I understand that the Displaced Persons Commission never screened displaced persons for criminal record?

Mr. MAIN. That is not right; no, sir.

Senator FERGUSON. Then how did you answer Senator Kilgore's question as you did?

Senator DONNELL. Just a moment, gentlemen. I do not believe we will progress very well if the witness does not get a chance to answer these questions.

Senator KILGORE. I wanted to get straightened out on the meaning of the word "screening."

Senator DONNELL. Let the witness answer the question. After all, we want the witness to answer the questions as we progress, and then if anybody wants to ask him further questions, that will be all right.

If Senator Ferguson will restate his question, and then Mr. Main will complete his answer.

Senator FERGUSON. You have given to Senator Kilgore an answer indicating that it was up to the immigration authorities to determine finally whether or not a person should come into this country if he had been convicted of a crime of moral turpitude. Now I ask you whether or not the Commission took upon itself the right to screen these individuals as far as criminal records or frauds such as we have been talking about, are concerned.

Mr. MAIN. Yes, sir. The Commission does screen and does reject those cases in which it is determined that the person is not a person of good moral character.

Senator FERGUSON. That would include fraud, of course?

Mr. MAIN. In some of these cases that were rejected and were reversed by higher headquarters, the only derogatory information that was reported was, for instance, of the theft of six shoestrings, which I think was one of the cases, which conviction made the person inadmissible into the United States.

Another case involved the theft of one can of Treet from a Government warehouse.

Senator DONNELL. What is Treet?

Mr. MAIN. It is a canned meat.

Where convictions of minor thefts were the only derogatory information reported, it was felt at our office that the person, because

of that conviction, was inadmissible under the immigration laws and, therefore, was not an eligible person within the meaning of section 2 (c) of the Displaced Persons Act.

Mr. ARENS. How about the other rejections aside from the rejections under section 10? What percentage of your other rejections, say, for eligibility under the law, as was overturned in the higher echelon?

Mr. MAIN. I recall none that were overturned unless additional evidence was presented through an appeal, which evidence was considered to be satisfactory evidence by the headquarters to establish eligibility?

Senator DONNELL. Mr. Main, may I ask you this question, please? These rejections that you speak of resulting from conviction for the theft of objects such as shoestrings, Treet, and so forth, were made in your office, were they not?

Mr. MAIN. The rejections were made in our office, sir.

Senator DONNELL. Now, were those rejections overturned by the higher officials in the Displaced Persons Commission?

Mr. MAIN. They were overturned by our headquarters in Frankfurt and the cases were returned to us directing that a favorable report be made and submitted to the consulate for consideration for issuance of a visa.

Senator DONNELL. That action was taken by the higher officials of the Displaced Persons Commission based on the theory that the offenses, even though they were improper, were of minor nature and, therefore, should not disqualify the person from admission?

Mr. MAIN. That was the theory, sir.

Senator DONNELL. Now, gentlemen, purely in the interest of order, I suggest that we do not all ask questions at once of Mr. Main. Certainly every opportunity is intended to be offered every Senator.

Senator Ferguson, do you have any other questions at this time?

Senator FERGUSON. I have another question, Mr. Chairman.

Senator DONNELL. Will you proceed, Senator?

Senator FERGUSON. Were you reversed in any case where you had turned a person down because you were alerted to the fact that that person was trying to get a forged record, or an illegal record?

Mr. MAIN. No.

Senator FERGUSON. You have never been reversed on that kind of a case?

Mr. MAIN. I do not recall that I ever have been. I feel quite certain that I have not.

Senator KILGORE. May I ask you this question: Were these reversals made so that the cases might be decided by the Immigration Service, which would determine whether or not the crime was a crime of moral turpitude within the meaning of American statutes, and was not that the decision the province of Immigration Service and not that of the Commission?

Mr. MAIN. The normal immigration laws are not within the jurisdiction of the Commission. The authority of the Commission is limited to a determination of eligibility under the Displaced Persons Act. The reversals were for the purpose of permitting the Immigration Service to determine whether the person was admissible under the immigration laws.

Senator KILGORE. I have one other question. You were the chief officer at Munich. How many such officers were there in Austria, Germany, and Italy similar to your office?

Mr. MAIN. There are six areas within the United States zone of Germany, one in the British zone of Germany, one in the French zone of Germany, one in Austria, and one in Italy.

Senator KILGORE. That is a total of 10 offices. Over how many of those offices were men from the Immigration Service, who were on leave and, shall we say, loaned to the Displaced Persons Commission, in charge? How many of those officers were in charge of that type of man?

Mr. MAIN. I am the only one.

Senator KILGORE. Does not the Immigration Service give a sort of training course to permit its people to become familiar with all of the rules and regulations before a man becomes an inspector?

Mr. MAIN. Yes, sir.

Senator KILGORE. How long would it take a man to qualify for the position of inspector of the Immigration Service so that he would be fairly competent to handle all the questions?

Mr. MAIN. That is a difficult question to answer. I have at no time stopped learning my work in the Immigration Service.

Senator KILGORE. Then it does take same time to get so familiar with the laws and regulations that you automatically are alerted to everything that might affect an immigrant's eligibility; is that not right?

Mr. MAIN. That is true, sir.

Senator KILGORE. Therefore, with only 1 of the 10 offices under a trained Immigration Service man, the other 9 offices would work under somewhat of a handicap if they had to interpret the immigration laws; is that right?

Mr. MAIN. Yes, sir.

Senator KILGORE. Unless they had similar training. It probably might have been better if we could have borrowed 10 immigration inspectors and put them in charge of each office.

Senator WITHERS. How extensive an investigation do you make to ascertain whether or not there have been any higher crimes committed than those you have mentioned?

Mr. MAIN. The investigation is made by the Counter Intelligence Corps of the Army after a preliminary determination of eligibility has been made by the Commission.

That preliminary eligibility determination is based upon an individual being a displaced person in accordance with the IRO Constitution, as required by section 2 (b) of the act; that he entered into Germany, Austria, or Italy, on or after September 1, 1939, or on or after the December 22, 1945, or was a persecutee as described in section 2 (c); or is an eligible displaced person or is a Czech refugee.

When the preliminary decision is made as to eligibility, the case is then forwarded to the Counter Intelligence Corps of the Army and they conduct the investigation that is required by law. In that investigation, they interview the applicant and members of his family. They also interview at least three witnesses presented by the applicant. They make agency checks, that is, they check with the provost marshal's office of the Army, the Berlin document center, the German

police, the military government cards, and other agencies that have records of criminal activities, affiliations with organizations or movements which may be hostile to the United States, and affiliations with the Nazi Party, the Communist Party, and others.

Senator WITHERS. How do you feel about the result of these investigations? Do you think they have been thorough enough?

Mr. MAIN. In my opinion, they have not.

Senator WITHERS. Do you not think that it is remarkable that you have not run into cases of more aggravated offenses than those you have mentioned and observed?

Mr. MAIN. I think that if a more thorough investigation were made, without doubt more derogatory information would be developed.

Senator WITHERS. I think, at least, it would be disclosed that greater crimes had been committed than those that have been reported.

Mr. MAIN. I think that is true.

Senator GRAHAM. With regard to that last question, what is your opinion about investigations regarding more serious crimes from now on or at the present time?

Mr. MAIN. Are you asking me for my opinion, Senator, as to what should be done or what will be done?

Senator GRAHAM. What is being done now with regard to finding out about the more serious crimes?

Mr. MAIN. I have been asked by the Displaced Persons Commission to submit to them my opinion as to the adequacy of the investigation and my recommendations as to what procedure should be followed. That report, I understand, either has been or will be submitted to the Army Intelligence Corps so that they may study it and reply to it.

Senator GRAHAM. And make more thorough investigations?

Mr. MAIN. They will consider that; yes.

Senator GRAHAM. There is one point I would like to get clear and I think perhaps the record is confused on it. When I asked you the question as to what percentage of the 10 percent of the cases were rejected by the consulate service and the Immigration Service, I believe you said 8 percent or more than 8 percent.

Now, that means 80 percent of the 10 percent, does it not?

Mr. MAIN. Yes, sir; 80 percent of the 10 percent.

Senator GRAHAM. Then it does not mean 8 percent of the 10 percent?

Mr. MAIN. That is right, sir. I would say it would be closer to 90 percent or more. I think 80 percent would be an underestimate.

Senator GRAHAM. Then 90 percent of the 10 percent were rejected by the consular service?

Mr. MAIN. That is right, sir.

Senator GRAHAM. Now, were these rejections made arbitrarily or were they made on the basis of an appeal with due procedure for evidence and so forth?

Mr. MAIN. Do you mean the reversal of our decisions?

Senator GRAHAM. Yes.

Mr. MAIN. They were made upon the basis of the record itself. To illustrate, referring to the case of the theft of the six shoestrings, I personally did not think that that theft or conviction for that theft branded the man as being a person of essentially bad moral character.

Senator GRAHAM. How old was he?

Mr. MAIN. I think he was under 21 years of age at the time of the theft. I do not recall that exactly. That is my impression. However, in my interpretation of the responsibility of the Commission, it was my understanding that we were to pass upon inadmissibility under the immigration laws. In doing so, we found the man to be ineligible. That decision was reversed by the headquarters.

Senator GRAHAM. On the basis of the record?

Mr. MAIN. Yes, sir; that is right. That particular offense did not prove that he was not a man of good moral character.

Senator GRAHAM. When you were overruled in such a case, were your findings included in the record that went to the Consular and Immigration Service?

Mr. MAIN. Do you mean our report of the investigation of the case?

Senator GRAHAM. Yes.

Mr. MAIN. In most cases, they were not.

Mr. ARENS. Were you specifically ordered to remove your report of rejections from the files?

Mr. MAIN. Yes.

Senator GRAHAM. May I continue?

Senator DONNELL. Yes.

Senator GRAHAM. Then how would the consular service or the Immigration Service have a basis for sustaining your original rejection if they did not have your statement as part of the record that went to them?

Mr. MAIN. In the report that we submitted to the consular service, we referred to our previous rejection of the case, siting the reasons for that rejection, pointing out that we had been directed by higher headquarters to prepare a favorable report. That was a signal to them. Also, the letter which ordered us to remove from the file our previous report of rejection was a part of the file that was forwarded to the consular service.

Senator GRAHAM. Then the consular service was alerted, so to speak, to the fact that you had rejected this particular person?

Mr. MAIN. Yes. We also sent these particular types of cases to the consulate on a separate transmittal list for the attention of the senior vice consul.

Senator GRAHAM. Could the consular service then ask for the complete record or ask for the findings on the basis of which you made your rejection?

Your record made note of the fact that a man had been rejected. I know that if I were on the consular service, I would immediately want to know why he had been rejected and I would want to have the facts on that man. Could they ask for them?

Mr. MAIN. They could. They have not in any case, though, because our favorable report which was sent to them contained a statement quoting our previous rejection, so that they would be informed from that.

Senator GRAHAM. Did your statement of the previous rejection contain any statements as to why you had rejected the man?

Mr. MAIN. Yes, sir.

Senator GRAHAM. I have two more questions, I believe.

Suppose that you were alerted to the fact that a Fascist or a Communist were up for consideration and you had rejected that man

on that ground. Were you ever overruled in such a case? If you found that a man was a member of the Fascist Party or of the Communist Party and you took account of that fact, were you ever overruled in such a case?

Mr. MAIN. We were never directed to approve any case in which it was definitely established or strongly hinted that a man was a member of such a movement. There were some cases in which it was our opinion that membership in certain organizations created enough suspicion to warrant rejection. That was particularly true of the VVN, which is an organization originally established for those who have been persecuted by the Nazi Government.

The Counter Intelligence Corps of the Army stated that even though the organization itself was infiltrated at the present time, past membership or even present membership in that organization did not essentially mean that the person was a Communist or a sympathizer of the Communist Party and that the facts as developed by the CIC would have to be considered in that determination.

Some of those cases were sent back to us, I believe, with instructions that mere membership in that organization should not be considered as membership or participation in a movement hostile to the United States.

Senator GRAHAM. Did you record, as it went forward to the consular service and the Immigration Service, take note of that membership?

Mr. MAIN. Yes, sir. Not only our report, but also each report that goes forward to the consular service contains the original CIC report of investigation. That also follows the case clear through past the Immigration Service.

Senator DONNELL. Mr. Main, I wanted to have you clear up one thing that that developed in my mind as a doubt in view of the answers which you made to Senator Ferguson, on the one hand, and the answers which you made to Senator Kilgore, on the other hand.

I am not quite clear whether I understood what you meant to convey. Referring to these cases of the theft of Treet and of shoestrings, as I understand it, your office held that those acts indicated or established moral turpitude and, therefore, that the applicants who had committed those offenses were not admissible to this country; is that correct?

Mr. MAIN. Yes, sir.

Senator DONNELL. And you were overruled in that decision by the higher officials in the Displaced Persons Commission; is that right?

Mr. MAIN. That is right, sir.

Senator DONNELL. Now, a question was asked by myself, I believe, instead of Senator Ferguson, as to whether the action of the Displaced Persons Commission's higher officials in so overruling you was based on the theory that those particular offenses were of minor nature, and I thought you answered that that was the theory on which the Displaced Persons Commission's upper officials acted.

But when Senator Kilgore asked you a question, I understood you to indicate in your answer that the action taken by the upper officials was on the theory that the determination as to whether offenses of that kind would disqualify a man were not determinations of the types that the Displaced Persons Commission should make at all, but were determinations that the Immigration Service should make.

Have I made clear the difficulty that I have in understanding what you mean? Do you mean that the upper officials in the Displaced Persons Commission reversed your holdings in these cases, because those offenses were, in their opinion, minor offenses, or did the upper officials reverse your ruling on the theory that matters of this type are not matters for the Displaced Persons Commission or its officials or subordinate officials to pass on, but are rather matters for the Immigration Service to pass on?

Mr. MAIN. I might say, Senator, both. Let me explain. As senior officer in Munich, it was my interpretation that under section 2 (c) of the act, the Commission must also decide whether the individual is admissible under the normal immigration laws before we can determine whether he is an eligible displaced person as defined by that very provision. We were making rejections on the basis that a man was inadmissible under the proper immigration laws.

Senator DONNELL. If you found that he was inadmissible under the immigration laws, then it was not necessary to make inquiry as to whether or not he was a person of good moral character?

Mr. MAIN. That is right, sir.

Senator DONNELL. Am I correct in understanding that if you determine that a man was not admissible because of some action that he had performed which disqualified him under the general immigration laws, in effect, it became unnecessary or immaterial to determine whether he possessed such qualifications as having gotten into the country before December 22, 1945?

Mr. MAIN. No, sir; those questions were always part of the determination.

Senator DONNELL. I want to be perfectly clear on this before proceeding with other questions.

By the way, was the man who was convicted of the theft of six shoestrings ultimately allowed to get to the United States, or not?

Mr. MAIN. No, sir; he was rejected by the consular service as being inadmissible under section 3 of the Immigration Act of 1917.

Senator DONNELL. Was it because of that particular theft that he was so rejected?

Mr. MAIN. That is right, sir.

Senator DONNELL. Going back to that particular individual or the man who stole the Treet, either one, you held that each of those men were inadmissible because of moral turpitude having been established by those facts; is that right?

Mr. MAIN. The basis was that they had been convicted of a crime involving moral turpitude.

Senator DONNELL. They had been convicted of the theft of either shoestrings or Treet, and those were acts of moral turpitude and, therefore, they were inadmissible. Was that your determination?

Mr. MAIN. That is right.

Senator DONNELL. Now, when the upper officials of the Displaced Persons Commission reversed your holding in those cases, did they do so on the ground that even though those men had been convicted, the crimes were of minor type and the Displaced Persons Commission had the right to measure offenses and determine whether or not an offense was of a grave nature or of a lesser nature?

Mr. MAIN. They reversed us first by saying that it was not within our jurisdiction to determine or rule upon admissibility under the Immigration Act. In other words, they said that if we rejected persons merely upon the basis of inadmissibility under the Immigration Act of 1917, we were acting beyond our authority. Then the only determination for us to make was whether or not this conviction branded this man as a person not of good moral character and whether or not we would reject him under section 10 of the Displaced Persons Act. It was held by them that this particular breach of moral conduct was not sufficient to brand a person as ineligible under section 10 of the act.

Senator DONNELL. There do you mean the Displaced Persons Act?

Mr. MAIN. That is right, sir.

Senator DONNELL. Now, let me ask you this question: Suppose a man had appeared at your office who was established to be a murderer and that he had been convicted of a murder under extremely revolting circumstances, to just take an extreme case. Did the Displaced Persons Commission upper officials hold that that was a matter beyond its consideration?

Mr. MAIN. No, sir.

Senator DONNELL. They did not hold any such thing as that?

Mr. MAIN. No, sir.

Senator DONNELL. Then they would take that into consideration in determining whether or not under section 10 the man was eligible?

Mr. MAIN. Yes, sir.

Senator DONNELL. But the Displaced Persons Commission did take the view that it had no authority to pass upon the admissibility of individuals based upon the section of the Immigration Act that you have mentioned?

Mr. MAIN. That is right. The theory was that that was for determination by the consular service and by the Immigration Service and not by the Displaced Persons Commission.

Senator DONNELL. You said that in September of 1949 the Munich office became suspicious of what was going on at this town of Schnaitsee. Is that right?

Mr. MAIN. At that town in particular. We became suspicious of many cases that we were getting. The appearance of the cases themselves aroused our suspicions.

Senator DONNELL. When did that town of Schnaitsee come into the picture?

Mr. MAIN. It came into the picture when an effort was made by the CIC to verify the man's residence on the basis of the certificate which they received.

Senator DONNELL. Is that the place where he claimed he had lived?

Mr. MAIN. He claimed he lived there some time prior to December 22, 1945.

Senator DONNELL. You referred there to a man in the singular. How many instances did you become acquainted with of alleged frauds perpetrated in or about the town of Schnaitsee?

Mr. MAIN. I think we have received a list of three hundred-odd persons who had established records there and had resided there during the periods indicated by the official records.

Senator DONNELL. We want to get this record so it is perfectly clear to the reader as well as to us. Do you mean that in excess of 300 persons or do you mean approximately 300?

Mr. MAIN. Approximately 300.

Senator DONNELL. Approximately 300 persons, you were told, produced evidence showing that they had lived at this town of Schnaitsee before December 22, 1945, but had not lived there; is that right?

Mr. MAIN. Not quite, Senator.

Senator DONNELL. Will you just give me the facts so I have them perfectly clear?

Mr. MAIN. Records for 300 persons had been established at Schnaitsee, claiming residence prior to December 22, 1945, for individuals who had not lived there during the period alleged. I do not know whether or not all of those have been used by the individuals to attempt illegal immigration to the United States. Some of them have.

Senator DONNELL. Am I correct in this: You did find, however, that there had been 300 instances in which persons claiming to have lived at Schnaitsee prior to December 22, 1945, had not lived there prior to that date?

Mr. MAIN. That is right, sir.

Senator DONNEL. Of that approximate number of 300, how many applied for admission to this country as displaced persons?

Mr. MAIN. I cannot tell you that, because I am familiar only with the Munich office. Now, others perhaps have used those records to establish eligibility through other areas not under my jurisdiction.

There were some 76 cases in which the CIC had completed their investigation. Of those 76 cases, as I recall it, I think in the case of four of them we had become suspicious before the CIC's report. We sent them to the CIC for investigation. In one case which we had in the office, a visa had already been issued, in which case we withdrew our report and had the visa canceled.

Another case was in the hands of the consulate and they were notified and did not issue a visa but returned the case to us. Another case had been transferred to the Butzbach office of the Commission and, from my understanding, it had been rejected there.

Senator DONNELL. Referring to the 300 cases in which you had learned that persons who had established some type of record that they had lived at Schnaitsee before December 22, 1945, but had not lived there in fact before that date, how many of those did you process in Munich and reject?

Mr. MAIN. I cannot give you an accurate statement or any kind of statement on that, Senator, because the cases are still in process. We had many of them suspended. We suspended action on them until we made further inquiries into those cases.

Senator DONNELL. Do you know of any reason why anybody would have tried to establish residence in that place prior to December 22, 1945, except to qualify under the displaced persons law of the United States so as to get him into this country?

Mr. MAIN. No, except that under the Truman directive, the same requirement of residence was required, and this action, in my opinion, established residence for either one or the other.

Senator DONNELL. Residence was established for either compliance with the directive of President Truman or for compliance with the

provisions of the displaced persons law. It must have been done, so far as you know, for one of those purposes in order to have served any useful purpose to the person in whose behalf the fraud was committed; is that correct?

Mr. MAIN. Yes; in my opinion.

Senator DONNELL. Now, those 300 individuals established their fraudulent record at the town of Schnaitsee; is that right?

Mr. MAIN. That is right, sir.

Senator DONNELL. Can you tell us of other towns in addition to Schnaitsee in which similar fraudulent activities occurred and the volume of those activities?

Mr. MAIN. I will have to look through my records to get that information.

Senator DONNELL. If I may interrupt your search, may I ask you just one more question, Mr. Main? The action of keeping the man convicted of the theft of shoestrings was taken ultimately under the immigration law and not under the displaced-persons law; is that right?

Mr. MAIN. That is right.

Senator DONNELL. The immigration authorities took the view, I assume, that it was not for them to decide how many dollars worth of material the theft of which made a man guilty of moral turpitude, but rather they took the view, did they not, that conviction of the crime of theft, no matter how small the article that had been stolen, established moral turpitude under the Immigration Act?

Mr. MAIN. That is right. It was the consular officers that made the decision; it did not get to the immigration officers.

Senator DONNELL. In other words, they could not say that because a man had stolen $1 worth of merchandise, that he was guiltless of moral turpitude, whereas if a man had stolen $14 worth of merchandise he was guilty of moral turpitude; they did not undertake to go into that. They take the conviction as in itself establishing moral turpitude; is that right?

Mr. MAIN. That is right.

Senator DONNELL. Very well. Will you continue your investigation of your documents to answer my question about the other places in which similar frauds occurred.

Mr. MAIN. Fraudulent documents and fraudulent records have also been issued in Munich and Kaufbeuren.

Senator DONNELL. How many were there in Munich that you found out were fraudulent?

Mr. MAIN. I do not know of any number, Senator, but we have obtained information through the Counter Intelligence Corps.

Senator DONNELL. You do not know the number, though?

Mr. MAIN. I do not know the number nor do I know the police precincts. We have just been alerted to the fact that some fraudulent documents have been issued, supposedly, in Munich.

Senator DONNELL. You got that information from the CIC?

Mr. MAIN. That is right.

Senator DONNELL. What did you say the next town was?

Mr. MAIN. That is Kaufbeuren.

Senator DONNELL. I assume you do not know the number there, either?

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Mr. MAIN. No, sir.

Senator DONNELL. What is the next town? May I first ask whether you got the information about Kaufbeuren from the CIC?

Mr. MAIN. I got it from the CIC and related it to our headquarters in Frankfurt.

Senator DONNELL. What is the next town?

Mr. MAIN. May I say that Frankfurt, since that time, has notified all areas of the existence of these centers for fraudulent documents are alleged to be issued and fraudulent records established.

The next town is Fürstenfeldbruck.

Senator DONNELL. I assume you got that information from the CIC also?

Mr. MAIN. Yes, sir.

Senator DONNELL. You likewise do not know the number there?

Mr. MAIN. No, sir.

Senator DONNELL. What is the next town?

Mr. MAIN. Traunstein.

Senator DONNELL. Very well. Likewise, I assume, you obtained the information with regard to Traunstein from the CIC?

Mr. MAIN. Yes, sir.

Senator DONNELL. But you do not know the number there?

Mr. MAIN. That is right, sir.

Senator DONNELL. What is the next town?

Mr. MAIN. The next town is Schwandorf.

Senator DONNELL. I assume the same answers would apply to Schwandorf, namely, that you got the information from the CIC and do not know the number?

Mr. MAIN. That is right.

Senator DONNELL. What is the next town?

Mr. MAIN. The next town is Weilheim.

Senator DONNELL. I assume the same answers would apply to Weilheim, that is, that you got the information from the CIC and do not know the number; is that correct?

Mr. MAIN. Yes, sir.

Senator DONNELL. What is the next town?

Mr. MAIN. The next town is Ulm.

Senator DONNELL. I assume the same answers would apply to Ulm, namely, that you got the information from the CIC and do not know the number; is that correct?

Mr. MAIN. Yes, sir.

Senator DONNELL. What is the next town?

Mr. MAIN. The next town is Roding. We have a list of 100 records of residence claimed in Roding that are alleged to be fraudulent.

Senator DONNELL. How large a place is Roding?

Mr. MAIN. I have been told that it is approximately 5,000 people.

Senator DONNELL. Do you have any other towns listed?

Mr. MAIN. Yes, Garmisch.

Senator DONNELL. Is not Garmisch quite a railroad point?

Mr. MAIN. It is a winter sport center.

Senator DONNELL. What was the number from Garmisch, if you know?

Mr. MAIN. I do not know, sir.

Senator DONNELL. That information came from the CIC also, did it not?

Mr. MAIN. Yes, sir.

Senator DONNELL. Did the information concerning the 100 cases at Roding also come from the CIC?

Mr. MAIN. Yes.

Senator DONNELL. Have you looked into the matter of the 100 cases at Roding to determine whether the allegations of fraud are in fact correct?

Mr. MAIN. I am convinced, from the evidence we were furnished by the CIC, that they are correct. We have a report from them containing the confession of the officer who established these records fraudulently. There are two of them, I should say, this individual and his assistant. The latest information I received from the CIC was that they were in jail in Roding pending the completion of the CIC's investigation and are awaiting prosecution by the military government.

Senator DONNELL. Now, these nine towns or cities, Munich, down to Garmisch, both inclusive, are all in the Munich area; that is right, is it not?

Mr. MAIN. Yes, sir.

Senator DONNELL. Do you have any information about frauds in areas other than Munich?

Mr. MAIN. May I say that there is one exception, Senator, there. Ulm is not in the Munich area.

Senator DONNELL. What area is that in?

Mr. MAIN. I believe that is in what we call the Ludwigsburg area.

Senator DONNELL. How did you get that information?

Mr. MAIN. That came through the Commission's headquarters to us by confidential memorandum.

Senator DONNELL. Now, do you have any information as to frauds outside of the Munich area?

Mr. MAIN. No.

Senator DONNELL. I take it that your duties were confined to the Munich area?

Mr. MAIN. That is right.

Senator DONNELL. Now, Mr. Main, I appreciate that this is not a statistical question that I am going to ask you, but what is your opinion as to whether or not fraud has been prevalent in numerous localities in the Munich area in the matter of the securing of documents establishing residence in the area prior to December 22, 1945? Do you think it has been prevalent or do you not think it has been prevalent? Will you also tell us what you mean by prevalent.

Mr. MAIN. I think that the attempt at fraud has been prevalent; yes, sir. That seems to be illustrated by the fact that the CIC has reported fraud from these particular places.

Senator DONNELL. What do you mean by prevalent?

Mr. MAIN. I have been told by the CIC that, in their opinion, if they had the time and the authority to check the police registrations in every locality within their jurisdiction, which covers, I think, about half of Bavaria, they feel that about 80 percent of the localities will reveal fraudulent attempts to establish residence.

Senator DONNELL. Now, are you able to give us any information as to the proportion of those fraudulent attempts that have been successful in ultimately getting people into this country?

Mr. MAIN. It has been very, very small, in my opinion.

Senator GRAHAM. How many? Excuse me, Senator.

Senator DONNELL. Yes; how many?

Mr. MAIN. I am unable to answer that, sir. I do not know in how many cases the fraud has been successful. There is no way of telling.

Senator GRAHAM. May I amplify your question, Mr. Chairman?

Senator DONNELL. Certainly.

Senator GRAHAM. How many of the 300 got into the United States?

Mr. MAIN. Do you mean the 300 from Schnaitsee?

Senator GRAHAM. Yes.

Mr. MAIN. I would estimate that of those that were processed in our area about 100 have already come to the United States. I think Mr. Tripp, who, as I understand it, has been called before this committee, will be more able to answer that question than I am.

Senator DONNELL. As I understood it, there were 300 fraudulent cases developed at Schnaitsee—approximately that number?

Mr. MAIN. Three hundred fraudulent registrations were detected. Now, whether or not they were used for the purpose of gaining admission to the United States is unknown. We do know that some of them have.

Senator DONNELL. Do you know how many of that number of 300 got into the United States?

Mr. MAIN. On that my estimate is approximately 100.

Senator DONNELL. Approximately 100 of those 300 frauds were ultimately successful in enabling the persons to get into the United States?

Mr. MAIN. That is right. That is my estimate. I have no way of knowing.

Senator DONNELL. Now, Senator Ferguson asked you a question earlier this morning along this line: You had been talking about a man who was expecting to get a suit of clothes for helping out in some fraud and he was very much disappointed that he did not get the suit of clothes. Senator Ferguson then asked you whether all of these displaced persons are not poor. What is your observation as to whether or not all of these displaced persons in the displaced persons' camps are poor?

Mr. MAIN. I think that by far the very, very large majority of these people in the displaced persons' camps are poor.

Senator DONNELL. Are there any of them that are not?

Mr. MAIN. I think that those who are not are not in the camps. They are free living.

Senator FERGUSON. But they may get these certificates, that is, these false certificates? Pardon me, Mr. Chairman.

Mr. MAIN. Yes, sir.

Senator FERGUSON. When did you find out about these frauds involving the 300 cases?

Mr. MAIN. It was some time in January that we received the complete report from the CIC with reference to the Schnaitsee documents.

Senator DONNELL. That is January of what year?

Mr. MAIN. 1950. However, we had been alerted to that fact some time before that time, exactly when I do not recall.

Senator KILGORE. May I elaborate on that for a moment. What put you on the alert at Schnaitsee?

Mr. MAIN. The finger was pointed at Schnaitsee by the CIC to us verbally, by conversation with the officer in charge of the screening process.

Senator DONNELL. Was that report made after Senator McCarran had been over in Europe?

Mr. MAIN. Yes; it was.

Senator FERGUSON. Do you know whether or not any of these people are Communists or come within section 13 of the act? I refer to these people who are obtaining these false certificates.

Mr. MAIN. I have no way of knowing, Senator. I assume that that has not been detected by the CIC or they would have reported that fact to us.

Senator FERGUSON. Are you satisfied that investigation can reveal and really determine whether or not a person should come within the meaning of section 13 of the act; that is, as engaged in communistic activities, et cetera?

Mr. MAIN. I am not satisfied that they can conclusively make that determination.

Senator FERGUSON. When you say that the CIC does not have authority to catch the fraud of false registration, which would appear to be a very simple matter compared with determining whether or not a man is a Communist or belonged to an organization against the United States, you raise an important issue. Now let me put it this way: It is a rather simple matter to determine whether these certificates establishing residence before December 22 of 1945 are fraudulent. That is a simple matter compared to determining whether or not a person has been engaged in Communist activities; is it not?

Mr. MAIN. Yes, sir.

Senator FERGUSON. Are you satisfied that our investigations can really weed out the Communists and those who are not admissible under section 13 of the act?

Mr. MAIN. No; I am not.

Senator FERGUSON. You are not satisfied that they can?

Mr. MAIN. No, sir.

Senator FERGUSON. That is not because of the wording of the law; is it? It is just impossible?

Mr. MAIN. That is right, sir.

Senator FERGUSON. That is, it seems to be impossible to ascertain whether or not a person is a Communist; is that true?

Mr. MAIN. That is true.

Senator FERGUSON. Then you would leave some doubt here in our minds that Communists are being admitted under the Displaced Persons Act?

Mr. MAIN. I think that is true. I think there is doubt.

Senator FERGUSON. There is doubt in your mind?

Mr. MAIN. Yes, sir.

Senator FERGUSON. And you have had experience in immigration matters for how long?

Mr. MAIN. Since July 1940.

Senator DONNELL. Pardon me, Senator Ferguson, but do you mean by asking him whether there is doubt in his mind whether he doubts that Communists are getting in or whether he thinks they are presently getting in?

Mr. MAIN. What I mean is that I doubt whether or not in every case the investigation that is conducted would detect a Communist.

Senator DONNELL. But you are not undertaking to say whether or not they are coming in?

Mr. MAIN. No, sir.

Senator FERGUSON. What is your opinion on that; that is, whether they are coming in or are not coming in?

Mr. MAIN. I have no opinion on that, sir.

Senator FERGUSON. Have you an opinion as to whether or not any subversive elements are coming in as displaced persons?

Mr. MAIN. I think they possibly could be, but I have no information which indicates to me that they are.

Senator FERGUSON. Do you think that under any law you can screen these people so as to actually keep out the espionage agents and/or the Communists?

Mr. MAIN. No, sir.

Senator FERGUSON. Do you think that is an impossibility?

Mr. MAIN. Yes; I think it is an impossibility.

Senator FERGUSON. Do you think that would be true under any immigration law and would also apply under a quota system?

Mr. MAIN. Yes, sir.

Senator FERGUSON. What do you think is the answer? What can we do to tighten the system so that we can be reasonably assured that we are not getting subversive agents and are not getting Communists or those who are barred under section 13?

Mr. MAIN. I do not think, Senator, that there is anything that can be done to absolutely guarantee that. I think it is an impossibility.

Senator DONNELL. For example, have members of the VVN been admitted?

Mr. MAIN. Some of them have been, sir.

Senator DONNELL. What percentage of the VVN membership is Communists?

Mr. MAIN. The CIC reports that, to the best of their information, 40 percent are.

Senator DONNELL. Forty percent of the entire membership of the VVN are Communists; is that right?

Mr. MAIN. May I check that, sir. I believe that is right.

Senator DONNELL. I thought it was a considerably higher figure, but I may be in error on that.

Mr. MAIN. As a conservative estimate, approximately 40 percent of the entire membership of the VVN is made up of members of the Communist Party.

Senator DONNELL. That is a conservative estimate.

Mr. MAIN. I am quoting a report of the CIC.

Senator DONNELL. Did you at any time indicate to anybody that as many as 80 percent of the members of the VVN are Communists?

Mr. MAIN. I think the figure of 86 percent was reported to us at one time as indicating the percentage of the leaders of the VVN who, at that particular time, were Communists.

Senator DONNELL. Have any of the leaders of the VVN been allowed to come into the United States as displaced persons?

Mr. MAIN. Not to my knowledge.

Senator DONNELL. But there have been members of the VVN that have come into this country?

Mr. MAIN. There have been members of the VVN that have been found eligible by the Commission. I have not followed through on the cases.

Senator DONNELL. The report that you read from a moment ago indicated that it is conservatively estimated that 40 percent of the members of the VVN is made up of members of the Communist Party; is that right?

Mr. MAIN. Yes, sir.

Senator FERGUSON. Does the record show what the VVN is?

Senator DONNELL. Will you tell us what the VVN is, if it is not already in the record?

Mr. MAIN. I do not know exactly, but it is an organization composed of those who were persecuted by the Nazi Government. I think the organization was set up originally to get reparations from the German Government.

Senator DONNELL. What do the letters VVN stand for?

Mr. MAIN. That is the Vereinigte Verfolgte des Nazismus.

Perhaps I can clarify this matter by reading from a report that we received from our headquarters in Frankfort which discusses the VVN problem.

Senator DONNELL. Will you be kind enough to do that?

Mr. MAIN. This is a memorandum addressed to all senior officers by Mr. Squadrilli.[1] The subject of the memorandum is Membership in the VVN. May I digress a moment to say that the translation of the name "Vereinigte Verfolgte des Nazismus" is "Association of Persons Persecuted by Naziism."

To continue, paragraph 1 of the memorandum states:

> As a result of numerous requests from the field for information on this subject, the following statement has been obtained from Counter Intelligence Corps:
> "Membership in the VVN is not of itself conclusive proof that a person is a member of the Communist Party, or is a Communist sympathizer. While at a conservative estimate approximately 40 percent of the entire membership of the VVN is made up of members of the Communist Party, the Communist Party members or sympathizers have succeeded in almost all cases in wresting control from the other factions within the organization to further the ends of the Communist Party. The remaining 60 percent of the members is composed of persecutees who belong to other political parties, religious societies, and independent organizations."

Senator FERGUSON. What is the date of that report?

Mr. MAIN. July 25, 1949.

Senator GRAHAM. Who made that report?

Mr. MAIN. Mr. Squadrilli. The quotation was from the Counter Intelligence Corps.

Senator DONNELL. What is Mr. Squadrilli's official connection with the Displaced Persons Commission?

Mr. MAIN. He is the coordinator for Europe.

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[1] For the testimony of Alexander Squadrilli, see p. 828.

Senator DONNELL. Is he not in charge of Europe for the Displaced Persons Commission?

Mr. MAIN. His title is "Coordinator."

Senator DONNELL. Very well, but he is right at the top. He is either the one person or is one of two persons who is at the top for the Displaced Persons Commission in Europe; is he not?

Mr. MAIN. That is right.

Shall I complete the reading of this memorandum?

Senator DONNELL. Yes; please do.

Mr. MAIN. Paragraph 2 is as follows:

> The Commission will continue to accept as conclusive the statement of the CIC as to whether the person appears or does not appear to have been a member of or participated in a movement which is hostile, etc. However, for purposes of information to the vice consuls and immigration inspectors, CIC has been requested to indicate in their reports (1) date of membership, (2) reason for membership (3) activity within the VVN, and (4) position within the VVN; that is, whether he has held an office.

Senator DONNELL. Senator Ferguson, do you desire to ask any further questions at this time?

Senator FERGUSON. The VVN is an organization composed of, as it is conservatively estimated, 40 percent Communists, and the control of the organization is in the hands of Communists. Now, is it possible to screen people out of that organization and determine that we are not bringing Communists into this country?

Mr. MAIN. As I stated before, I think it is impossible to screen and definitely determine in each case whether or not a person is a Communist.

Senator FERGUSON. I would like to read section 13 of the Displaced Persons Act into the record at this point. That section is as follows:

> No visas shall be issued under the provisions of this Act to any person who is or has been a member of or participated in any movement which is or has been hostile to the United States or the form of government of the United States.

The VVN is in the control of Communists and the organization is being operated for their purposes now. How can we write a law that will keep those people out? When we find an organization that is dominated by the 40 percent of its members who are members of the Communist Party and of which 86 percent of its officers are Communists, how can we keep them out of this country by law?

Mr. MAIN. Perhaps by providing that any organization, although not itself hostile to the United States, which is controlled by those who are or by those who are members of such a movement, shall have its members barred from entry into the United States.

Senator FERGUSON. Do you not think that with the Communist element in that organization there is a violation of section 13 of the act in that they are hostile to the United States?

Mr. MAIN. I think that is subject to question all right. I would not say definitely that it is. I have not studied the constitution of that organization, the activities of that organization or the purposes of that organization, and I would not be able to state.

Senator FERGUSON. Then how can you screen a person who is a member of that organization?

Mr. MAIN. The investigation is conducted by the Counter Intelligence Corps as far as section 13 of the act is concerned and as far as those activities are concerned.

Senator FERGUSON. Then I understand that you do not do anything in relation to that?

Mr. MAIN. Our instructions, as I read from the second paragraph of the memorandum prepared by Mr. Squadrilli, tell us to accept as conclusive the findings of the Counter Intelligence Corps as to whether or not the individual described was a member of such a movement.

Senator FERGUSON. We have been told that 40 percent of the members of the VVN are members of the Communist Party, that 86 percent of its officers are Communists, and that it is dominated by and run as a Communist organization. In spite of that have they cleared people from that organization?

Mr. MAIN. Yes; they have.

Senator FERGUSON. Have any members of that organization ever been turned down?

Mr. MAIN. Yes; they have.

Senator FERGUSON. How many?

Mr. MAIN. I cannot tell you, sir. I have seen conclusions by the CIC both ways. With regard to VVN members, in some cases, the reports have stated that it appears and in other cases that it does not appear that individuals were members of or participated in such a movement. But they did not point, I do not believe, to the VVN as the movement of the organization. They pointed to the fact that individuals were Communists as well as members of the VVN.

Senator KILGORE. Mr. Main, as a matter of fact, prior to Hitler's obtaining complete control in Germany through the Nazi Party, there were a great number of German Communists, were there not?

Mr. MAIN. That is my understanding; yes.

Senator KILGORE. When Hitler got into full operation, he threw those people as well as other hostile elements into the concentration camps.

Mr. MAIN. Yes, sir.

Senator KILGORE. As I found in 1945, that group included a lot of Catholics who were hostile to him, that is, Catholic priests, and it included anybody who would not conform to the Nazi beliefs or who was hostile to the Nazi control in Germany.

Mr. MAIN. That is right.

Senator KILGORE. You said something earlier in your testimony which I think is a little illuminating on this point. Did you say that it was your information that VVN at the outset was formed of persecutees?

Mr. MAIN. Yes, sir.

Senator KILGORE. That would be people who had been persecuted and put in concentration camps?

Mr. MAIN. Yes, sir.

Senator KILGORE. That organization was formed, you thought, for the purpose of securing reparations from the German Government for the abuses they received. At the outset, then, it was an organization for that purpose and was similar to an organization we have in the United States among the veterans from the Philippines and Japan who seek reparations from Japan. But since that time the Communists have apparently gotten control of the organization. So there are some people in that organization who apparently are Communists and who also are persecutees unquestionably. Is not that right?

Mr. MAIN. I think that is true.

Senator KILGORE. But I believe you would have to have a mind reader to determine which was which. It would be almost impossible to determine, unless you could prove Communist affiliation from the old Communist records which probably have been destroyed. Such records might disclose whether these people were Communists and have been put into the camps because of the fact that they were Communists.

Mr. MAIN. I might point out that we have had cases in which people who were members of the VVN, according to the CIC reports, had attended but one meeting, when the VVN was originally organized, and no more. That was the only meeting they had ever attended, yet they are still carried as having been members of that organization. At that particular time there was no suspicion as to any membership or Communist activity within that organization. I doubt whether or not a thorough study of the organization itself would indicate or bring to light any purpose of the organization which was hostile to the United States or to its form of government.

Senator FERGUSON. You mean when the organization was formed.

Mr. MAIN. Yes; when it was formed or visibly even now. But the fact that it is dominated by Communists probably is slanting its activities.

Senator KILGORE. I wonder if Mr. Niemöller was a member of that organization. He was one of the persecutees.

Mr. MAIN. I do not know, sir.

Senator KILGORE. I know that I found one whole building full of Catholic priests. I found another building full of nonconforming teachers of various Protestant sects.

I would like now to go on to something else which was brought up. You mentioned the order that you have to remove from your file, when a case is returned to you from the higher headquarters of the Displaced Persons Commission, your rejection when the case is then forwarded to the consular service. You went into great detail on that procedure. Now, that order emanated from the office of Mr. Squadrilli, did it not?

Mr. MAIN. Yes, sir.

Senator KILGORE. That was not an order from the Washington headquarters?

Mr. MAIN. That was a Frankfurt directive.

Senator KILGORE. Has that order been changed?

Mr. MAIN. You refer, I take it, to the procedure of returning cases?

Senator KILGORE. I am talking about the procedure of removing the original rejection report from the file. Has that procedure been changed?

Mr. MAIN. That has been changed; yes, sir.

Senator KILGORE. When was that change made?

Senator DONNELL. Pardon me, gentlemen. I know we want to go into this matter very fully. This is a very proper and highly important inquiry. We are at this moment confronted with the fact that the Senate is in session and we have no right to proceed. If it is agreeable with you gentlemen, we will recess until 1:30 this afternoon. In the meantime, I will ask permission of the Senate to pro-

ceed this afternoon. I think perhaps, Senator Kilgore, if it is agreeable with you, we might proceed then rather than take a hasty answer here which might not give Mr. Main the right to continue fully or ourselves the right to interrogate him. Is that agreeable with you?

Senator KILGORE. I cannot be here at 1:30; I cannot be here until 2:30.

Senator DONNELL. We will be in session then. Mr. Main may still be on the stand. Mr. Arens has still some questions to ask him. In fact, we Senators have not permitted Mr. Arens to ask him many questions this morning. Consequently, I think he will be here and at any rate Mr. Main can stay, I believe, this afternoon, so that if Senator Kilgore does not arrive until 2:30 he will have an opportunity to question him further.

Gentlemen, the subcommittee will recess until 1:30 this afternoon and will reconvene in the same place.

(Thereupon, at 12 m., a recess was taken until 1:30 p. m.)

AFTERNOON SESSION

The hearing reconvened at 1:30 p. m., upon the expiration of the recess.

Senator DONNELL. The committee will be in order.

Mr. Main, will you resume the stand, please?

Mr. Arens, will you now proceed with your questioning? It seems that the Senators sort of stepped in as interference this morning.

Mr. ARENS. I am always glad to defer to the Senators, Senator Donnell.

Mr. Main, this morning in your testimony you stated that 10 percent of your rejections as the senior officer in charge of the Munich area were overturned. May I now invite your attention to this question: What percentage of your rejections, as the senior officer in the Munich area, were overturned in the higher echelon of the Displaced Persons Commission until September 1949?

Mr. MAIN. Until September of 1949, upon the arrival at our headquarters of Commissioner Carusi and Mr. Bornstein,[1] who took over the review panel and the legal section of the Commission in Frankfurt, it is my estimate that the section 10 rejections that were reversed amounted to about 50 percent of the cases.

That is merely the section 10 or character and immigration rejections. Of the total number of rejections, including section 13 rejections and section 10 rejections, as distinguished between the disqualifications under section 2 (b) and 2 (c) of the act, I think that perhaps the percentage would run approximately 25 to 35 percent.

Of the total rejections, probably 50 percent of the rejections that were made under section 10 were because of our finding of other than good moral character and inadmissibility under the immigration laws.

Mr. ARENS. Then after September of 1949, how did the percentage of overturns of your rejections as senior officer run?

Mr. MAIN. After the early part of September, there have been no reversals of the decision by headquarters.

Senator DONNELL. Mr. Arens, if I might interrupt just a moment, I am not clear as to this 25 percent, from Mr. Main's testimony. He

[1] Hyram Bornstein.

mentioned as between section 10 and section 13, and section 2 (b) and 2 (c).

Do you mean, Mr. Main, that the 25 percent rejections were rejections for all these grounds, both 2 (b) and 2 (c), and section 10 and section 13, or just what do you mean?

Mr. MAIN. For the purpose of administration, they have distinguished between section 2 findings of ineligibility and have called them disqualifications.

Senator DONNELL. What percentage of the rejections you made or your office made on the ground of noncompliance with 2 (b) and 2 (c) were reversed by officials higher up in the Displaced Persons Commission?

Mr. MAIN. I do not recall that any were upon the basis of the record as we considered it. In some of those cases appeals had been made, additional evidence had been submitted, and upon reconsideration, our office reversed our original finding.

Senator DONNELL. Then, so far as your rejections are concerned, based on section 2 (b) and 2 (c), either your original rejections, or as ultimately changed by the finding of additional facts, you do not recall that any of those rejections under either 2 (b) or 2 (c) were reversed by officials higher up in the Displaced Persons Commission prior to September 1949; is that right?

Mr. MAIN. That is right.

Senator DONNELL. How about your rejections under section 10 and section 13 of the Displaced Persons Act? What percentage of your rejections under sections 10 and 13 of the Displaced Persons Act were reversed and set aside by the upper officials of the Displaced Persons Commission?

Mr. MAIN. I would say that of section 10 rejections alone, not considering the others, approximately 50 percent were reversed by higher headquarters.

Senator DONNELL. How about your rejections under section 13?

Mr. MAIN. Under section 13, I know of none.

Senator DONNELL. Am I correct, then, in understanding that 50 percent, approximately, of the rejections which you made on the ground that the applicant failed to live up to the requirements of section 10 of the Displaced Persons Act were reversed by the upper officials in the Displaced Persons Commission?

Mr. MAIN. Yes, sir.

Senator DONNELL. And that none of your rejections under section 13 of the Displaced Persons Act was reversed by the upper officials in the Displaced Persons Commission?

Mr. MAIN. That is right; upon the record as it existed when the decision was made.

Senator FERGUSON. Could I inquire there? Do you ever have a reversal where you permit the person to go as a displaced person and have approved him? Do they ever reverse that at the higher level and say no?

Mr. MAIN. Not in the Commission; no, sir.

Senator DONNELL. Referring to this 50 percent which you gave in response to my question, that applied to rejections under section 10 made by your office before September of 1949; is that correct?

Mr. MAIN. Yes, sir.

Mr. ARENS. Mr. Main, have you had occasion to have cases presented for processing which were previously rejected in prior operation of the program? May I invite your attention specifically to some 1,700 new cases which have recently been presented to you?

Senator DONNELL. What is the particular question with regard to that, Mr. Arens?

Mr. ARENS. Mr. Main, have you had occasion in the recent past to have represented to you or to your office cases which had previously been rejected for processing, rejected by the Displaced Persons Commission or by the agencies over there?

Mr. MAIN. I do not quite understand. We have had appeals submitted to us with reference to cases previously rejected. There have been several, probably less than five cases, that have been redocumented by IRO and submitted to us that we have previously rejected, and had been submitted under a new assurance.

Mr. ARENS. Have you had cases in the volume of approximately 1,700 which have been submitted to you in the course of the recent past, which had been turned down previously?

Mr. MAIN. No, sir.

Senator DONNELL. Does that figure of 1,700 mean anything to you, Mr. Main?

Mr. MAIN. Yes, it does, Senator.

Senator DONNELL. If so, just what does it mean?

Mr. MAIN. I think Mr. Arens is referring to some 1,700 cases which we received in the early part of September from agencies that had previously given indications that all of their cases would be completed, that they would be through with those, I think, by October.

Of these 1,700 cases, we noticed a pattern in which their registration or establishing a record with IRO had come about late in 1948 or in 1949. That coupled with the fact that many of the cases claimed residence in the eastern part of Germany, in Silesia, a place which is now under the Communist government control and cannot be investigated by investigative agencies, indicated to us grounds for suspicion as to the truthfulness of the claims set forth as to entry into Germany.

Senator DONNELL. Mr. Main, I may be very dense on this, and probably am, but I do not understand yet even remotely what it is you are talking about in regard to the 1,700 cases. Do you understand it, Senator Ferguson?

Senator FERGUSON. No; I do not.

Mr. MAIN. I am sorry.

Senator DONNELL. Can you just explain it in very elementary language?

Senator GRAHAM. Just what are the 1,700 cases?

Senator DONNELL. That is what we are trying to find out. Mr. Main, did you not say something about other agencies that had reprocessed or were about to reprocess cases?

Mr. MAIN. No; they had not reprocessed. This is the first time these cases were ever referred to us.

Senator DONNELL. What about the cases of persons wanting to come over here as displaced persons?

Mr. MAIN. That is right. Those were cases where assurances had been filed for individuals, documentation presented to the Commis-

sion, to process, to make a permit of eligibility. In other words, application for immigration.

Senator DONNELL. Those 1,700 cases, of that kind, were presented to your office; is that right?

Mr. MAIN. Yes, sir.

Senator DONNELL. That is, the Munich office, the early part of September 1949; is that correct?

Mr. MAIN. Right.

Senator DONNELL. What was the source of these 1,700 cases? Were they in the Munich area?

Mr. MAIN. Yes, sir.

Senator DONNELL. They were people who wanted to come to the United States as displaced persons; is that right?

Mr. MAIN. Right.

Senator DONNELL. Had anything ever been done about those people wanting to come before the early part of December 1949?

Mr. MAIN. That had not come to the attention of the Commission before that.

Senator DONNELL. There had never been any applications presented on behalf of those 1,700 that you are talking about, to the Displaced Persons Commission, prior to the early part of September 1949; is that right?

Mr. MAIN. That is right.

Senator DONNELL. Those 1,700 cases were presented to the Displaced Persons Commission the early part of September 1949, were they not?

Mr. MAIN. Yes.

Senator DONNELL. Who presented them?

Mr. MAIN. They were presented by the agencies sponsoring these people.

Senator DONNELL. What were some of those agencies?

Mr. MAIN. This group was from the HIAS.

Senator DONNELL. What is that?

Mr. MAIN. That is Hebrew Immigrant Aid Society.

Then there was the USNA, which is the United Service for New Americans. There were a few from NCWC, which is the National Catholic Welfare Conference, and UUARC, which is the Ukrainian organization.

Senator DONNELL. Were there any other agencies who filed names included in these 1,700?

Mr. MAIN. No. The bulk of them were the USNA and the HIAS cases.

Senator DONNELL. You have given us the names of four organizations.

Mr. MAIN. Excuse me, Senator, perhaps I have given the wrong impression here. These two agencies, USNA and HIAS, are the cases which aroused our suspicion.

Senator DONNELL. Were they included in the 1,700?

Mr. MAIN. Yes, sir.

Senator DONNELL. Did they include all of the 1,700?

Mr. MAIN. Roughly, yes, but we also found some of the other agency cases that also struck us as being suspicious

Senator DONNELL. Let us confine ourselves to these two HIAS and USNA. That is, the names that were submitted by those two organizations in the early part of September 1949 to the displaced Persons Commission, for entrance to the United States as displaced persons, aggregated approximately 1,700; is that right?

Mr. MAIN. Yes, sir.

Senator DONNELL. Did anything unusual suggest itself to you when those 1,700 names were presented?

Mr. MAIN. Yes, sir.

Senator DONNELL. In the first place, were they all presented at once?

Mr. MAIN. No. They were presented within, I would say, 3 weeks.

Senator DONNELL. Were they sent in by mail or how; how were the papers brought to you?

Mr. MAIN. They came to us in the form of assurances which were sent from our headquarters to us.

Senator DONNELL. And your headquarters are where?

Mr. MAIN. In Frankfurt. That indicated that the agency had filed an assurance for these people with the Commission.

Senator DONNELL. By an assurance, do you mean an assurance that after they would get over here they would have jobs and a place to live and would not interfere with other people and so forth; is that correct?

Mr. MAIN. Yes.

Senator DONNELL. The fact is, then, is it not, that your Frankfurt office sent to you over a period of about 3 weeks such assurances on behalf of approximately 1,700 persons who were sponsored by the HIAS and the USNA agencies?

Mr. MAIN. Yes, sir.

Senator DONNELL. How many of those were sponsored by the HIAS?

Mr. MAIN. I cannot tell you. The reason why I cannot tell you is that there is one representative who handles all of those cases, so that we do not distinguish between the two.

Senator DONNELL. You do not know, then, how many came in from HIAS and how many from USNA of the 1,700, do you?

Mr. MAIN. No, sir.

Senator DONNELL. All you know is that the aggregate coming in from the two of them was about 1,700 in the early part of September 1949; is that correct?

Mr. MAIN. Yes, sir.

Senator DONNELL. What was their unusual nature that attracted your attention with respect to this group of 1,700?

Mr. MAIN. Before this group came to us——

Senator DONNELL. How long before?

Mr. MAIN. It was accumulative, sir, that the agencies had been discussing the fact that their work over there was approximately taken care of.

Senator DONNELL. Do you mean it was about finished?

Mr. MAIN. About finished. They thought that about the 1st of October everything they had would be practically complete except what they considered their problem cases.

Senator DONNELL. That is, these two agencies that you referred to, HIAS and USNA?

Mr. MAIN. Yes, sir.

Senator DONNELL. As has been stated to us before, that was the early part of September 1949; is that right?

Mr. MAIN. Yes, sir.

Senator DONNELL. Are both of those Jewish agencies?

Mr. MAIN. Yes, sir.

Senator DONNELL. That is, HIAS and USNA?

Mr. MAIN. Yes, sir.

There are several things that entered into the suspiciousness of the cases.

Senator DONNELL. Of the 1,700?

Mr. MAIN. Yes; 1,700.

Senator DONNELL. What entered into the suspicion?

Mr. MAIN. The fact that the agencies indicated they would be through with cases by that time.

Senator DONNELL. Had they told you that personally, that they thought they would be through?

Mr. MAIN. Yes.

Senator DONNELL. Would you mind telling us who it was on behalf of HIAS who made that statement?

Mr. MAIN. Miss Gladys Roth, for one, and I am not certain who the others were.

Senator DONNELL. Who made the statement on behalf of USNA to you?

Mr. MAIN. She represents both of them at that level.

Senator DONNELL. So you acquired this information that they thought they were about wound up in their business except for the problem cases; is that right?

Mr. MAIN. Yes, sir.

Senator DONNELL. Then all of a sudden over this period of 3 weeks, about 1,700 applications came in from those two agencies; is that correct?

Mr. MAIN. Right.

Senator DONNELL. That very fact, I assume, aroused a question in your mind as to how it was that, while they had said they were through, on the one hand, all of a sudden 1,700 cases came in.

Mr. MAIN. That is right.

Senator DONNELL. Was that the first point that aroused your suspicion?

Mr. MAIN. Right.

Senator DONNELL. What was the second point?

Mr. MAIN. The second point was the fact that about the same time the agency representatives in Europe seemed to believe that hopes of an amendment of the present DP Act were gone. They held out no further hope for an amendment, because of the action of this committee.

Senator DONNELL. Do you mean this committee that you are appearing before today?

Mr. MAIN. Yes, sir.

It was the fact that the committee was holding the bill that had been passed by the House.

Senator DONNELL. The fact that the Committee on the Judiciary of the United States Senate was holding H. R. 4567 without action on it; is that right?

Mr. MAIN. Yes, sir.

Senator DONNELL. That made the folks think that no action was going to be taken; did it?

Mr. MAIN. That is right.

Senator DONNELL. Why did that thought on their part arouse any suspicion in your mind with respect to the 1,700 cases?

Mr. MAIN. To me it indicated that these 1,700 cases—these are cases, 1,700 representaive heads of families.

Senator DONNELL. Might it be eight or nine thousand people altogether?

Mr. MAIN. Probably 3,500 or 3,400. Approximately two to a family, or so.

It was apparent to me that these people had refrained from filing application for immigration until that time, because, in my opinion, they had entered after December 22, 1945, and were, therefore, ineligible under the bill as it was written.

Senator DONNELL. Let me see if I get your point there. I think I do, but I am not sure.

You had understood, as I get it, from these people that they thought, up until the early part of September 1949, and they had perhaps, even at that time, thought that the hope of an amendment to the existing Displaced Persons Act was very remote and probably it would not be amended; is that right?

Mr. MAIN. Until that time, I think they held out hope that there would be an amendment.

Senator DONNELL. In the early part of September 1949, they decided there was not going to be an amendment; is that correct?

Mr. MAIN. Right.

Senator DONNELL. Up to that time, do you think that they had figured that perhaps the Senate would so change the law that they would become eligible, even though they had not gotten in there by December 22, 1945?

Mr. MAIN. Yes, sir.

Senator DONNELL. And that they were waiting on that amendment so that they would be eligible in the event the date was put up, we will say, to 1947, or some other date?

Mr. MAIN. Yes, sir.

Senator DONNELL. If I am wrong now, please correct me, but your thought was then, as I get it, that in the early part of September 1949, they were convinced there was not going to be any amendment and, therefore, you were suspicious of their trying to qualify themselves under the early date, claiming that they had come in before December 22, 1945?

Mr. MAIN. Right.

Senator DONNELL. Your own thought was, was it not, that they probably had not come in before that time, otherwise they would have filed their applications previously?

Mr. MAIN. That is right.

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Senator DONNELL. There would be no reason for them to apply until we changed that date over to 1947 or some other date; is that your point?

Mr. MAIN. That is my point; yes, sir.

Senator DONNELL. That is your second thought, is it not?

Mr. MAIN. Yes, sir.

Senator DONNELL. What is your next one?

Mr. MAIN. At approximately the same time, we had quite a large number of appeals on cases that had been previously rejected because of the date line. We had previously rejected them, because the evidence presented by these individuals indicated that they did not enter Germany, Austria, or Italy until after December 22, 1945.

Then about this approximate time they filed appeals in which they submitted evidence which tended to prove that they were actually in Germany prior to December 22, 1945.

Senator DONNELL. Were these persons who appealed included in the 1,700?

Mr. MAIN. No, sir. They were other cases that had been rejected prior to that time.

Senator FERGUSON. How many?

Mr. MAIN. I would say approximately 25 or 30 cases.

Senator FERGUSON. Do I understand now that the first applications show entrance after the December date in 1945?

Mr. MAIN. Yes, sir.

Senator FERGUSON. Then they were denied and they came in subsequently with new evidence setting up that, as a matter of fact, they were in prior to December 22, 1945; is that right?

Mr. MAIN. That is right.

Senator DONNELL. Let me see if I get that correctly? I thought you meant or implied, at any rate, that these people who had taken these appeals were people who had claimed in their original application that they had come in before December 22, 1945, otherwise they would not have been entitled to come in under the law, and that you found against them and they then appealed.

Mr. MAIN. No, sir. In the documentation that was presented to us, with information furnished by them, that indicated that they had entered after December 22, 1945.

Senator DONNELL. I misunderstood you.

How did those people think they had any chance in the world to come in under the Federal law of the United States if they themselves conceded that they had not come in until after December 22, 1945?

Mr. MAIN. Many of them, I think, did not know the requirements of the law. The case was not initiated by them, but by a sponsor, someone who filed an assurance for them.

Senator DONNELL. What happened shortly after the beginning of September 1949 with respect to these appellants? Did they file some more papers or some sort?

Mr. MAIN. These people filed appeals, wherein they claimed that they actually were residing in Germany prior to December 22 of 1945, but they had resided there for such a short time that they considered it was not of significance and so they had not stated it in their original applications.

Senator DONNELL. In other words, they presented the point that, by either inadvertence, because they did not think they had been there quite long enough to make it worth while to so state or for some other reason, they had left out some of the facts; is that right?

Mr. MAIN. That is right.

Senator DONNELL. That is what they were claiming on their appeals and that was the case of about 20 or 25 people making that contention. Is my understanding correct on that?

Mr. MAIN. Yes, sir.

Senator DONNELL. You thought that the fact that they all of a sudden found out they had been there prior to December 22, 1945, was itself a suspicious circumstance, did you not?

Mr. MAIN. Yes, sir.

Senator DONNELL. The fact that they made that statement in their appeals you thought was a suspicious circumstance, did you not?

Mr. MAIN. Yes.

Senator DONNELL. That is the third suspicious circumstance that you so deemed. What was the next one, if there was another one?

Mr. MAIN. I believe those are the principal reasons for the suspicion.

Senator DONNELL. After you acquired that suspicion, what did you do about these 1,700 cases, embracing possibly 3,000 or 3,500 people? What did you do about those?

Mr. MAIN. As we received documentation for these people from IRO to consider, we held the cases in suspense and called the people in for interview, asking them to present any documents which they might have tending to establish the fact that they had entered Germany, Austria, or Italy prior to the required date.

Senator DONNELL. That is December 22, 1945; is it?

Mr. MAIN. Yes, sir.

Senator DONNELL. What happened when you brought these people in or had them come in?

Mr. MAIN. At first they came in quite rapidly, some presenting documents to establish that record, others claiming that they could get no documents, because they had been living behind what we consider the iron curtain. Then those cases that we had interviewed were written up, that is, we wrote a special letter to CIC asking that they, in addition to their routine investigation, conduct an extensive investigation into the authenticity of the documents or the claim of entry of these persons.

As a result of these investigations by CIC, these fraudulent document centers that we discussed this morning were detected.

Senator DONNELL. Did you write a letter to the CIC with respect to approximately all of these 1,700 cases?

Mr. MAIN. As yet, no. We have not received all of the documentation as yet.

Senator DONNELL. In what proportion of the 1,700 cases did you receive the complete documentation?

Mr. MAIN. I would say approximately 700.

Senator DONNELL. Then you have transmitted that documentation over to the CIC on those 700 cases, have you?

Mr. MAIN. Yes, approximately 700.

Senator DONNELL. How long has it been since you sent those 700 cases over to CIC?

Mr. MAIN. I think perhaps within—that is, they have had some of them at least 2 months, others they get every day as the documentations and our portion of that is ready.

Senator DONNELL. The earliest ones of the 700 that went over to CIC went over about 2 months ago; is that right?

Mr. MAIN. I would say 2 months ago, perhaps some a little before that.

Senator DONNELL. Approximately how many of them went over as long as 2 months ago, to the CIC? How many of the 700?

Mr. MAIN. That I do not know. I arrived at that 700, Senator, by checking with our office to determine how many cases we still had in suspense. The estimate is that we have approximately 700 still in our office.

Senator DONNELL. Then you had sent over a thousand instead of 700, had you not?

Mr. MAIN. Excuse me, I am wrong there. We have 700 in suspense. The other 300, I think, we have not even received documentation on. Some of them we have in suspense awaiting interview.

Senator DONNELL. That is about 300, then, is it not?

Mr. MAIN. I would say approximately 300 that we have not received documentation on.

Senator DONNELL. Then there are 300 with no documentation or insufficient documentation and about 700 with complete documentation, complete enough to send over to CIC; is that correct?

Mr. MAIN. Yes, sir.

Senator DONNELL. That would leave 700?

Mr. MAIN. I would say approximately 700 that we still have in our files.

Senator DONNELL. That are in process?

Mr. MAIN. Yes, sir.

Senator DONNELL. They are in various degrees of process, are they not, depending on how far you had progressed with the investigation?

Mr. MAIN. Yes, sir; within our office.

Senator DONNELL. Referring to these 700 that have gone over to CIC, can you tell us about how many of those went over as long as 2 months ago?

Mr. MAIN. It would be a very rough guess, sir.

Senator DONNELL. We understand that.

Mr. MAIN. I would say perhaps 100.

Senator DONNELL. That gives us a general idea. We will not hold you down to that figure if it is 150 or 50. But it is not over approximately a seventh or eighth or sixth or somewhere along there that have gone over.

Mr. MAIN. Excuse me, sir. The others have gone over. The estimate of 700 are there. One hundred have been over there as long as 2 months.

Senator DONNELL. How many have been over there as long as a month?

Mr. MAIN. Probably another 300, 300 or 400.

Senator DONNELL. That would leave from 200 to 300 that have gone over in less than a month, would it not?

Mr. MAIN. Yes.

Senator DONNELL. That is, in less than a month before today?

Mr. MAIN. Yes.

Senator DONNELL. Of that 700, we have, then, about 100, roughly speaking—we are not going to hold you to that exactly, of course—that have been over there a couple of months, about 300 or 400 that have been here a month, and 200 or 300 that have not been here as long as a month; is that correct?

Mr. MAIN. Yes, sir.

Senator DONNELL. How long does it take CIC to process these claims, on the average, would you say?

Mr. MAIN. The ordinary case, that does not involve fraudulent documentation or suspicion of that, usually takes somewhat less than 30 days.

Senator DONNELL. But you had suspicions on these 700, did you not?

Mr. MAIN. On these we have suspicions.

Senator DONNELL. How long does it take those to be processed on which you have suspicions?

Mr. MAIN. Before they come back to us, I would say from 2 to 3 months. How much after that, I do not know. We have not received a large number of the 700 back.

Senator DONNELL. If it takes from 2 to 3 months for CIC to complete the investigation of the ordinary run of mine of the alleged fraud cases, they have hardly had time to make their complete investigation on even that 100 approximately, that went over 2 months ago, have they?

Mr. MAIN. I think, Senator, that they have completed the investigation on many of those cases, but they are holding them, not returning them to us, to establish these patterns at fraudulent document centers.

For instance, they get a group of cases for one particular area, sav Kaufbeuren, they hold those cases and investigate the records at Kaufbeuren at one time. They do not go down for one case and then another one.

Senator DONNELL. Can you tell us of this group of cases that went over at least 2 months ago, about 100, on how many of those approximately 100 cases have you received any report of any kind from CIC?

Mr. MAIN. I would say perhaps 20 or 25 reports.

Senator DONNELL. How many of those 20 or 25 have the CIC informed you are actually fraudulent cases?

Mr. MAIN. I think approximately 50 percent.

Senator DONNELL. Of the 300 or 400 that have been over there at least a month, but not as long as 2 months, on how many of those have you received reports from CIC, if any?

Mr. MAIN. I cannot give you an accurate estimate on that.

Senator DONNELL. I do not suppose you can give us an accurate estimate on these other 200 or 300 that went over there in less than a month, can you?

Mr. MAIN. I would say none of those is back.

Senator DONNELL. So that, as I get it, the picture we get of the 1,700 is as follows: They came in in the early part of September of 1949 from these two organizations, HIAS and USNA. Of the 1,700, about 700 cases have gone over to CIC.

You have received actual reports relative to any of those 700 cases on only about 20 or 25 cases, and of those 20 or 25 cases on which you have received reports, the CIC has reported that about 50 percent of those do actually have frauds in them; is that right?

Mr. MAIN. I think that that is true, that they have what you might consider conclusively established fraud.

There are other degrees of findings there in which the facts indicate to us, not conclusively, but enough to leave sufficient doubt for us to reject the case, that they have not established their residence there. Those are cases in which the CIC could not positively point to the establishment of a fraudulent record, but where the evidence pointed in that direction.

Senator DONNELL. Do you mean that the CIC have found less than 50 percent of the 20 or 25 to have been fraudulent with certainty.

Mr. MAIN. I would say 50 percent of those that have come back with certainty. I would say more than that were there in considerable doubt.

Senator DONNELL. In other words, of the 20 or 25 that have come back, in this group that have been over there at least 2 months, over in CIC, you would say that of the 20 or 25 on which you have received reports from the CIC the CIC has found with certainty that about 50 percent of those are fraudulent, in addition to which there are some more that you think raise such doubt as to make it advisable to go slowly and make further investigation; is that correct?

Mr. MAIN. Yes, sir.

Senator DONNELL. I left out one element here that I want to be sure on. My question was somewhat inaccurate in the way it was put.

In these 300 or 400 cases that have been over there at least a month, but not as long as 2 months, you cannot tell us anything at all, as to how many have come back and what percentage that have come back have evidences of fraud; is that correct?

Mr. MAIN. I believe that is right. I believe perhaps the most accurate way of telling you about the CIC investigations in this case is to state that CIC has informed me that of these cases that we have sent to them, 35 to 50 percent of the cases which they have investigated and still have, they have found what is considered as quite conclusive evidence of fraudulent records of residence.

Mr. ARENS. That is out of how many individuals?

Mr. MAIN. According to the estimate that we have given, that they have 700 cases, it would be approximately 1,400 individuals.

Senator DONNELL. Let me see if I understand that correctly. Of the approximately 1,400 individuals who are included in the approximately 700 cases that have been over at CIC for at least 2 months, CIC has informed you that what percent they find to be fraudulent?

Mr. MAIN. Thirty-five to 50 percent.

Senator DONNELL. They have found 35 to 50 percent to be fraudulent. Those 700 cases, which are a part of the 1,700 cases, all came from the Munich area; is that right?

Mr. MAIN. Yes, sir.

Senator DONNELL. Referring to these few cases, these 9 or 10 that you told us about this morning, did they come from one particular section in the Munich area or elsewhere?

Mr. MAIN. There and elsewhere. CIC has other centers where they are certain that fraudulent records are being made and fraudulent certificates issued. We have not been officially informed of those places as yet.

Senator DONNELL. But these 10 that you gave us this morning, that is, counting Schnaitsee as one of them, and the other nine that you mentioned, has the CIC informed you that fraud existed in cases which came from each of those 10 places, or not?

Mr. MAIN. Yes, sir.

Senator DONNELL. In addition to that, they have found frauds in other places not included in that group; is that correct?

Mr. MAIN. Yes, sir.

Senator DONNELL. But all of which are in the Munich area; is that correct?

Mr. MAIN. Yes, sir.

Senator DONNELL. Who gave you that information from the CIC? If you are not at liberty to say, just say so.

Mr. MAIN. Captain Rolak.[1]

Senator DONNELL. Where is he located?

Mr. MAIN. At Munich.

Senator DONNELL. Is he the head of the CIC there?

Mr. MAIN. He is Chief of the Visa Screening Section.

Senator DONNELL. Do you have his statement in writing on that, about the 35 to 50 percent?

Mr. MAIN. No; I do not.

Senator DONNELL. When did he give you that information?

Mr. MAIN. I would say that that was in the last month, I would say in January. I had received that in December, too, over a period of time, the same estimates.

Senator DONNELL. From Captain Rolak?

Mr. MAIN. Yes.

Senator DONNELL. He has given you that estimate, has he not?

Mr. MAIN. From 35 to 50 percent.

Senator DONNELL. That was the way it was running, and he told you that not only once, but several different times; is that right?

Mr. MAIN. Yes, sir.

Senator FERGUSON. Mr. Chairman, I wonder if I might inquire there about just one thing?

Senator DONNELL. Go ahead.

Senator FERGUSON. How would a person who is going to get a fraudulent certificate get registered under IRO so that they would not catch the fraud? Here is an organization that has been going for some time. How long has the IRO been in operation?

Mr. MAIN. Since 1947, I believe, when they took over the duties of UNRRA.

Senator FERGUSON. They have been operating since 1947. You tell us that you have a suspicion here that these people have come in from eastern Europe, from behind the iron curtain. How would they go and get their names registered under IRO if there was not some fraud in IRO?

[1] Capt. B. J. Rolak.

Mr. MAIN. They can register and have been registering with IRO every day. They are still registering with IRO now, establishing a record as a displaced person and giving IRO information as to the date they entered into Germany.

Senator FERGUSON. Does IRO have any screening process?

Mr. MAIN. They have a screening process, but I do not know how extensive that is. They determine their eligibility under IRO's constitution. The date of their entry into Germany is incidental to that. It has no bearing upon IRO's eligibility.

Senator FERGUSON. Does IRO in any way guarantee the people to you, that they are within our law, or do they just give you names?

Mr. MAIN. They prepare documentation in the names of these persons. They certify to us that the person is a displaced person within the meaning of IRO's constitution and the concern of IRO.

In addition to that, they certify that their records show that the individual entered Germany, Austria, or Italy on a particular date and that they were in one of the western zones or sectors on January 1, 1948, or otherwise, if that is the case.

Senator FERGUSON. So they do not certify with relation to the 1945 date, they do not certify to prior to the date in 1948, do they?

Mr. MAIN. No. They certify as to the date of entry of the individual, as shown by IRO records.

Senator FERGUSON. Did they tell you that these people had come into these zones prior to December 22, 1945?

Mr. MAIN. They told us that their records indicated that they came in prior to December 22, 1945.

Senator FERGUSON. Then you send that to the CIC and they find that 50 percent of 25 applications are fraudulent. How do you account for the fact that IRO did not catch that?

Mr. MAIN. I would——

Senator DONNELL. Before he answers that, might I, Senator Ferguson, call attention to the fact that he has said that he has been told it is running at the rate of 35 to 50 percent of the approximately 700 cases that have been over at the CIC for at least 2 months have been found to be fraudulent. Am I correct in that statement?

Mr. MAIN. Yes, sir.

Senator DONNELL. Now will you answer Senator Ferguson's question?

Senator FERGUSON. How do you account for the fact that IRO does not know anything about it?

Mr. MAIN. Let me go back. When a person registers with IRO, they prepare what is termed a CM–1 form. It is an IRO form. It is the basic document in establishing IRO eligibility. In preparing that document the individual states his name, place of birth, nationality, circumstances under which he now finds himself in Germany, which includes the date of his entry, also his work history, his place of residence, whether or not he was persecuted by the Nazi government, and various other items.

Among those items he states when he entered Germany. IRO does not feel, apparently, that it is their job to determine whether or not that statement is accurate. They determine for themselves whether or not he meets the requirements of IRO's constitution as a displaced person. That is their major concern.

Senator DONNELL. This date of entry is not in their list of necessary data, is it?

Mr. MAIN. The date of entry has nothing to do with the person's eligibility under IRO's constitution. It is merely a service, apparently, to the Commission that they certify to us what the individual indicated is his date of entry.

Senator DONNELL. Does that answer your question, Senator Ferguson?

Senator FERGUSON. Yes; I think it does.

Senator DONNELL. Mr. Arens, will you proceed, please?

Mr. ARENS. When you first went to Germany as an affiliate of the Displaced Persons Commission, how many senior officers were there in Germany, Austria, and Italy?

Mr. MAIN. At the time, the areas were set up there were six areas set up in Germany and one area set up in Austria.

Mr. ARENS. How many of these senior officers at the time you went to Germany, in Germany, Austria, or Italy, were persons who had had prior affiliation with organizations such as HIAS or USNA or AJDC or the immigrant organizations of that character?

Mr. MAIN. If I understand that correctly, you want to know——

Mr. ARENS. How many of the senior officers had come to the Displaced Persons Commission from those organizations?

Senator DONNELL. Perhaps we should have the witness tell us what he means by senior officers, just where he draws the line.

Mr. ARENS. They are directors of the six areas.

Mr. MAIN. There would be six men in Germany and one man in Austria.

Senator DONNELL. Those are higher officers, as you are employing that term; is that right?

Mr. MAIN. In charge of areas; yes, sir.

Senator DONNELL. Is your question, Mr. Arens, as to what proportion of them had former affiliations with organizations of the type you mentioned?

Mr. ARENS. Affiliated with HIAS, AJDC, UNRRA, or with these immigrant-processing groups.

Mr. MAIN. It is my understanding that three had had that experience.

Senator DONNELL. Which three? Were they the three in Germany?

Mr. MAIN. Three in Germany.

Senator DONNELL. How about the man in Austria?

Mr. MAIN. The man in Austria had not.

Senator DONNELL. Who are the three in Germany who had affiliations in Germany of the type Mr. Arens inquired about?

Mr. MAIN. Miss Gertrude Ruskin. She was the senior officer at Ludwigsburg.

Senator DONNELL. With which organization had she previously been affiliated?

Mr. MAIN. I do not know, one of the Jewish voluntary agencies.

Senator DONNELL. Who is the second one?

Mr. MAIN. Miss Augusta Mayerson.

Senator DONNELL. Apparently when I talked about men, I was a little wrong. What organization had she been connected with?

Mr. MAIN. I am not certain, sir.

Senator DONNELL. Was it one of the Jewish organizations or do you know?

Mr. MAIN. I believe it was the International Rescue and Relief Association.

Senator DONNELL. What is that association?

Mr. MAIN. It is an agency sponsoring displaced persons and representing them.

Senator DONNELL. Does it represent any particular groups of persons? Is it Catholic, Lutheran, or Presbyterian, or what?

Mr. MAIN. It is largely Jewish, but I do not think exclusively so.

Senator DONNELL. Who is the third one of these?

Mr. MAIN. Michael Bashein.

Senator DONNELL. What organization had he been connected with?

Mr. MAIN. I understand one of the Jewish voluntary agencies, but I do not know which one.

Senator DONNELL. Where is Mr. Bashein stationed?

Mr. MAIN. Butzbach.

Senator DONNELL. Where is Miss Mayerson stationed?

Mr. MAIN. She is now in the headquarters at Frankfurt. At the time the areas were set up, she was at Amberg. That area has since been closed.

Mr. ARENS. Of the directors of the organization in Europe, what is the background of the coordinator, Mr. Squadrilli? Was he formerly with one of these organizations, such as the organization that presented these 1,700 cases to you?

Mr. MAIN. Not to my knowledge. He had previously been employed, I believe, with UNRRA and with the Civil Affairs Division of the Army, and had connection there with the displaced-persons program.

Mr. ARENS. Who is Mr. Kaplan? [1]

Mr. MAIN. He is the executive assistant to Mr. Squadrilli.

Mr. ARENS. What is his background?

Mr. MAIN. He was, as I understand it, a representative of one of the Jewish voluntary agencies.

Mr. ARENS. Now, will you tell the committee about the pressure which you have been subjected to, as a senior officer, by Mr. Kaplan?

Mr. MAIN. The pressure that has been placed upon, I think, all senior officers by Mr. Kaplan relates to getting people out. What I mean by that is getting them visaed and getting the people into the United States in large numbers.

Mr. ARENS. Could you give us a comparison?

Senator GRAHAM. What do you mean by pressure?

Mr. MAIN. It has ceased now. We do not get it now. But in the past they would call and criticize the fact that people were not being processed through the center fast enough to fill the boats and to be issued visas as fast as it was thought that they should be.

Mr. ARENS. Has it stopped since Senator McCarran had been over there on his investigation or has it let up a little?

Mr. MAIN. It has stopped since that time.

Whether or not it is as a result of Senator McCarran's visit or Mr. Carusi's visit there, I do not know. But since that time it has quit.

[1] Benjamin Kaplan.

Senator GRAHAM. I just want to ask about this pressure a minute. Was there anything wrongful about the pressure? When you say pressure, it means so many things. Did it end with criticism?

Mr. MAIN. It ended, I think, with criticism; yes, sir. That is, they criticized the areas—our area, at least. It was not violently, but they could not understand why it took, for instance, 2 weeks to get a person processed through the center; that is, from the time he got there until he was examined by the Public Health Service and had been issued a visa.

They wanted that cut down and cut down so they would go through faster.

Senator GRAHAM. In other words, you take criticism to mean pressure; is that right?

Mr. MAIN. That is right.

Mr. ARENS. Does the mention of the Meidenbaum case mean anything to you, Mr. Main?

Mr. MAIN. Yes, sir.

Mr. ARENS. Would you tell the committee about the Meidenbaum case and the communications between yourself and Mr. Kaplan on that case?

Mr. MAIN. There was nothing with Mr. Kaplan.

Mr. ARENS. Or with the Frankfurt office.

Mr. MAIN. The Meidenbaum case, as I recall it, was a case that was processed routinely until the time it came back from CIC with a classified report indicating that the man had stated during the interview and repeated that he was anti-Fascist, anti-Nazi, and anticapitalist, and that he understood the United States welcomed anyone who was any of those, anti-Nazi, anticapitalist, or anti-Fascist.

They reached a conclusion in their report.

Senator DONNELL. Who reached this conclusion?

Mr. MAIN. The CIC. The statement was made that, "From the information available to this agency," meaning the CIC, "at this time, it appears that the subject is or has been a member of or participated in a movement hostile to the United States or to the form of government of the United States."

Upon the basis of that conclusion of CIC, the case was rejected by our office under section 13 and submitted to the Frankfurt headquarters. It was later returned to us with a letter indicating that it was dictated by Alex E. Squadrilli, coordinator, signed by Dwight E. Shouse—I believe it was—where they stated that there was no basis for our rejection.

It was a letter of about three paragraphs, but in effect it said there was absolutely no basis for the rejection by our office and that though it was not deemed necessary, we might wish to reinterview the applicant.

There was no direct statement in there that we should approve it, but it was considered by me and others of our office who read it that that was the intent of the letter, that the case should be approved.

Senator DONNELL. Why did you arrive at that conclusion?

Mr. MAIN. Because the statement was there that there was no ground for rejection by the Commission.

Senator FERGUSON. Why was a classified report presented in that case? Do you mean a classified one so that it was private?

Mr. MAIN. Classified by the Counter Intelligence Corps.

Senator FERGUSON. Why would that be any different from any other report? Was it just because he was anticapitalist?

Mr. MAIN. I do not know.

Apparently, the conclusion reached by CIC—it happened that in the beginning of the program, CIC was classifying almost every derogatory report that we received, whether it was based upon a public record or upon something that was of a security nature.

Senator DONNELL. In what sense are you using the word "classified" there?

Mr. MAIN. The Army classifies its reports, if classified, as "restricted," "confidential," "secret," and "top secret."

Senator FERGUSON. That would mean that a press association could not see it; is that right?

Mr. MAIN. That is right.

Senator FERGUSON. So if this man came in, nobody would ever know that that was in the report except you people?

Mr. MAIN. We would. If we had passed it on to the consulate, they would have known it.

Senator FERGUSON. But did you pass it on to the consulate?

Mr. MAIN. No. sir.

Senator FERGUSON. Did you take that out of the file?

Mr. MAIN. No, sir.

Senator FERGUSON. Did that fellow ever get into this country?

Mr. MAIN. No, sir.

Senator FERGUSON. Tell us more about it.

Senator GRAHAM. Who stopped him?

Mr. MAIN. Well, we did not prepare a favorable report.

Senator FERGUSON. Did you reinterview him?

Mr. MAIN. No, sir.

Senator GRAHAM. Did the consulate stop him or the Immigration Service, or did you stop him?

Mr. MAIN. We stopped him.

Senator DONNELL. You stopped him pursuant to this leter from Mr. Squadrilli; is that it?

Mr. MAIN. The case was suspended in our office. No action was taken upon it, until, I believe, sometime in November. At that time, I returned the case to our headquarters in Frankfurt and asked them exactly what they meant by their letter to me.

Senator DONNELL. What did they tell you they meant?

Mr. MAIN. I have not received a reply.

Senator GRAHAM. You held your ground and stopped him, did you?

Mr. MAIN. We did not approve him; no, sir.

Senator DONNELL. I was in error there in asking you the question about whether you acted pursuant to the Squadrilli letter. You were acting directly contrary to the Squadrilli letter, contrary to their findings, were you not?

Mr. MAIN. Acting directly contrary to what I considered the intent of the letter; yes.

Senator DONNELL. What I mean is that you held the opinion that this man ought to be stopped, did you not?

Mr. MAIN. Yes, sir.

Senator DONNELL. That he did not qualify under section 13 of the displaced persons law; is that right?

Mr. MAIN. Yes.

Senator DONNELL. Mr. Squadrilli's letter indicated very clearly that he considered there was no basis for that conclusion, but you stood your ground, as Senator Graham said, and did not let the man in; is that right?

Mr. MAIN. That is right.

Senator GRAHAM. You did not even have to let him be stopped by either the Consular Service or the immigration authorities, but you stopped him; is that right?

Mr. MAIN. It has not gone into their hands; no, sir.

Mr. ARENS. Mr. Main, under the law, section 10 of the Displaced Persons Act of 1948—

> The burden of proof shall be upon the person who seeks to establish his eligibility under this Act.

Is that provision of the law carried through in practice, with reference to the processing of applicants for displaced-persons status?

Mr. MAIN. I think that it is in the Munich area; yes, sir.

Mr. ARENS. Is it in other areas?

Mr. MAIN. I do not have direct knowledge of that.

Senator GRAHAM. You say it is carried out in the Munich area.

Mr. MAIN. In the Munich area, we hold to the fact that the applicant must establish his eligibility.

Senator DONNELL. Mr. Main, I am not clear on why it was that after you received this letter from Mr. Squadrilli on the Meidenbaum case, that you did not call in Meidenbaum again and further interrogate him to see whether Mr. Squadrilli was right or whether you were right. Why did not you do that?

Mr. MAIN. Senator, we had not interviewed him in the first place. It was CIC. I do not feel qualified and I do not feel that the men working with me are qualified with reference to intelligence work, to develop any information or to attempt to develop any information which would be contrary to that developed by the CIC.

Senator DONNELL. By the way, did you write directly to Mr. Squadrilli? Did you write to him directly when you wrote back to the Frankfurt office?

Mr. MAIN. To Mr. Squadrilli; yes.

Senator DONNELL. What did you ask him in that letter?

Mr. MAIN. I asked him just exactly what they proposed our office do with reference to that case.

Senator DONNELL. Did that letter go to Mr. Squadrilli in November?

Mr. MAIN. November, I think.

Senator DONNELL. And you do not have anything yet, do you?

Mr. MAIN. We do not have it back, but it is my understanding the entire case has been sent back to the CIC for an extension of their investigation.

Senator DONNELL. Was it sent back by your office?

Mr. MAIN. No. By the Squadrilli office.

Senator FERGUSON. Is it customary for them to go directly over to the CIC?

Mr. MAIN. Yes; on any case that has been rejected by us. If the Frankfurt headquarters decides that a further investigation should be made, they themselves sent it to CIC headquarters.

Senator DONNELL. Has Mr. Squadrilli taken any steps to demote you or punish you in any way for not following out the same view that was outlined in his letter to you?

Mr. MAIN. No, sir.

Senator DONNELL. He has not indicated any intention to make any reprisals against you of that type, is that right, or any other type?

Mr. MAIN. I might say that, in answer to that, the relationship between Mr. Squadrilli and myself is not friendly.

Senator DONNELL. Did the unfriendliness arise out of this Meidenbaum incident or had it developed before that?

Mr. MAIN. I believe it is part of an accumulation of disagreements between the two of us.

Senator DONNELL. Are they disagreements as to the propriety of various views and acts taken by his office, on the one hand, and by yourself, on the other hand?

Mr. MAIN. That is right.

Senator DONNELL. You gentlemen originally started out as friends; is that right?

Mr. MAIN. That is right.

Senator DONNELL. Had you known him before you went with this organization?

Mr. MAIN. No, sir.

Senator DONNELL. But you had nothing against him then and, as far as you know, he had nothing against you; is that right?

Mr. MAIN. As far as I know.

Senator DONNELL. When did you go with the Displaced Persons Commission, did you say?

Mr. MAIN. In September of 1948.

Senator DONNELL. So you have been over there about a year and a half; is that right?

Mr. MAIN. Approximately.

Senator DONNELL. This feeling of unfriendliness on your part toward him has arisen during that period just as a gradual accumulation, has it?

Mr. MAIN. That is right.

Senator DONNELL. Have you seen any instances of an attempt on the part of Mr. Squadrilli or anyone in his department to put anything that you would call pressure in the sense of force of intimidation on you in the carrying out of your duties?

Mr. MAIN. No, sir.

Senator DONNELL. Just generally and briefly as possible, can you tell us the general nature of these various differences of opinion that have led to this unfriendly attitude on your part toward him?

Might I just add right at that point: I do not want to be unfair to you by mentioning your unfriendly attitude without inquiring first: Does he have an unfriendly attitude toward you likewise?

Mr. MAIN. I think it started in that direction, from him to me.

Senator DONNELL. You think the unfriendliness originated with him and you have since then acquired some unfriendliness toward him; is that right?

Mr. MAIN. I have; yes, sir.

Senator DONNELL. So that each of you is somewhat antagonistic toward the other; is that right?

Mr. MAIN. That is right.

Senator DONNELL. Will you tell us what the general conduct has been on the part of Mr. Squadrilli or his office that has led to that feeling on his part, or on your part toward him?

Mr. MAIN. I know it was climaxed at the time that Senator McCarran was in Europe, at which time criticism was being directed against the Commission and the administration of the displaced-persons program.

On one occasion I called to Senator McCarran's attention that, in my opinion, the Commission itself, the three Commissioners, were not aware of some of the policies and some of the procedures that were being carried out, of which they were the most critical.

I illustrated by saying that just prior to Senator McCarran's visit I had attended a senior officers' meeting in Frankfurt, at which time the matter of Mr. Squadrilli's directing Commission employees to remove previous rejection reports from the files was discussed, in Mr. Carusi's presence.

Mr. Carusi, after listening to it a very brief time, appeared to be very angry that such a policy had ever been announced or followed. He made the statement that in all of his years—I believe he said 24 years—of Government service he had never heard of such a policy ever having been followed or condoned, and that if he should give the details we would know who the individual was.

But he said a high official of the United States Government at that time was under impeachment proceedings, or impeachment was pending, for merely removing a relatively insignificant piece of paper from a file.

Senator FERGUSON. Do you know of such a case?

Mr. MAIN. No.

Senator FERGUSON. Do you know of any impeachment?

Mr. MAIN. No, sir. I believe he said that an impeachment was pending or procedures toward impeachment were pending. I am not certain.

Senator FERGUSON. By the way, what did you do with these reports that you took out of the files?

Mr. MAIN. When we received the instructions to take these reports out of the file I called the members of our staff together and told them that under no circumstances would they destroy any of these reports nor would any of them be filed in the Munich office, but that we would follow the direction but would send by registered mail to Frankfurt the reports that had been removed.

Senator DONNELL. Let me see if I understand this correctly about the removal of these reports. Is this the situation: That where a man had been rejected in your file and then the case went on up to the main office over at Frankfurt and they would hold that the man should not have been rejected, but should have been admitted, they would direct that the papers that indicated that he had been rejected be withdrawn from the files; is that it?

Mr. MAIN. Yes, sir.

When that was done—that is, in Munich—the instructions for me were that none of these reports was to be destroyed or filed in Munich; that they were to be sent in to Frankfurt by registered mail and that a copy of our letter transmitting those documents would be retained in our file.

Senator DONNELL. Who issued that order that the papers should be withdrawn from the file?

Mr. MAIN. They came from Mr. Squadrilli.

Senator DONNELL. Over his signature? Did the order come over his signature?

Mr. MAIN. Yes, sir.

Senator DONNELL. Did you receive that order?

Mr. MAIN. Yes, sir.

Senator DONNELL. Did he explain why that should be done?

Mr. MAIN. In the letter it was not explained; no, sir.

Senator FERGUSON. Did he ever, on any other occasion, explain why he wanted to withdraw from official files part of the official records? Did he so explain at that senior officers' meeting?

Mr. MAIN. At that senior officers' meeting, when Mr. Carusi objected and was so angry because that practice had been initiated, Mr. Squadrilli, as I recall, said that the only reason why they were withdrawing them from the file was to assist the cases in going by Mr. Tripp.[1]

Senator DONNELL. Who is Mr. Tripp?

Mr. MAIN. He is the officer in charge of the Immigration and Naturalization Service at Bremen.

Senator DONNELL. Is he here this afternoon, in this room?

Mr. MAIN. Yes, sir.

May I amplify that a little bit, however, so that I will not give an unclear picture? In directing that these reports be removed from the file, Mr. Squadrilli directed that, also stated that this letter directing the removal of those files could and should be made a part of the record that was forwarded on to the consulate.

Senator DONNELL. So he did not conceal, then, that he had issued the order; did he?

Mr. MAIN. He did not conceal the fact that the reports were being removed.

Senator FERGUSON. But they did not get to Mr. Tripp; did they?

Mr. MAIN. The reports themselves did not get to Mr. Tripp.

Senator FERGUSON. What does that mean now, so far as you are concerned? Can you give us a picture of what was really kept from Mr. Tripp? You say the fact is that the adverse report was not kept from Mr. Tripp; do you?

Mr. MAIN. No, sir.

Senator FERGUSON. But the contents of the adverse report were kept from Mr. Tripp; is that correct?

Mr. MAIN. Not the contents, the actual report itself. When we prepared our favorable report we quoted in our report the reasons for our previous rejection.

Senator FERGUSON. Then what was kept from Tripp? I am not clear on that.

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[1] For the testimony of Almanza Tripp, see p. 647.

Mr. MAIN. The actual records of our previous rejection, the rejection report we had previously submitted to Frankfurt headquarters.

Senator FERGUSON. In other words, that may have been two pages long; is that right?

Mr. MAIN. Right.

Senator FERGUSON. All you did in your letter was to say that previously you had rejected it on the following grounds; is that right?

Mr. MAIN. We quoted those grounds.

Senator FERGUSON. You quoted briefly the grounds; did you not?

Mr. MAIN. Yes, sir.

Senator FERGUSON. You did not quote the evidence or anything else; did you?

Mr. MAIN. We quoted, I think, as a rule, our previous statement of rejection, which gave the grounds for that rejection.

Senator FERGUSON. Then what did you keep from Tripp?

Mr. MAIN. The only thing that was kept from Tripp was the physical piece of paper which was in effect the rejection. The information was in the file.

Senator FERGUSON. I cannot see why you would take that out and give him the same thing in some other form, if it was the same thing.

Mr. MAIN. I cannot understand it, either, Senator. I cannot understand the reason why Mr. Squadrilli tried to justify the removal of those documents in that manner.

Senator DONNELL. What did Mr. Squadrilli say was his reason for ordering those documents removed that stated the reasons for rejection? Why did he say that he had directed those to be withdrawn from the file?

Mr. MAIN. So that the cases would go by Mr. Tripp easier.

Senator DONNELL. But, as Senator Ferguson points out by his questions, and you by your answers, Mr. Tripp got all that information, as I understand, he just got it on another sheet of paper. Perhaps it was a little shorter in form, but he did get it.

Mr. MAIN. That is right.

Senator DONNELL. So I do not see myself where Mr. Tripp was deprived of any knowledge. He was just deprived of the right to see one sheet of paper and instead saw another one; is that right?

Mr. MAIN. That is right. I think Mr. Squadrilli was just groping for a reason for following that procedure. I do not think that there was any attempt to conceal the previous rejection.

Senator FERGUSON. Then why was it done and why were you so careful not to destroy this paper and not have in in your office, but have it sent by registered mail to Frankfurt? I am not clear on your testimony. I cannot understand about all your carefulness if there was nothing wrong being done.

Mr. MAIN. Senator, I did not want to remove or have removed under my authority from any official file. I am not certain that if I were to remove that and tear it up, that someone would not question that.

Senator FERGUSON. You would think they would have a right to question that, would you not?

Mr. MAIN. Certainly I would. That is why I would not remove it from the file without finding out where it went.

Senator DONNELL. When it was removed from the file, there had already been prepared, had there not, a statement setting forth the

various things that were set forth in what had been removed; is that right?

Mr. MAIN. At about approximately the same time; yes, sir.

Senator DONNELL. In other words, when you took this rejection document out and sent it down to Frankfurt by registered mail, before you sent it out of your file, you already had in the file another sheet of paper that told the facts on which the rejection had occurred; is that right?

Mr. MAIN. Yes, sir; that is right.

Senator FERGUSON. Do you have any such papers here that you can show us so that we can see what a report is like and what the second statement is like? We can then draw our own conclusions.

This thing does not make sense to me, to tell you frankly.

Senator DONNELL. It is very confusing to me, also. I cannot understand the reason for Mr. Squadrilli's order, on the one hand, and I cannot see what was accomplished by it, on the other hand.

Can you, Senator?

Senator FERGUSON. I cannot.

Mr. MAIN. It does not make sense to me, Senator.

Senator FERGUSON. But you were very careful to see they all went by registered mail to Frankfurt.

Senator DONNELL. Senator, put yourself in his position. If you had a paper in your possession and somebody ordered you to send it up, I can see how you would see fit to send it by registered mail and keep a record of what you had done, so that you could justify yourself in removing that paper.

Mr. MAIN. Maybe I can explain a little bit further. At the time the statement was made by Mr. Squadrilli that that was the reason for the removal, that practice ceased at that time.

Senator FERGUSON. Was it because Mr. Carusi stopped it?

Mr. MAIN. Mr. Carusi stopped it immediately.

Senator DONNELL. Did Mr. Squadrilli say why he thought the removal of this document, even though accompanied by the insertion of another one with the same facts on it, would occasion the case going by Mr. Tripp easier?

Mr. MAIN. He made no explanation of that.

Senator DONNELL. Do you see how it would enable the case to get by Mr. Tripp any easier? Would it in any sense expedite or facilitate its getting by Mr. Tripp?

Mr. MAIN. I think it would do exactly the contrary. When it was discovered by Mr. Tripp that something had been removed from the file the case would not move until he found out what it was.

Senator DONNELL. His interest and curiosity would at once be stimulated, apparently; is that right?

Mr. MAIN. Yes.

Senator FERGUSON. Did he ever ask you for those papers?

Mr. MAIN. Mr. Tripp?

Senator FERGUSON. Yes.

Mr. MAIN. No.

Senator DONNELL. Will you proceed now, Mr. Arens?

Mr. ARENS. Mr. Main, under date of December 22, 1945, the President of the United States issued a directive which provided a priority

in the issuance of visas for displaced persons who had arrived in the occupied areas prior to that date; is that not so?

Mr. MAIN. Yes, sir.

Mr. ARENS. Have you had occasion to have presented to you cases of applicants who were rejected under the Truman directive?

Mr. MAIN. Yes.

Senator FERGUSON. Mr. Chairman, I think probably we can clear this up here. Perhaps the witness will be able to clear it up.

Senator DONNELL. Very well, Senator.

Senator FERGUSON. Do you know that some of the areas did not include in their second letter the fact that there had been an adverse report in the first one, that you were one senior officer that did put that in, but that the others did not, some of the others; is that not so, Mr. Main?

Mr. MAIN. I do not have direct knowledge as to what the other areas did.

Senator FERGUSON. Have you heard that is true?

Mr. MAIN. I have heard that is true.

Senator FERGUSON. So that would clear the picture up, because you were very careful and put it in your second letter and sent it on to Frankfurt, and as far as your office was concerned, there was no fraud or deceit. Is that correct?

Mr. MAIN. Yes, sir.

Senator FERGUSON. But, as far as some of the other offices were concerned, there was fraud and deceit. You have heard that, have you not?

Mr. MAIN. I have heard that.

Senator FERGUSON. I think that clears it.

Mr. ARENS. Mr. Main, as a matter of fact, you are the only senior officer who has charge of any area over there that has had any immigration background, are you not?

Mr. MAIN. Yes, sir.

Senator FERGUSON. Would that account for your doing a thing like you were doing?

Mr. MAIN. I think perhaps having had previous Government experience, that would account for that; yes, sir.

Mr. ARENS. To get back to this question of cases which had been rejected under the President's directive of December 22, 1945, cases in which an application had been made under that directive and then subsequently another application under the present law, would you tell the committee about them, please?

Mr. MAIN. We have had quite a number of cases that were previously rejected under the Truman directive, that have come to our attention under the present program, some of which were rejected because of failure on the part of the displaced person to comply with the dateline requirements of the Truman directive.

Senator DONNELL. What were the dateline requirements of that directive?

Mr. MAIN. At that time, I believe they must have been in the United States zone of Germany on or before December 22, 1945, as distinguished between the present requirement that they enter Germany, Austria, or Italy between the dates.

Rejection under the Truman directive, under those conditions—that is, because of failure to qualify by date of entry—was not con-

sidered as disqualifying under the present act, because the requirement itself was different.

Senator DONNELL. In other words, in order to comply with the Truman directive, a man must show that he was in one of these western areas you speak of on December 22, 1945, whereas under the Displaced Persons Act he could show that he came to Austria or any zone in Germany or Italy and that would qualify him; is that right?

Mr. MAIN. Yes.

Mr. ARENS. Now, I call your attention specifically to the proposition of the date. The date of December 22, 1945, was the date for the administration of the Truman directive; was it not?

Mr. MAIN. Yes, sir.

Mr. ARENS. That is the same date that is in the present law; is it not?

Mr. MAIN. Yes, sir.

Mr. ARENS. Did you have any cases in which a person was rejected because he was found ineligible under the Truman directive because of the date, who subsequently applied under the existing law?

Mr. MAIN. Yes.

Mr. ARENS. How many of those cases did you have?

Mr. MAIN. I could not give an accurate estimate.

Mr. ARENS. What is your best rough estimate on the number of cases that were found to be disqualified under the Truman directive on the basis of the December 22, 1945, date, but subsequently reapplied under the December 22 date of the present law?

Mr. MAIN. Probably one or two hundred.

Mr. ARENS. What happened to those cases?

Mr. MAIN. They were handled on their own merits as under the present law. The fact that they had been disqualified under the Truman directive was not considered as disqualifying under this act, because of the different requirement.

Senator DONNELL. That is, these people who later on qualified had been disqualified under the Truman directive because they could not show they were in these western areas of Germany by December 22, 1945; is that correct?

Mr. MAIN. Right.

Senator DONNELL. But they now come in afterwards and they say, "We are entitled to come in under the displaced persons law, because we were in Austria or somewhere else in Germany, or Italy, by December 22, 1945"; is that right?

Mr. MAIN. That is right.

Senator DONNELL. If they could prove that, they are admissible; is that what you mean?

Mr. MAIN. Yes. They would overcome the ground for disapproval.

Senator DONNELL. That is what you mean; is it not? What I have said is what you mean; is it not?

Mr. MAIN. Yes, sir; though they were actually not in the United States zone of Germany as required by the Truman directive, they were, nevertheless, in Germany.

Senator DONNELL. Do you know of anybody who came up and tried to qualify under the Truman directive, saying that he was in the United States zone? That is where he had to be in order to qualify under the Truman directive; is that not right?

Mr. MAIN. I am not too familiar with that.

Senator DONNELL. Whatever that zone was under the Truman directive, did you find anybody who came up and applied to come in under the Truman directive, saying that he had been in the proper zone at the proper time—namely, before December 22, 1945—and was rejected, and thereafter came back after the Displaced Persons Act went into effect and claimed to have been in the very identical zone by December 22, 1945, and was admitted to this country?

Mr. MAIN. Not to my knowledge.

Senator DONNELL. It is perfectly consistent, then, is it not, that a man might have been rejected under the Truman directive, because he was not in the certain area, which we will call area A, on December 22, 1945, and then, because the Displaced Persons Act comes along and says that if he was in area A, B, or C, on December 22, 1945, he is entitled to get in? He comes along then, after the law goes into effect, and says, "I was in area C on December 22, 1945," that is perfectly consistent with his being there before that date and not being in area A by that time; is it not?

Mr. MAIN. Certainly.

Mr. ARENS. On the basis of your familiarity with the operation of the program and on the basis of your background and experience as an immigration officer, what is your appraisal of the IRO certifications?

Senator DONNELL. Just what do you mean by that, Mr. Arens? I do not understand what you mean.

Mr. ARENS. What do you think of the system of having IRO make certifications of eligibility for persons to come to the United States?

Senator GRAHAM. Excuse me, but do you mean eligibility to come to the United States or eligibility to qualify as a displaced person?

Mr. ARENS. As a prerequisite for qualification.

Senator GRAHAM. Only the consular service and the Immigration Service can determine eligibility to come to the United States.

Mr. MAIN. IRO makes two separate certifications to us with reference to eligibility. The first certification is to the effect as to whether or not the person is or is not a displaced person under IRO's constitution and the concern of that organization.

Senator FERGUSON. Do you accept that without question?

Mr. MAIN. We are told to accept that.

Senator DONNELL. Who has told you to do that?

Mr. MAIN. That is part of our instruction from the Frankfurt headquarters.

Senator FERGUSON. Do you question that?

Mr. MAIN. We do question it on occasion; yes, sir.

Senator FERGUSON. If you were told to do it, why do you question it?

Mr. MAIN. We were doubtful in some cases.

Senator FERGUSON. What makes you doubtful?

Mr. MAIN. By our study of the IRO constitution, sometimes we cannot see why the person is eligible under IRO's constitution.

Senator FERGUSON. Then when you question it, you do not take the word of IRO, do you?

Mr. MAIN. We then send the case back to IRO and ask them to reconsider it in the light of this information which we find as the basis for questioning.

Senator DONNELL. Suppose they adhere to their opinion and certify it back to you that a man is, under the definition of the IRO constitution, a displaced person and is the concern of IRO; what do you do then?

Mr. MAIN. We always accept that finding of eligibility.

Senator DONNELL. Even though you yourself think that it is wrong?

Mr. MAIN. Yes, sir.

Mr. ARENS. What is your appraisal of that system?

Mr. MAIN. In my opinion, the interpretation of IRO's constitution for the purposes of this act should be made by United States citizen employees.

Senator FERGUSON. Cannot you do that today? You do it, you say, on some occasions, do you not?

Mr. MAIN. We do not make the decision. We question IRO's decision and ask them to review the decision.

Senator DONNELL. Then when they review it, and then come back the second time and confirm the original decision, would you abide by what they say?

Mr. MAIN. We do unless there are other factors in there that indicate ineligibility under another part of the Displaced Persons Act.

Senator DONNELL. But so far as those two features are concerned, namely, whether they are displaced persons under the definition of the IRO constitution and, secondly, the point of the person being a concern of IRO, after it has gone back to IRO for review, if IRO maintains its original opinion, you accede to that, no matter what your own opinion may be; is that right?

Mr. MAIN. Yes, sir; unless we establish evidence or evidence comes to our attention which indicates that IRO may not have had complete information when they made the finding.

Senator DONNELL. Do you mean the second finding?

Mr. MAIN. Yes, sir.

Senator DONNELL. Suppose you find further evidence; do you send it back a third time?

Mr. MAIN. Yes.

Senator DONNELL. Suppose IRO says: "We told you twice, and we will tell you a third time this man is eligible, so far as being a displaced person is concerned and so far as concerns his being our concern" and you yourself say that they are wrong on it, and you do not agree with them, but do you accept that third decision?

Mr. MAIN. It is the policy of the Commission to accept that.

Senator DONNELL. Do they accept it?

Mr. MAIN. Yes.

Senator DONNELL. Mr. Arens wants to know what your appraisal is of that system. In other words, what do you think of that plan?

Mr. MAIN. I think that these decisions as to eligibility under the act and section 2 (b) of the act, which is an interpretation of IRO's constitution, that decision should be made by citizens of the United States.

Senator DONNELL. Are these people in IRO who make their determination on those two points in some instances citizens of countries other than the United States?

Mr. MAIN. I think in most instances.

Senator DONNELL. What countries are they citizens of, for the most part?

Mr. MAIN. They are what they call class I employees of IRO, which includes English, Dutch, Canadian, and all participants of the IRO, I think.

Mr. ARENS. To what extent are the records of the IRO, which you receive, prepared by displaced persons themselves?

Mr. MAIN. Almost all of the records, the documentation received, is prepared by displaced persons employed by IRO.

Mr. ARENS. In connection with the documentation that you receive from IRO, on which it makes determinations and decisions binding upon the Commission, the records are prepared by displaced persons themselves; is that correct?

Mr. MAIN. The records themselves are usually prepared by displaced persons. The certifications, however, are in the names of the class I employees, not displaced persons.

Senator FERGUSON. Who is better qualified to say whether or not a person is the concern of IRO than IRO itself?

Mr. MAIN. It is the opinion of the Commission that the Commission does not have the authority to tell IRO who is its concern.

Senator FERGUSON. That is what I say. There is nobody better qualified than IRO itself to determine that it is the concern of IRO; is that not true?

Mr. MAIN. Yes, sir.

Senator FERGUSON. What does that phrase mean, the concern of IRO?

Mr. MAIN. I believe it means that they should take care of the individuals in their camps, provide them with resettlement assistance, transportation, and the like.

Mr. ARENS. It means more than that, does it not? It means the concern as defined in the constitution of IRO. The constitution says who is the concern and who is not the concern, does it not?

Mr. MAIN. Yes, sir.

Mr. ARENS. Upon what legal authority is the Displaced Persons Commission operating in Europe at all? You are familiar with the law, are you not? I am sure you are.

Mr. MAIN. The law provides that a thorough investigation and report as to the character, history, and eligibility of each displaced person shall be prepared before a visa is issued.

Senator DONNELL. By whom should it be prepared?

Mr. MAIN. The law does not say. The law is silent on that. I believe that by Executive order the Displaced Persons Commission has been designated as the agency that will prepare that report.

Senator DONNELL. Also by such agencies as the Government of the United States, through the President, designates.

Mr. MAIN. Yes.

Mr. ARENS. The President has designated the Displaced Persons Commission to make and prepare the report, has he not?

Mr. MAIN. Yes, sir.

Mr. ARENS. What agency of the Government actually does the investigating?

Mr. MAIN. The Counter Intelligence Corps of the Army does the investigation with reference to the character and history and the security factor involved in each displaced person.

Senator FERGUSON. They are soldiers, are they not?

Mr. MAIN. Yes, sir.

Senator FERGUSON. They are all in the United States Army, are they not?

Mr. MAIN. Yes, sir.

Senator FERGUSON. Do you have any complaint about that organization, that it is not properly performing its functions as an investigative agency?

Mr. MAIN. In my opinion, the investigation that is conducted is not thorough enough.

Senator FERGUSON. What is wrong with it?

Mr. MAIN. The procedure of investigation consists of an interview of the applicant, an interview of three witnesses, and agency checks which are made of the various agencies in Europe concerned with law enforcement and the Berlin document center.

Senator FERGUSON. But whom could we trust more than the United States Army, which is occupying Germany, in relation to security questions?

Mr. MAIN. I do not think there is anyone whom you can trust more. However, in my opinion, the investigations should go further than they do at the present time.

Senator FERGUSON. Whose fault is it that they do not? It is not due to the law, is it?

Mr. MAIN. No, sir.

Senator FERGUSON. The law requires a really complete investigation.

Mr. MAIN. The law requires a thorough investigation. In my opinion, the thorough investigation called for in the law and the regulations is not being conducted.

Senator GRAHAM. Is that the fault of the administration of the Army?

Mr. MAIN. I am not certain whose fault it is.

Mr. ARENS. Do you know to what extent the CIC is under—for want of a better word—pressure or persuasion to expedite its cases?

Mr. MAIN. As the program was originally set up, I think the CIC was, as a pattern, supposed to complete their investigation in approximately 20 days.

Mr. ARENS. Is that, in your opinion, sufficient time?

Mr. MAIN. No, sir.

My principal objection is to the fact that the ground investigation is not complete enough to detect in most cases any change of name by the individual being processed. The agency check, with the exception of one, the provost marshal check, is made upon the basis of name only. Therefore, if the individual should change his name successfully and have favorable witnesses who will go along with that change of name, the rest of the agency checks are of absolutely no value.

Senator GRAHAM. Is there anything we could do to the law to make more secure this investigation?

Mr. MAIN. I do not think so, sir. I think a thorough investigation means a thorough investigation and it is a matter of insistence that that be done.

Senator FERGUSON. If I might go back for a moment, Mr. Chairman, to these 1,700 cases involving about 3,500 people, what the witness says leaves on this record a very serious charge against these organizations, as if someone were drumming up business over there. Here is an organization or here are organizations that are bringing in people who have not been in the zone the required length of time and there is this large percentage that have been proved beyond any doubt not to have been there at the proper time.

That leaves in my mind a very serious charge, and that is the way the business is done.

You send a charitable organization in there to go around and make applications for displaced people. Now you find that there are a lot of them using fraudulent birth or entry certificates and so forth, and there has been evidence of bribery. How do you account for that?

Mr. MAIN. Senator, I did not mean to leave the inference there that the agency was responsible for these fraudulent cases.

Senator FERGUSON. But you gave three reasons that left in my mind the fact that the agency must be responsible. Here were 1,700 cases brought in because they felt that the new law was not going into effect.

Mr. MAIN. May I explain?

Senator FERGUSON. Yes, do.

Mr. MAIN. Perhaps if I explain the procedure better, it will clear that up.

The agency does not go out and interview and screen these people to find out when they arrived; whether or not they are eligible under the act. As a general practice, they do not find that out.

Senator FERGUSON. Let me present a hypothetical case. Let us say a person up in Michigan wants to get a farmer. He goes down to one of the charitable organizations, a church group or some similar group, and he says, "I want to get a farmer." He does not have a relative over there and he does not know the name of any person who is a displaced person. He just says, "I want a person." What happens then? Do they go over there and locate a farmer and bring him into the center?

Mr. MAIN. They locate a farmer and nominate that person to go under the assurance of this person back in Michigan. It is not a general practice of the agencies, to my knowledge, to quiz that individual and require him to present documentation to them to establish the eligibility under the act, except superficially.

Senator FERGUSON. I think an agency would become suspicious if 1,700 cases were brought to it almost at one time.

Mr. MAIN. It is quite possible.

Senator FERGUSON. It made you suspicious, did it not?

Mr. MAIN. Yes, sir. May I go into it a little bit further?

Senator FERGUSON. Yes.

Mr. MAIN. When these cases were held up and it became known to the agency that they were held up, they asked us to suspend them until they themselves had had an opportunity to screen these people

and to their own satisfaction determine that they were admissible, that they were not performing any fraud in trying to get in.

Senator FERGUSON. After that time, though, they had apparently just been taking the word of the person; had they not?

Mr. MAIN. Yes, sir. They had not seen the individual in many cases, I think. They had acted upon the individual's application for emigration to the United States.

Senator FERGUSON. That clears is up in my mind.

Mr. MAIN. I did not intend, certainly, to charge the agency with conspiracy to get these people into the United States illegally.

Senator GRAHAM. May I ask one question? You have given us the steps from the IRO and the Displaced Persons Commission, to the consular service and to the Immigration Service. What procedures, for example, does the Canadian Government follow that are in any way different from ours, that would guarantee more security?

Mr. MAIN. I am not familiar with their security checks.

Senator FERGUSON. You would not want to adopt the British security methods, would you, Senator?

Senator GRAHAM. I said Canadian. Are there any lessons which we could learn from their procedures? Can we learn anything from the procedures followed by Australia, for example?

Mr. MAIN. I am not familiar with Australia's procedures.

Mr. ARENS. To get back to this matter of the legal authority of the Displaced Persons Commission to operate in Europe, is it your view that the basis for the Displaced Persons Commission being in Europe is that they have been designated by the President as the agency to make the investigation and to prepare the report?

Mr. MAIN. To make the report. I do not believe that he has designated that the Commission would make the investigation.

Mr. ARENS. To prepare the report?

Mr. MAIN. Yes, sir.

Mr. ARENS. Does the Immigration and Naturalization Service or does the consular service, make decisions over there as to eligibility of the applicant under the displaced-persons law, as distinguished from his admissibility under the immigration law?

Mr. MAIN. I think that the regulations provide that the findings of the Commission as to eligibility under the Displaced Persons Act shall be conclusive.

Mr. ARENS. Where in the law does it provide that the Commission shall have the power to make conclusive findings as to the eligibility under the law?

Mr. MAIN. I do not think it is specified in the law.

Mr. ARENS. As a matter of fact, the law says, does it not—

> No eligible displaced orphan or eligible displaced persons shall be admitted into the United States under the provisions of this Act except in pursuance of the regulations of the Commission, but, except as otherwise expressly provided in the Act, the administration of this Act under the provisions of this Act and regulations of the Commission, as herein provided, shall be by the officials who administer the other immigration laws of the United States.

Is that not so?

Mr. MAIN. The law states that.

Mr. ARENS. Who administers the other immigration laws of the United States?

Mr. MAIN. The Foreign Service and the Department of State and the Immigration and Naturalization Service.

Mr. ARENS. But it is your testimony that, under the administrative practice, the final determination of eligibility under this law has not been vested in the Immigration officials and in the consular officials; is that not so?

Mr. MAIN. I believe that the regulations provide that the findings of the Commission shall be conclusive.

Senator DONNELL. Do you have a copy of that here?

Mr. MAIN. I have the regulations; yes, sir.

Senator DONNELL. Could you find that for us?

Mr. MAIN. Shall I read it, sir?

Senator DONNELL. Yes, sir; please.

Mr. MAIN. Section 700.8 of the regulations, Title 8—Aliens and Nationality:

(a) Upon the basis of the entire record, including the investigation and written statements provided for in section 700.7, the Commission shall make and prepare a written report, as required by section 10 of the Act, and by Executive Order No. 10003, regarding the character, history, and eligibility under this Act of each eligible displaced person selected for processing and preliminarily determined to be eligible for admission under section 700.6 (c). The report shall be deemed to establish prima facie the applicant's character, history, and eligibility under the Act, and shall be deemed to establish as conclusive, the existence of all factors relating to eligibility to enter the United States except the existence of those factors required in applicable immigration laws other than the Act.

Senator DONNELL. Who gave the Commission authority to adopt any such regulation as that?

Mr. MAIN. I do not know, sir.

Senator DONNELL. Do you have a copy of Executive Order 10003, to see whether or not the President ever told them to do that?

Mr. MAIN. Yes, sir.

Senator DONNELL. What does that say? Is it a lengthy document?

Mr. MAIN. No, sir.

Senator DONNELL. Do you find anything in there in which the President told the Commission to go ahead and say that it itself had authority to make this prima facie finding and this conclusive finding?

Mr. MAIN. Section 1 of the Presidential Order 10003 says:

The Displaced Persons Commission is hereby designated as the agency which shall, subject to the provisions of paragraph 2 hereof, make or prepare the investigations and written reports required by section 10 of the Displaced Persons Act of 1948 regarding the character, history, and eligibility under the said Act of displaced persons seeking admission into the United States.

Senator FERGUSON. Then it does give authority, does it not?

Senator DONNELL. I say it does not. It gives authority to make the investigation, but it does not give any authority, as I read it, to this Commission to make the finding that the report shall be deemed to establish anything as being prima facie or that anything is conclusive. I do not think the President's directive there even remotely gives them the power they are undertaking to exercise.

Senator FERGUSON. Perhaps we had better hear it again.

Senator DONNELL. Will you read that again, please, Mr. Main?

Mr. MAIN. It reads:

The Displaced Persons Commission is hereby designated as the agency which shall, subject to the provisions of paragraph 2 hereof, make or prepare the inves-

tigations and written reports required by section 10 of the Displaced Persons Act of 1948 regarding the character, history, and eligibility under the said Act of displaced persons seeking admission into the United States.

Senator DONNELL. Under section 10, the President has a right to designate an agency to do that. What else is there stated in the President's directive No. 10003 that the agency should do? Is there anything else?

Mr. MAIN. I will read paragraph 2.

Senator DONNELL. I mean about what the Displaced Persons Commission shall do. Is that all that the President's directive says, Executive Order 10003, as to what the Displaced Persons Commission shall do?

Mr. MAIN. I think that is all.

Senator DONNELL. If that is all, that is just the language of section 10 of the Displaced Persons Act and there certainly is nothing in that section 10 of the Displaced Persons Act that authorizes this Commission to go ahead and pass a regulation like that which you just read.

May I see that regulation a minute, please?

Mr. MAIN. Yes, sir.

Senator DONNELL. Section 10 of the Displaced Persons Act says that:

Except as otherwise expressly provided in this act, the administration of this act, under the provisions of this act and the regulations of the Commission as herein provided, shall be by the officials who administer the other immigration laws of the United States.

You go back to find out what is otherwise expressly provided in the act and you find simply that the President has authority, which he has exercised and properly so, I take it, to designate an agency of the Government of the United States to do—what?: To make a "thorough investigation and written report regarding such person's character, history, and eligibility under this act."

That is all, just to make the investigation and report.

Along comes the Displaced Persons Commission now and adopts a rule and regulation in which, in addition to saying that "upon the basis of the entire record the Commission shall make and prepare this written report" and so forth, it goes ahead and says what that report shall be deemed to establish.

Regulation 700.8 of the regulations undoubtedly states correctly, I take it, the duties of the Commission to make and prepare this written report. That is copied substantially right out of the Displaced Persons Act.

But then comes along something that the Commission, as I see it, has done by lifting its own bootstraps. It has said what this report shall be deemed to establish and that is not in the Displaced Persons Act.

It says:

The report shall be deemed to establish prima facie the applicant's character, history, and eligibility under the act * * *.

There is nothing in the Displaced Persons Act that says the Commission has authority to establish by regulation that its report shall be deemed to establish prima facie the applicant's character, history, and eligibility.

Then this regulation goes ahead and says:

This report shall be deemed to establish, as conclusive, the existence of all factors relating to eligibility to enter the United States, except the existence of those factors required in applicable immigration laws other than the act.

I do not think that even remotely does the Displaced Persons Act give the Commission any authority which is asserted here by the second sentence of regulation 700.8.

I want to ask you two things, Mr. Main. First, even the making of this investigation is not being done by the Displaced Persons Commission, at least in large part it is being done by CIC; is it not?

Mr. MAIN. Yes, sir.

Senator DONNELL. Do you know of anything whereby the President has directed CIC to make the investigation?

Mr. MAIN. I think this paragraph 2 of the Executive order—it points out that other agencies may be called upon by the Commission to assist it in carrying out its responsibility.

Senator DONNELL. That may cover the point. Paragraph 2 of Executive Order 10003 says:

The Department of State, the Department of the Army, and such other agencies of the Government as the Displaced Persons Commission may request, shall, in accordance with arrangements agreed upon between the Commission and any other such department or agency, furnish the Commission such assistance as it may need in carrying out its responsibilities under paragraph 1 of this order.

I think that is entirely different from saying that it can delegate to the CIC the power to make the investigation. That is, I can see some basis for saying it has a right to have its assistance. In fact, I think it does have the right under this paragraph that you point out in Executive Order 10003. But the fact is that the actual investigation is not being made, as I get it, at least in the main, by the Displaced Persons Commission, but is being made by the CIC. That is right; is it not?

Mr. MAIN. That particular portion of the investigation required is made by the CIC; yes, sir.

Senator DONNELL. I want to now ask you the second question of the two to which I referred. Do you happen to know whether or not this lack of power, if it be such, on the part of the Commission to make any such regulation as this second sentence of 700.8 was called to the attention of Mr. Rosenfield in the room right behind this room, in a meeting of a subcommittee with Mr. Rosenfield of the Displaced Persons Commission? Did you ever hear from him that that was called to his attention?

Mr. MAIN. No, sir.

Senator DONNELL. He never told you that was called to his attention?

Mr. MAIN. No, sir.

Senator DONNELL. Did you ever know it until now?

Mr. MAIN. No, sir.

Senator FERGUSON. Senator Donnell, reading from section 10, here is what the first agency is to do:

No eligible displaced person shall be admitted into the United States unless there shall have first been a thorough investigation and written report made

and prepared by such agency of the Government of the United States as the President shall designate regarding—

and this is the part that I want to bring out—

such person's character, history, and eligibility under this act.

As I understand it, the CIC goes into the question of character and history. Do they go into the question of eligibilty under the act?

Mr. MAIN. As a rule, they do not go into the question of eligibility as it relates to section 2 (b), eligibility under IRO's constitution.

Senator FERGUSON. Who goes into that, at the date of entry?

Mr. MAIN. Senator——

Senator DONNELL. Let the record show that Senator McCarran has entered the committee's session as of a few minutes ago and is now present at the hearing. We are glad to have you with us, Mr. Chairman.

Senator FERGUSON. Who goes into that eligibility and that date of entry?

The CHAIRMAN. Do you?

Mr. MAIN. The determination of the eligibility under the act, as it relates to IRO's constitution and date of entry and place of residence in one of the western zones, or sectors, is usually a function of CIC. The Commission makes that determination upon the basis of IRO's certification of documentation, submitted to it by IRO and supplemented, if necessary, by an interview with the applicant concerned.

Senator DONNELL. Mr. Main, if you do not mind, might I interrupt here a moment? Inasmuch as Senator McCarran is present, I am sure he will not object to my asking him a question at this point.

Do you remember, Senator McCarran, an occasion, possibly a year or so ago, in the back room of this very suite of offices, when Mr. Rosenfield, of the Displaced Persons Commission, was present and it was called to his attention that—I do not know whether it was called to his attention that this particular sentence was illegal, but certainly to the extent that it was highly doubtful as to its validity and possibly that it was illegal? I am referring to the provision of 700.8 of the Displaced Persons Commission regulations, which is as follows:

* * * The report shall be deemed to establish prima facie the applicant's character, history, and eligibility under the act, and shall be deemed to establish as conclusive the existence of all factors relating to eligibility to enter the United States, except the existence of those factors required in applicable immigration laws other than the act.

Do you remember whether or not the alleged invalidity—I will put it that way—of that sentence I just read to you was called to Mr. Rosenfield's attention?

The CHAIRMAN. It is my recollection that you asked the question. I remember the occasion when he was before the committee. I know the question was asked.

Senator DONNELL. I think possibly both Mr. Arens and myself asked him. My recollection is that Mr. Arens called attention to the point and I think it was developed. Whether that sentence was read to him, I do not remember about that, but I certainly think the subject matter of it, in substance, was called to Mr. Rosenfield's attention.

The CHAIRMAN. That is my recollection.

Senator FERGUSON. Going back to that person's character, history, and eligibility, the President has designated the Displaced Persons Commission to do this job.

Senator DONNELL. To do what job?

Senator FERGUSON. Of finding the person's character, history, and eligibility. I just want to ask the witness if that is correct. Is that correct?

Senator DONNELL. The statute speaks for itself. It says that first there shall be a thorough investigation and written report made regarding the character, history, and eligibility under the said act.

Senator FERGUSON. Yes; a thorough investigation of the history of the person and his character and eligibility under the act.

Senator DONNELL. That appears in the Commission's rules and regulations, under 700.8. I am talking about the Commission's own instruction as to what that report is supposed to establish as prima facie.

Senator FERGUSON. What I want to know is whether or not Mr. Tripp determined for himself whether or not a person would get a visa under this act.

Mr. MAIN. No, sir. The individual must get his visa and then apply to him for admission to the United States.

Senator FERGUSON. Does Mr. Tripp then decide as to whether or not this person can go to the United States, even though he has a visa? Does Mr. Tripp decide whether or not he can go to the United States under this act?

Mr. MAIN. I think that it has been interpreted by the Commission, the Immigration and Naturalization Service and the consular service, that the findings of the Commission, as they relate to eligibility under the act, rest with the Commission itself and not with the other two agencies.

Senator FERGUSON. Then on the question of the date of coming to the zone, do you think that the immigration inspectors or the Foreign Service, once the Commission actually says this man entered the zone at such and such a date, and it is prior to December 22, 1945, would have to admit that man if he is sent to the United States under this act, as far as that one requirement is concerned?

Mr. MAIN. That is not essentially true. The Immigration and Naturalization Service, I believe as a matter of practice, if evidence comes to their attention which indicates that the individual did not qualify by entry prior to December 22 of 1945, they will call that matter to the attention of the Commission and return the case to them for their consideration.

Senator FERGUSON. Then the absolute discretion is in another agency other than the Displaced Persons Commission; is that not so? Let me ask you this——

Senator DONNELL. Let him answer.

Senator FERGUSON. Let me put another question.

Senator DONNELL. Will you please answer the Senator's question, Mr. Main?

Mr. MAIN. It has been held—perhaps it has been changed recently—that the Immigration Service has no authority to reject a person, deny him admission to the United States, upon the basis of the fact that he

did not enter Germany, Austria, or Italy between the required dates. The reason why I say that is that the consular service, here within recent weeks, has received a cable from the State Department which indicated to them that if cases which have been presented to them by the Commission indicating entry into Germany, Austria, or Italy within the required dates, if they find that, in their opinion, they entered after that date, and, therefore, are not qualified, they may reject, and should reject, under section 10 of the act.

Apparently they are following that procedure.

Before that time they were accepting as conclusive the findings of the Commission in that regard.

Senator FERGUSON. The question I wanted to put was as to whether or not you knew any case where the consular service or the Immigration Service had turned down someone for the reason that he had come in prior to that date when they found that he had not.

Mr. MAIN. No; I do not. They have returned some cases to us in Munich, where they have had evidence in their files or evidence has come to their attention which would indicate that the person did not enter within the required dates as the Commission had so found.

Senator FERGUSON. What did you do with those cases?

Mr. MAIN. Those cases were reexamined. In some cases, they were sent on to CIC for further investigation to determine which was the accurate information.

I believe one or two were rejected, then, by us; our favorable report was withdrawn.

In other cases, it was found that the evidence was not authentic and the case, I believe, was passed on up to the consul.

Senator FERGUSON. Do you think the United States Government, through the Secretary of State, has made a new regulation giving to the consular service this absolute authority to reject?

Mr. MAIN. I believe that the statement was that if, in their belief, the person did not enter prior to the date of December 22, 1945, as he had claimed, although the Commission had found him admissible, they were to reject the individual under section 10, upon the basis of a misrepresentation having been made.

That is a recent instruction to the Foreign Service.

Senator FERGUSON. Do you know how recent that is?

Mr. MAIN. I would say within 6 weeks.

Senator DONNELL. Do you happen to have a copy of that with you?

Mr. MAIN. No, sir.

Senator DONNELL. Mr. Arens, will you proceed?

Mr. ARENS. Mr. Main, based on your experience and observation, what is your estimate as to the number of persons who come into the United States zone or French zone or British zone of Germany or Austria from behind the iron curtain, per month?

Mr. MAIN. I have no way of knowing, except that I believe that the Stars and Stripes, a publication of the United States Army, has indicated that approximately 50,000 are entering the western zones each month.

The CHAIRMAN. Are they going into displaced persons' camps?

Mr. MAIN. No, sir.

Senator DONNELL. Mr. Main, did you see Senator McCarran more than once while he was in Europe?

Mr. MAIN. Yes.

Senator DONNELL. Where did you see him?

Mr. MAIN. I traveled from my home to the home of the consul general, Sam Woods, on Starnberg Lake, on the Sunday, I believe, following the day that Senator McCarran arrived in Munich. I saw him the following day at the resettlement center, where our offices are, and then I met him casually in the hotel, I believe on Tuesday morning, prior to the time that he left Munich.

Senator DONNELL. Just tell us, for the record, please, what he was doing there; whether he was working on displaced-persons problems, or what?

Mr. MAIN. As far as I know, his only inquiry was into displaced-persons problems.

Senator DONNELL. Did he talk with you about matters of that kind?

Mr. MAIN. Informally; yes, sir.

Senator DONNELL. Do you know whether he interviewed anyone else on those subjects?

Mr. MAIN. Yes, sir. He informally talked to Mr. Bailey of the consular service. Mr. Sam Woods, the consul general. Mr. Cutler,[1] of the Displaced Persons Commission, and Mr. Young of the Displaced Persons Commission, and members of IRO.

I think that he took a tour of the IRO camps in the Munich area with IRO officials, with the Army officials, what they call the S–5, who have Army control of the displaced persons and refugees in the area, and perhaps with others.

Senator DONNELL. You would not say that he was in any sense inactive, then, when he was in your section, in regard to his investigation of the displaced persons problem?

Mr. MAIN. Quite active, I would say.

Senator DONNELL. Yes, sir. Did he evidence in his conversations with you an intimate, active interest in a careful, honest, and complete investigation of this whole problem?

Mr. MAIN. Yes, sir.

Seantor DONNELL. Proceed, Mr. Arens.

Mr. ARENS. On the basis of your background, experience, and opportunity to observe the displaced persons program in Europe, would you care to express an opinion as to whether the major emphasis by the Displaced Persons Commission and its policies was on speed of processing or upon the enforcement of the law?

Mr. MAIN. I would rather not reach an opinion on that, sir.

Mr. ARENS. Is there considerable emphasis on speed of processing?

Mr. MAIN. There has been in the past, yes, sir.

Mr. ARENS. And that emphasis terminated shortly after Senator McCarran began his investigation in Europe?

Mr. MAIN. About that time. Now, whether or not it was the result of Senator McCarran's visit there or the fact that Mr. Carusi, the Chairman of the Commission, arrived in Europe to go over the same thing, I do not know.

Senator DONNELL. When did Mr. Carusi arrive, as compared with the time of arrival of Senator McCarran?

[1] For the testimony of John W. Cutler, see p. 515.

Mr. MAIN. A few days or weeks before Senator McCarran arrived at Munich, anyway.

Senator DONNELL. That is, Mr. Carusi got there a few days or weeks before Senator McCarran got there? Is that right?

Mr. MAIN. I am not certain. I think Senator McCarran had not yet arrived in Germany at the time Mr. Carusi arrived.

Senator DONNELL. Now, did this change in emphasis on the speed of processing occur prior to the arrival of Senator McCarran or did you notice a change conspicuously to have occurred after his arrival?

Mr. MAIN. I will say prior to the time Senator McCarran arrived in Europe. Whether he had been other places or not before that, I do not know.

Senator DONNELL. You probably heard he was in Europe and was bound for Munich? Before he arrived, you heard that he would be there?

Mr. MAIN. I suspected he would be there, yes.

Senator DONNELL. You had heard he had been in Frankfurt, had you not?

Mr. MAIN. I heard that he was coming to Europe. I heard he was in Spain and France, and I was certain that he would be in Germany.

Senator DONNELL. Did you hear anything about his setting up an office there in the Farben properties, which are the Government offices there in Frankfurt?

Mr. MAIN . I knew nothing of it.

Senator DONNELL. Senator McCarran, I did not mean to overrepresent that. Would you mind stating what you set up, there, in Frankfurt?

The CHAIRMAN. We went into Frankfurt, the two clerks and myself, and we went through the facilities of Frankfurt, and then we went to Stuttgart and from there to Munich.

Senator DONNELL. Did you do anything there in the Farben establishment at Frankfurt? That is, did you set up offices there?

The CHAIRMAN. Not particularly, except to hold hearings.

Senator DONNELL. That is what I was thinking of. Perhaps I overstated it. Was Mr. O. K. Armstrong of Missouri present during some of your operations there in the Farben properties?

The CHAIRMAN. Yes.

Senator DONNELL. All right, Mr. Arens.

Mr. ARENS. You have testified this morning and this afternoon, Mr. Main, respecting a substantial amount of false and fraudulent documents and the inquiries made by the displaced persons employees in this field. Were these inquiries and disclosures made after Senator McCarran's public disclosures of the false and fraudulent document situation in his European investigation or did these inquiries and disclosures come before his investigation?

Mr. MAIN. The disclosures, that is, the verification of our suspicions, came certainly after Senator McCarran was there, and I believe, that our suspicions of these cases were aroused after he had been there. I don't want to imply that it was the result of Senator McCarran's visit there, however, that our suspicions were aroused, with all due credit to the Senator. We were curious, on all of these cases.

Senator DONNELL. Senator, did you hold some hearings in the Farben property at Frankfurt?

The CHAIRMAN. Yes.

Senator DONNELL. Do you remember how many hearings you held and how many witnesses you examined there?

The CHAIRMAN. My recollection is that I examined the representative of every religious group that was over there. Now, I say "every" one. That covers a big field. But I examined nearly every religious group that was represented and I examined a number of other witnesses aside from that, on the various phases of the displaced persons situation in Frankfurt.

Senator DONNELL. In the Farben building, there?

The CHAIRMAN. Yes.

Senator DONNELL. Which is used by the United States Government?

The CHAIRMAN. Yes. That is where the United States Government headquarters are set up, under Mr. McCloy.

Senator DONNELL. Did you have any clerks there, participating in that hearing?

The CHAIRMAN. I had two clerks and a stenographic reporter.

Senator DONNELL. Did you interrogate them, yourself, personally?

The CHAIRMAN. Yes, sir.

Senator DONNELL. And was their interrogation and response taken down by the reporter?

The CHAIRMAN. Either in verbatim form or narrative form. I do not recall.

Mr. ARENS. I respectfully suggest that I have no more questions at this time of the witness, but in view of the fact that we have three other witnesses who will have extensive testimony, I would like to request that the Senator ask Mr. Main to remain under the subpena so that he may be called back for the further edification of the committee.

Senator DONNELL. I should say in addition to that, that Senator Kilgore indicated his desire to question Mr. Main, and we would appreciate, Mr. Main, your remaining under the subpena and remaining subject to the order of this committee until released therefrom. Will you be kind enough to govern yourself accordingly?

Mr. MAIN. Yes, sir.

Senator GRAHAM. I have one or two questions that I would like to ask, Mr. Chairman.

Senator DONNELL. Go right ahead, Senator.

Senator GRAHAM. Mr. Main, do you remember those 100 of the 300 that you estimated did get into the United States?

Mr. MAIN. Yes, sir.

Senator GRAHAM. Is there any way that we could have a check on those, to locate them now?

Mr. MAIN. I am certain a check is now being made by the Immigration and Naturalization Service, perhaps by the Department of State, too, and perhaps by the Commission. I do not know.

Senator DONNELL. Those are the ones who came from Schnaitsee?

Mr. MAIN. Yes, sir.

The CHAIRMAN. I have just one question. I do not want to interrupt you.

Senator DONNELL. Go right ahead.

The CHAIRMAN. You have related to the committee our meeting at the home of Consul Woods on Sunday. Do you recall a meeting with a group at which I was present at a luncheon given by the consul?

Mr. MAIN. Yes, sir.

The CHAIRMAN. Do you recall that on that occasion or on those occasions, the consul dwelled upon the entry by certain displaced persons by sale documents and by perjury?

Mr. MAIN. Yes, sir; I believe it was discussed.

The CHAIRMAN. Do you recall whether or not it was in your presence that he gave me a copy of his report to the State Department on that subject?

Mr. MAIN. I don't recall that it was in my presence; no, sir.

Senator FERGUSON. Well, had there been a report prior to that time about fraud in these cases?

Mr. MAIN. I believe the report that the Senator refers to is one with respect to Schwandorf, up near Amberg. At that time the consular service had found that several cases, I don't know how many, had been processed and visas issued on the basis of fraudulent records of residence from the village of Schwandorf.

Senator FERGUSON. All right. Did those people ever get into the United States?

Mr. MAIN. These particular cases that I know of were in the United States; yes, sir.

Senator FERGUSON. Were they ever deported because of this fraud?

Mr. MAIN. Not to my knowledge. I think that the Department of State is inquiring into it and supposedly the Immigration and Naturalization Service is.

Senator FERGUSON. All right. How long ago was that?

Mr. MAIN. It must have been prior to September, because I recall that was the time that the Senator was in Europe.

Senator FERGUSON. And a report had been made at that time, in your opinion, showing this fraud?

Mr. MAIN. Apparently so. I have not seen the report.

Senator FERGUSON. And so far as you know, nothing has been done to have these people deported from the United States, who entered in violation of this act?

Mr. MAIN. I did not say that, Senator. I said as far as I know probably the Immigration and Naturalization Service and the Foreign Service are taking steps to do that.

Senator FERGUSON. Well, but wait. You know that the Foreign Service and the State Department had notice of it.

Mr. MAIN. I do not have knowledge of what they have done, Senator.

Senator FERGUSON. I am not asking what they have done. Did they have notice back in September of this fraud? I am trying to find out why we have not had action on some of these things.

Mr. MAIN. I think that they have, upon the basis of the letter that Senator McCarran is referring to. They had notice that in the opinion of the consul's office in Munich these individuals named had——

Senator FERGUSON. Come to this country in violation of this law?

Mr. MAIN. Yes, sir.

Senator FERGUSON. And as far as you know, nothing has been done. There have been no deportation proceedings and nothing has been done as far as you know?

Mr. MAIN. I would have no way of knowing.

Senator FERGUSON. I say as far as you know.

Mr. MAIN. As far as I know.

The CHAIRMAN. Do you recall, as it happens to come to you now, and I would not bind you as to this answer, because it may not have come to you at all, that there were cases pending in which one or two had been prosecuted for fraud and that that was drawn to the attention of the State Department by the consul, Mr. Sam Woods? Does that happen to register with you?

Mr. MAIN. I believe that relates to the same fraudulent document center at Schwandorf.

Senator FERGUSON. I might ask the clerk of the committee: Does he have any knowledge on this particular case, whether any deportation proceedings have been started, or anything?

Mr. ARENS. A particular case?

Senator FERGUSON. Yes; as to this report that he is talking about now, the Woods report.

Mr. ARENS. Yes; we have a copy of that, but that is only one. It is only typical of hundreds of them.

Senator FERGUSON. But does the clerk know of any action being taken on that by the State Department?

Mr. ARENS. Well, the State Department would not take action. It would be the Immigration and Naturalization Service.

Senator FERGUSON. They are in the State Department?

Mr. ARENS. No; they are in the Justice Department.

Senator FERGUSON. Yes. Do you know of any action being taken by the Immigration Service?

Mr. ARENS. Not on any specific case. I know the Commissioner has intimated to me, here, in the recent past, some investigation of certain cases that allegedly have gotten into the United States. The Commissioner is here, and you could ask him about it, Senator.

Senator FERGUSON. Commissioner, have you taken any action on this matter, on these particular cases, the Woods report cases up at Schwandorf?

Mr. MILLER.[1] I would have to have further identification on the Woods report. What is the nature of the Woods report? Does it have anything to do with the 76 cases being discussed here this morning?

Mr. MAIN. No, sir; I think it is a separate one. Mr. Arens, I believe, has the report.

Senator FERGUSON. Could you give him the names of them, so that he could look them up?

Mr. ARENS. I don't have them with me at the moment. We have all kinds of reports.

Mr. MILLER. I think in general terms, as rapidly as we get a report, whether the person is alleged to have arrived here or not, through our channels, we begin making investigations. And when I last inquired of my security folks, the law enforcement folks in the office, about a week ago, some of the cases, a few in number, I was told, we are now awaiting clearance on from the State Department for reentrance into Germany.

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[1] Commissioner Watson B. Miller, Immigration and Naturalization Service.

Senator FERGUSON. I was just wondering. Up to date, you have not deported anyone for a violation of this act?

Mr. MILLER. I can't say as to today, but a week or two ago we had not. We have not had many of them, of course, for very long. We get them from Tripp and from other sources, and usually, it is from information that was disclosed at some place over there and transmitted to us. But the disclosures had taken place subsequent to the issuance of the visas, and in some cases, the applicants are en route here by ship, and in other cases, they have actually arrived here.

Senator FERGUSON. But when they are en route here and you have evidence that they have violated the law——

Mr. MILLER. We stop them at Ellis Island.

Senator FERGUSON. How many have you at Ellis Island now?

Mr. MILLER. I don't know how many we have. We have stopped 35 cases, and I can give this committee explicit reports on every single case and what has been done about it.

Senator GRAHAM. When they get beyond Ellis Island, what do you do?

Mr. MILLER. We have to find them through our investigating staff. I don't know whether it is gratuitous or not.

Senator GRAHAM. Are you looking for them right now?

Mr. MILLER. Oh, yes. I think you might want me to tell you something about the 76 cases. We have found 54 of them are in this country. What we can do about sending them back is another matter.

Senator FERGUSON. Do you mean you cannot send them back?

Mr. MILLER. I don't know what procedure we will use. We are going to try, sir.

Senator KILGORE. You mean by that that the question of getting necessary papers to get them back comes into it?

Mr. MILLER. There is the matter of whether we can send them back to General Clay, unless he wants them.

Senator FERGUSON. Do you mean to say, then, that you have doubts that the military authorities in Germany today would accept these people back, who have come in here through violation of this law?

Mr. MILLER. I would say, Senator, that I am not sure, now, because we have not gone through the procedure.

Senator FERGUSON. Have you any doubt that they would take them back?

Mr. MILLER. I have no doubt, sir.

Senator FERGUSON. I am wondering why you raised the question, then.

Mr. MILLER. We had one or two returned posthaste by the military authorities, and what I really meant to say, Mr. Chairman, was that we have not had experience in actually removing these people from this country to the other shores.

Senator FERGUSON. Mr. Miller, have you any doubt now in your mind that if you bring a person in from Germany who violates this law and uses fraud to get into this country, you can deport him to the place where he came from in Germany? Have you any doubt about that?

Mr. MILLER. I don't think, Senator Ferguson, you would like me to expose what my internal characteristics may be; but I don't approach those questions with doubt.

Senator FERGUSON. Well, up to date you have not deported any of them.

Mr. MILLER. That is right, and there hasn't been very much time that has elapsed since we have noted these cases. I don't know of more than a scattering of a few cases we had as early as last September. I don't know about the reports Senator McCarran speaks of as being handed him in Germany in September.

Senator FERGUSON. Do you not think it would be a great lesson to these people who are using fraud? We get some 1,700 cases, here, today, where there is evidence of fraud. Do you not think it would be a great lesson to these people if you deported them immediately?

Mr. MILLER. We discussed the matter in my office and we think it would have a very salutary effect upon those who attempted fraud upon us.

Senator FERGUSON. I am wondering why it has not been done.

The CHAIRMAN. Senator Ferguson, may I say that the matter referred to as between Mr. Main and myself as having been reported by Consul Woods was inserted in the record by myself shortly after the reconvening of Congress. The whole instrument was inserted in the record.

Senator GRAHAM. When did you first have knowledge of this?

Mr. MILLER. Of which, sir?

Senator GRAHAM. Well, I will take, for example, these 300 that Mr. Main says in his judgment got into this country through fraud. Now, what has been done about those?

Mr. MILLER. I don't know which category those 300 are in, Senator Graham.

Senator DONNELL. Those are the people from Schnaitsee.

Mr. MILLER. I have notice of 76 from Schnaitsee, within the last 10 days and those are in investigation process at the moment.

Senator GRAHAM. Are those 76 a part of the 100 you roughly estimated?

Mr. MAIN. I think that is right. Of the 100 cases that were reported as having been processed through CIC, it was my estimate that approximately 76 of them had arrived in the United States. That, I think, is the same group.

Mr. MILLER. We only know of 76 such persons by identification, by name and number. The rest apparently have not come to us.

Senator GRAHAM. He was just making a rough approximation. What Senator Ferguson asked is what is being done about those 76.

Mr. MILLER. I have ascertained that 54 of them were in this country. There may be more today.

Senator GRAHAM. Are some of those 76 now at Ellis Island?

Mr. MILLER. No, sir; I think not. But they could be, particularly if they had not actually landed at the time we got the information, within the last 10 days.

Senator GRAHAM. You say some of the 76 got beyond Ellis Island. Do you have an accurate way of following them, so that you could identify any of the 76 that got beyond Ellis Island?

Mr. MILLER. It is not in all cases too accurate, Senator Graham.

Senator FERGUSON. I thought somebody had to vouch for them, that they were brought in here to take a particular job and live in a particular place so that they would not displace anyone either in job or place.

Mr. MILLER. That is true, but they are somewhat peripatetic—move around a good deal.

Senator DONNELL. No $64 words. We cannot go beyond two syllables.

Mr. ARENS. In view of what was testified a moment ago, I wanted to ask the Senator: In view of what has come up about false documents and the maladministration of the program, after your investigation or in the course of your investigation last September, did you give any public notice of what you had found to the committee and to the Senate and to the people of the United States?

Senator FERGUSON. I do not think anybody disputes that.

The CHAIRMAN. I sent, I think, 11 cablegrams, in which I specifically set out what I had found in fraud, perjury, and false documents. And I am ready to document those statements.

Senator DONNELL. Anything further, gentlemen?

Just a second, Mr. Main. We will give you an opportunity to make any further statement you desire. I want to call attention to the fact that Senator Kilgore is here. He came in during the last 5 or 10 minutes, I think. He has been assured that he will have an opportunity to question Mr. Main.

Might I state first, Senator, if you do not mind, that Mr. Main was about to make a voluntary statement or inquiry, and I think in fairness to him, we might hear that before we get into some other phase. Could you tell us what you want to state or ask, Mr. Main?

Mr. MAIN. I can wait, Senator.

Senator DONNELL. Then, Senator, will you kindly proceed?

Senator KILGORE. I asked a question before leaving with reference to the date of the overruling of the order to remove rejection slips from the file. You said you had received orders not to do that any more. When was it that you received those orders?

Mr. MAIN. It was on the 17th of September 1949.

Senator GRAHAM. That was the order not to remove any more?

Senator KILGORE. Yes. Now, when was that with reference to Mr. Carusi's visit to Europe?

Mr. MAIN. I think it was about a week after he had arrived in Germany and it was at the first meeting of the senior officers after his arrival.

Senator KILGORE. I see. You had periodic meetings of all the senior officers to confer and consult on these matters; is that right?

Mr. MAIN. That is right.

Senator KILGORE. Now, you have testified about the CIC investigation. Is it not a fact that within the American zones, you do not have the personnel there to do your own investigating at the base, at the roots; that is, to go into these villages and towns and cities and go into these matters, and you completely rely upon the CIC reports; is that right?

Mr. MAIN. For investigations as to character and individual history.

Senator KILGORE. Individual cases?

Mr. MAIN. Character and history; yes, sir.

Senator KILGORE. You rely on them?

Mr. MAIN. Yes, sir.

Senator KILGORE. And, of course, you have to accept them. Now, in the French zone and the British zone, I believe the Commission has its own investigators in there to carry on some work there. Is that right?

Mr. MAIN. I am not too familiar with that. I know that in the British zone members of the Commission do the investigating.

Senator KILGORE. That is, where there is no CIC investigation?

Mr. MAIN. Yes. With the assistance of British intelligence agencies they do that. And in the French zone, I am not sure, but I think it is made largely by the French intelligence agencies.

Senator KILGORE. Now, from the nature of the order received with reference to the removal of the rejection slip where a case was up on appeal, was it apparent to you that there was any effort to conceal the fact that he had originally been rejected but had been ordered to be approved later?

Mr. MAIN. No; there was no effort to conceal that. In fact, I believe that in most cases in which we were directed to remove the previous report of rejection the letter so directing also stated that this particular letter should become a part of the file.

Mr. ARENS. But it is your understanding that that was not complied with in other areas than the Munich area, which you supervised?

Mr. MAIN. I do not know that it was complied with. I have heard that it was not. It is merely hearsay.

Senator KILGORE. Now, was anything else removed from the file except the rejection report at that time?

Mr. MAIN. The rejection report and the notification to the agency, to IRO, and the headquarters, and the transmittal memorandum. Everything related to that rejection report.

The CHAIRMAN. Everything what?

Mr. MAIN. The actual finding of ineligibility was removed.

The CHAIRMAN. Yes. Anything else?

Mr. MAIN. The memorandum which transmitted the file to Frankfurt was removed.

The CHAIRMAN. Yes.

Mr. MAIN. And the notification to the agency representing the DP and to IRO.

The CHAIRMAN. They were separate instruments?

Mr. MAIN. They were copies of the notification to Frankfurt, I believe.

The CHAIRMAN. I know, but were these all separate instruments, these items you mention?

Mr. MAIN. There was the rejection report itself.

The CHAIRMAN. That is one instrument?

Mr. MAIN. That is one instrument. And then there was the report to the agency, IRO, and headquarters, that the person had been found inadmissible or ineligible.

The CHAIRMAN. That is another instrument.

Mr. MAIN. That is about all. Now, copies of that second instrument were furnished to various people.

Senator KILGORE. In other words, those were both a part of the rejection process?

Mr. MAIN. Right.

Senator KILGORE. You were asked to remove the rejection process by you, and instead to file another letter coupled with another report, in which, as you say, you set forth the fact that it had been rejected but now, through orders from higher authority, was being forwarded. And everything in support of your previous rejection was removed. And in September 1949, right after Mr. Carusi came over, that whole process was reversed and the whole thing was left in the file after that?

Mr. MAIN. Yes.

Senator FERGUSON. I do not think there is anything here to the effect that he was requested to write this letter referring to the withdrawal of the paper, is there?

The CHAIRMAN. I do not understand you.

Mr. MAIN. No; there was no direction specifically that we were to write a letter to the consulate, you mean, that we had been directed to remove that?

Senator FERGUSON. No. There was not any evidence that I heard before, in your testimony—and if I am wrong, correct me—that you were asked by Mr. Squadrilli to put in the letter that you had withdrawn the report.

Mr. MAIN. No.

Senator FERGUSON. I thought that was included in the question.

Mr. MAIN. The matter of withdrawing the previous rejection from the file was not made a part of the report to the consulate, but the letter ordering that withdrawal was made a part of the file which did go to the consulate.

Senator KILGORE. And the letter itself directed that it be so made a part; was that not right?

Mr. MAIN. I am not certain that it did in all cases, but I do know that in some cases the final paragraph of that letter stated that the letter should be made a part of the record.

Senator KILGORE. Now, then, after you get through with your work, no matter what happens, if a case is not rejected, the file as made up now goes to the consul for his action?

Mr. MAIN. Yes, sir.

Senator KILGORE. Suppose he refuses a visa. Does the Commission have a right to force it over on him?

Mr. MAIN. No, sir.

Senator KILGORE. In other words, his decision at that point is final; is that right?

Mr. MAIN. So far as I know.

Senator KILGORE. Then, from him it goes to the Immigration Service? Is that right?

Mr. MAIN. If the visa is issued.

Senator KILGORE. If the visa is issued.

Mr. MAIN. Yes, sir.

Senator KILGORE. And they determine, under immigration laws, whether or not the person should be an immigrant; is that right?

Mr. MAIN. Yes, sir.

Senator KILGORE. Now, if they determine that he should not be, there is an appeal from that, is there?

Mr. MAIN. The person with the visa is examined by an immigrant inspector as a rule.

Senator KILGORE. That is the primary inspector?

Mr. MAIN. The primary inspector. If the primary inspector has doubts as to the admissibility of that man, he holds him for a board of special inquiry.

Senator KILGORE. That is right. That is what they call the INS?

Mr. MAIN. No, the BSI, the Board of Special Inquiry, consisting of two officers, a chairman, a member, and a secretary.

Senator KILGORE. They are all from the Immigration Service, are they not?

Mr. MAIN. Yes, sir.

Senator KILGORE. No other service is represented?

Mr. MAIN. Ordinarily not.

Senator KILGORE. I see.

Mr. MAIN. That hearing is conducted, the evidence is presented, and then the decision is made upon the basis of that hearing. If the decision to reject the individual is made, the individual in most instances still has a right of appeal to the Commissioner.

Senator KILGORE. Is that not the same procedure that is gone into under regular quota immigration?

Mr. MAIN. Exactly the same, sir.

Senator KILGORE. Exactly the same. In other words, the only difference in function is, there, that the question of the quota does not arise. It is only a question of eligibility for immigration as an immigrant?

Mr. MAIN. The question of quota still arises, because most of these visas are issued under a quota.

Senator KILGORE. Well, but I mean it is not the normal national quota; it is the quota set forth in the bill itself.

Mr. MAIN. It is the quota set forth by the bill, yes.

Senator KILGORE. In other words, it is a special legislative quota for this class of people only?

Mr. MAIN. I think that the examination by Immigration is identical to that under the ordinary immigration law.

Senator KILGORE. Under the ordinary immigration law and from that also there is no appeal, except to their own board, and from that to the Attorney General; is that right?

Mr. MAIN. The decision of the board of special inquiry may be appealed to the Commissioner, and if the Commissioner's decision is for rejection, then an appeal may be made to the Board of Immigration Appeals.

The CHAIRMAN. You are speaking now of the regular quota immigration procedure.

Mr. MAIN. And of this act, too, sir.

Senator KILGORE. Both of them are the same.

Mr. MAIN. The same procedure as far as immigration is concerned.

Senator KILGORE. Now I am going to ask you another question; it has been raised in these hearings, here. Was there at any time any pressure exerted upon you or your office by the Commission or any member or anybody connected with it, with reference to any particular case that you were reviewing?

Mr. MAIN. There was no pressure as such, no, sir.

Senator KILGORE. Not from the Commission? I am talking about the Commission.

Mr. MAIN. You mean any member of the Commission?

Senator KILGORE. Yes; I mean, the Commission, I am talking about the Commission only.

Mr. MAIN. No, sir. A number of cases that we had rejected had been sent back to us for review, which is normal, calling our attention to various parts of the case which they may have thought that we did not consider. There were also cases in which we were overruled. The finding of the Commission was that a favorable report should be prepared and we were directed to prepare such a favorable report.

Senator KILGORE. Yes. But I am talking about any specific individual or any specific group. Was there any pressure to just pass them over and get them through?

Mr. MAIN. Not as such; no, sir.

The CHAIRMAN. What do you mean by "as such"?

Mr. MAIN. I will say "None," then.

Mr. ARENS. Well, until September 1949, 50 percent of your rejections were overruled by the Commission.

Mr. MAIN. Fifty percent of the rejections under section 10 that were based upon character and admissibility under the normal immigration laws were overruled. That is an estimate.

The CHAIRMAN. By whom?

Mr. MAIN. By our headquarters in Frankfurt.

The CHAIRMAN. That is the Displaced Persons Commission?

Mr. MAIN. Yes, sir.

The CHAIRMAN. All rgiht.

Senator KILGORE. Now, there is a Mr. Glazek,[1] did he work for you in Munich?

Senator DONNELL. What was his name?

Senator KILGORE. Glazek.

Mr. MAIN. Yes.

Senator KILGORE. I believe it was testified that he whitewashed cases. Did you know anything about that?

Mr. MAIN. My first knowledge of it was when I started the Stars and Stripes in Europe, in which Mr. Glazek testified, or, that is, was reported to have testified, that he was ordered by higher authority to whitewash cases, that he had found evidence of fraud and bribery, and that he had also discovered fraudulent documents. That was the report contained in the paper. I want to say categorically that Mr. Glazek was never pressured or directed to whitewash any case in the Munich area, nor to my knowledge, did he ever find any evidence of fraud or any evidence of bribery, nor in my knowledge, did Mr. Glazek ever detect or call to anyone's attention the existence of fraudulent document mills.

Mr. ARENS. You have testified all day about fraud and fraudulent documents yourself, have you not?

Mr. MAIN. Yes, sir.

Mr. ARENS. You don't know what pressure might have been brought to bear on Glazek by Squadrilli or Kaplan or other persons in the DPC, do you?

[1] For the testimony of Edward M. Glazek, see p. 485.

Mr. MAIN. I don't know, but I believe it would have been called to my attention had such pressure been placed upon him.

Senator KILGORE. By the way, may I interrupt, there? Glazek was operating under your direction, was he not?

Mr. MAIN. Yes, sir.

Senator KILGORE. And he had the right to appeal to you if anything like that happened?

Mr. MAIN. Yes, sir.

Senator KILGORE. Was it generally known in the Munich area that you were not in sympathy with such a sort of thing, that you were trying to run the thing according to law?

Mr. MAIN. Yes, sir.

Senator KILGORE. Did you try to impress that upon your staff?

Mr. MAIN. Yes, sir.

Senator KILGORE. I want to get in something else along that line, which is a slight divergence. We have talked about forgery and various other things. Now, on the question of, shall we say, this fraud: Did that not consist in the fact that some local official in a German community would sign a certificate that a man had been arrested ta a certain time? Is that not right?

Mr. MAIN. Essentially, that is true.

Senator KILGORE. That is it. Then the forgery that entered there, would be where there was an alteration of records in that community to match up with his personal activities. Is that right?

Mr. MAIN. I think, Senator, it was the creation of records of residence contrary to the fact and contrary to the law.

Senator KILGORE. All right; which amounts to rather an alteration or a creation of records, to back him up in his false statement; is that right?

Mr. MAIN. Yes, sir.

Senator KILGORE. That was all by local officials. Did you run into any of it going on among our own personnel? When I say "our own personnel," I do not mean the Commission, I mean the Army and so on.

Mr. MAIN. I have no knowledge of that.

Senator KILGORE. That would only arise among local officials and that was where somebody was trying to prove that he was a resident for a certain period?

Mr. MAIN. Yes, sir.

Senator KILGORE. I want to ask you a question. I do not know whether you have general knowledge of it or not. Is it not a fact that, not only at this time but in the past, with the close check-up on nationals, identification cards, and everything else, that was conducted there, the question of fraud in passports and fraud in identification cards has always been quite prevalent in Europe? Is that not the information you get?

Mr. MAIN. It is my understanding that it has been and is prevalent; yes, sir.

Senator KILGORE. In fact, is not one of our big problems in this country sometimes fraudulent passports which are issued, forged, and everything else? So that unlike the United States, it is quite a common practice in those European countries? Is that not right?

Mr. MAIN. That is my understanding; yes.

Senator KILGORE. Now Mr. Cutler testified here before you did. Was he on your staff there for a while?

Mr. MAIN. Yes.

Senator KILGORE. What seemed to be his chief objection to the way things were operated there, to you? I am talking about what objections he raised to you.

Mr. MAIN. I don't recall that he has raised any objections to the operation of the Munich office. Now if he has testified so at this hearing, I do not know. It is news to me if he has.

Senator KILGORE. I see. I am just speaking generally. He apparently, as far as you know, had no objection to the operation at Munich? If there were objections, they were with respect to his previous station, at Butzbach?

Mr. MAIN. Yes. I am speaking of the Commission's operation in Munich.

Senator KILGORE. Yes. I am talking of the Commission's operations, myself, all the way through. Was there ever any controversy there as to Belgian coal miners?

Mr. MAIN. There was not a controversy. There was a Mr. Cutler and a Mr. Guyer[1] who were employed there, who found it very difficult to reject displaced persons who had previously gone on resettlement programs to Belgium and who had subsequently returned to Germany. They were in disagreement, I believe, with the regulation which provided that absence from one of these areas for the purpose of firm resettlement would disqualify them under section 2 (c). They were not in agreement with that regulation.

Senator KILGORE. In other words, the regulation was that, once being resettled, that was the final resettlement, and we were just trying to resettle those that had not been resettled; is that right? That was the policy?

Mr. MAIN. That is right. To my knowledge that was the objection that Mr. Cutler——

Senator KILGORE. And was there not at that time a shortage in some of the coal-mining areas; for instance, Belgium and the Saar and the Ruhr?

Mr. MAIN. Yes, sir.

Senator KILGORE. So that the people who wanted to be resettled there would have no trouble finding employment if they were capable of mining coal?

Mr. MAIN. At that particular time, if they were resettled; yes.

Senator KILGORE. I think those were all the questions, Mr. Chairman.

Senator DONNELL. Senator McCarran?

The CHAIRMAN. You know of the finding of printing presses, turning out these false documents?

Mr. MAIN. Not to my knowledge, Senator. I know of none.

The CHAIRMAN. You never heard of that, by the CIC?

Mr. MAIN. No, sir.

The CHAIRMAN. It was never brought to your attention?

Mr. MAIN. No, sir.

Senator KILGORE. May I ask a question? I am curious, may I say to the Senator from Nevada, as to what would be printed in the way

[1] Arthur G. Guyer, selector, Displaced Persons Commission.

of documents. What would be? Birth certificates, or something of that kind?

Mr. MAIN. Presumably not birth certificates, but certificates tending to establish a residence; that is, entry into Germany, Austria, Italy, within the required dates. I don't believe that they would, under the present law, feel it necessary to forge a birth certificate.

Senator FERGUSON. Age was not a requirement.

Mr. MAIN. As to the quota limits, that registration had been removed by the act.

Senator KILGORE. May I ask another question? You did have a number of people who, shall we say, fled from Rumania and from Hungary and from other places, who came into various areas there and got in after December 22, 1945, as fugitives from Communist invasion. Is that right?

Mr. MAIN. Yes, sir.

Senator KILGORE. And most of those people being from behind the iron curtain, you could not get records of their citizenship in the country of their origin. Is that not right?

Mr. MAIN. That is true.

Senator KILGORE. Which made a very difficult problem for you, as well as for them, and you had to rely upon statements, sworn statements, of people who said they knew, and whom you had to investigate or have CIC investigate and check; is that right?

Mr. MAIN. We were not primarily concerned, Senator, with their nationality nor their place of birth unless it was, in the case of a Czech, a native of Czechoslovakia, who is provided for under section 2 (d) of the act. Place of birth and date of birth were not significant to us particularly, but the date of entry into Germany, Austria, or Italy was a thing that was our concern, where we had found these fraudulent documents and fraudulent records.

Senator KILGORE. One other thing I wanted to ask you, Mr. Main, on this point: There has been discussed here something about where these people were getting money offered in bribes. Did you not find that a lot of them had relatives in the United States who would send them money and things of that kind?

Mr. MAIN. I think that is true.

Senator KILGORE. And frequently that was being used by them to try to expedite their immigration to the United States? I am not saying that in condemnation.

Mr. MAIN. Not to my direct knowledge; but I presume that.

Senator KILGORE. That would be a source from whence they could draw support.

Mr. MAIN. I think that you could assume that; yes.

Senator KILGORE. The sending to them of money or of other things of value—clothing and things of that kind—might tend toward that?

Mr. MAIN. That would be possible.

Senator KILGORE. It might tend to give them an opportunity to do these things?

Mr. MAIN. Yes, sir.

Senator FERGUSON. When did you first know you were going to come over here to testify?

Mr. MAIN. I believe it was a week ago yesterday.

Senator FERGUSON. Did you make any statements prior to coming? I mean, written statements of all this information?

Mr. MAIN. No, sir.

Senator KILGORE. Have you conferred with anybody on the Commission as to what you were going to testify to today?

Mr. MAIN. No, sir.

Senator KILGORE. Have ou been instructed as to anything?

Mr. MAIN. No, sir.

Senator KILGORE. The records you have used are out of your own office and from your own selection?

Mr. MAIN. I reported to the Commission when I arrived here, and, upon reporting, I was told by them emphatically that anything that was discussed there—that they didn't want me to put any implication on that, as they might be considered as influence or trying to influence me or telling me how I should testify.

I will also state that in the discussion I did have with them, there was no suggestion or indication to me that they were trying to. In fact, it was just the contrary. They kept trying to impress upon me that it should not be.

Senator FERGUSON. You were to come over here and tell the truth.

Mr. MAIN. Yes, sir.

Mr. ARENS. When you said that you had not made a report, you apparently overlooked the report that you sent to the Commission with reference to your appraisal of the security screening.

Mr. MAIN. That was made prior to my knowledge that I was being called here. I though the question was: After you knew that you were being called, have you made any reports?

Senator FERGUSON. When did you make the report Mr. Arens is talking about?

Mr. MAIN. On February 3.

Senator FERGUSON. Of this year?

Mr. MAIN. Yes, sir.

Senator FERGUSON. Were you asked to make that report or was it voluntary?

Mr. MAIN. I was asked to make it.

Senator FERGUSON. Who asked you?

Mr. MAIN. I was asked by Mr. Dervan, who is now Associate Coordinator, and he indicated to me that he was relaying a request that had been made by Mr. Carusi.

Senator FERGUSON. Mr. Chairman, would you have any objection to making that report a part of the record?

Senator DONNELL. Is there anything confidential about this report?

Mr. MAIN. No, sir.

Senator DONNELL. Nothing that you have been directed to keep confidential?

Mr. MAIN. No, sir.

Senator DONNELL. Nothing that in your opinion affects the security of the United States or would interfere with its security?

Mr. MAIN. Not to my knowledge, sir.

Senator DONNELL. There is no objection as far as I am concerned to its being a part of the record.

It will be made part of the record.

(The report referred to was marked "Main Exhibit 1" and is as follows:)

UNITED STATES DISPLACED PERSONS COMMISSION HEADQUARTERS,
February 3, 1950.

DONALD W. MAIN,
Senior Officer.

REPORT OF PREVIOUSLY EXPRESSED OPINIONS OF INADEQUACY OF INVESTIGATIONS REQUIRED BY SECTION 700.7 (a) OF THE REGULATIONS

Pursuant to your verbal request of yesterday, the following amplification of my report of December 28, 1949, addressed to Mr. Alex E. Squadrilli, Coordinator, wherein it was stated that, in my considered opinion, the thorough investigation of the character, history, and eligibility called for by the regulations, was not being made in this or any other area, is respectfully submitted.

The present screening of displaced persons conducted by CIC is, in all but unusual cases, limited to an interrogation of the displaced person and three witnesses selected by him, and a check of the records of the following agencies: Provost Marshal Division, Berlin Document Center, police and court records, Post Provost Marshal, Central Registry, CIC files, others.

With the exception of the check made with the Provost Marshal, all agencies checks are made by name only. The Provost Marshal check is made through fingerprint charts, but the fingerprint file of that agency is limited to those persons who have been arrested by military authorities. As may be easily seen, the check of the agencies listed is absolutely worthless, unless it is made in the name used by the individual at the time he came to the attention of the agency concerned. If, at that time, he was using an assumed name or if he is at the present time using another assumed name or a name other than the one used by the agency, any record that the agency may have with reference to him will not be located. The ground check or neighborhood investigation, which consists merely of interviewing the principal applicant and three witnesses selected by him, cannot be expected to reveal any assumed names. In the opinion of the undersigned, only the most stupid of persons having derogatory information relating to him on file with the agencies check, would attempt to immigrate under his own name, but instead would assume a name, develop three witnesses, and would most likely be found eligible under the act. How many such cases have already successfully been passed, no one knows, but it is believed quite likely that a considerable number have.

To illustrate what may occur, and which has occurred because of the inadequacy of the investigations as illustrated above, the following case originating in the Munich area is cited:

A certain Russian-born displaced person, who is well documented by United States Intelligence agencies as one of the top collaborators with the Nazi regime during World War II, and who personally negotiated with Alfred Rosenberg, Reichsminister for Occupied Territories and Administrator of Nazi Germany's racial theories, and other high Nazi officials, to recruit an army of his followers for service with the German Army, changed his name when applying for eligibility under the Displaced Persons Act, selected three favorable witnesses, and was processed through IRO, CIC, the DP Commission and the United States Consulate to the point of visa issuance before the undersigned discovered through an anonymous informant his true identity. CIC officers now have what they consider to be valid evidence indicating that he is a Soviet agent. Had it not been for the informant, this man would no doubt have been admitted to the United States under the program.

To overcome some of the inadequacies of the present investigations and to minimize the possibility of similar errors, it is recommended that a more thorough ground check or neighborhood investigation be conducted. It is believed that the policy of having the applicant present three witnesses should be continued, but that the testimony given by them should be considered principally as a source of leads to more impartial and more accurate information, particularly with reference to any name or names by which the applicant might previously have been known and places of his previous residences. The investigation should then be extended to develop these leads. It is believed that such a procedure, if extensive enough, would, in most cases, reveal any attempt on the part of the applicant to hide his true identity or history and would make the agency checks

effective, and reduce to a reasonable minimum the possibility of ineligible or undesirable displaced persons being found eligible under the act.

In addition to the foregoing suggested changes in procedure, it is also believed to be advisable to make further fingerprint checks with the German police authorities and with the custodian of the war crimes records. The present agency checks do not reveal records of those persons arrested and/or convicted by German authorities or those who were held or tried for war crimes. The senior magistrate of the military government courts in Munich has also informed the undersigned that there is a central records unit for military government courts where all records of conviction in the United States zone of Germany are consolidated. In view of the fact that displaced persons are constantly moving from one judicial district to another, it is recommended that a check be made with this central records unit.

The law and regulations, in the opinion of the undersigned, require a thorough investigation into IRO eligibility under IRO's Constitution, date of entry, and place of residence on specified significant dates, as well as a thorough investigation into the character and history of the applicant. It is believed that the current procedure which provides for acceptance of IRO's certifications as to IRO eligibility, dates of entry and residence, and so forth, plus the statement of the individual displaced person on the resettlement registration form, does not wholly fulfill this requirement.

Under current procedures handed down by Instruction Bulletin No. 3, determination of eligibility as a "displaced person" under IRO's Constitution (sec. 2 (b)) is not made by United States personnel but by English, Dutch, French, Canadian, or other international persons. Most of these determinations by international personnel are based upon documents prepared by displaced-person employees. The same situation exists as to determinations and certifications by IRO employees as to the requirements of the act relating to date of entry, residence, history, and so forth.

According to Instruction Bulletin No. 3, the certifications of these IRO officials plus the statements of the displaced-persons applicants are to be accepted by the Commission in all but unusual cases as determining eligibility under section 2 of the act. Experience in this area has shown that IRO certifications are, in numerous cases, based upon altered and amended records and upon records of dates of entry and residence based upon nothing more than the statements of the applicants which were made within the month preceding the preparation of documentation. It is the firm belief of the undersigned that the Commission through the use of United States personnel should make all determinations of eligibility under the subsection of section 2 of the act, using IRO's constitution and interpretations thereof as the criteria for determining eligibility under section 2 (*b*) and using, for whatever worth they may be, the records of IRO to assist in determining dates of entry, residence, etc.

Experience in this area and others also points emphatically to the fact that many documents presented as proof of residence and entry to establish eligibility under the act are either fraudulent themselves or based upon fraudulently created records. It is therefore believed necessary to have documents and claims of entry investigated by an experienced United States investigating agency, such as CIC. This procedure has been followed in this area and many instances of fraud have been detected.

It is realized that, to inaugurate the procedures and policies suggested above, would either require more manpower or increase the length of total processing time. Be that as it may, it is firmly believed that such measures must be taken in order to give full compliance to the requirements of the law and the regulations and to insure that no ineligible or undesirable displaced person be admitted to the United States under the act.

DONALD W. MAIN.

Senator DONNELL. Senator McCarran, you had a question?

The CHAIRMAN. Going back to the question of when you got the order to no longer withdraw your rejections from the files, when was it with reference to my being present in Munich? Do you remember?

Mr. MAIN. It was prior to that, Senator. I think that if you will recall, at Mr. Woods' place, criticism was being leveled, I believe, or discussed, as to the operation of the Commission of the program in

Europe and I believe that I stated to you that I felt that you and others were criticizing the Commission for policies and procedures that the Commission itself, meaning the three members of the Commission, did not have knowledge of. I illustrated that to you by telling you about the occurrence at that senior officers' meeting, when the matter of removing these documents came to Mr. Carusi's attention, and he exploded and stated that in all of his years of Government service he had never heard of such a policy being approved by any organization. And at the present time, I believe he said, impeachment was perhaps considered against a high Government official for removing from a file what would be considered as an insignificant piece of paper; and if he thought it were necessary he would issue a direct order that nothing, not even a scratch pad or any scrap of paper of any kind, should be removed from any file. I believe I used that as an illustration of the fact that in my opinion the Commission was not fully informed as to the operation in Europe.

The CHAIRMAN. When did this order to discontinue the practice of withdrawal occur with reference to my being there? How long before?

Mr. MAIN. This was on the 17th of September, sir, and I believe that you were there a week later or perhaps 2 weeks later.

The CHAIRMAN. I was in Munich.

Mr. MAIN. In Munich; yes, sir.

The CHAIRMAN. You knew, of course, of hearings held at Frankfurt and Stuttgart before that?

Mr. MAIN. At that time I didn't know of it; no, sir.

Mr. ARENS. And what was the explanation which Mr. Squadrilli gave as to why he wanted those things withdrawn from the files?

Mr. MAIN. The justification for it was that he thought the case would get past Mr. Tripp easier.

The CHAIRMAN. Now, you were asked by Senator Kilgore with reference to Glazek.

Mr. MAIN. Yes, sir.

The CHAIRMAN. And you stated that you knew of no complaint that he had made.

Mr. MAIN. Yes, sir.

The CHAIRMAN. That is the substance of your statement. I am not quoting. I draw your attention to what appears in the record of these hearings, as to a communication of May 11, 1949, by this same Mr. Glazek. And I will only read one paragraph, at page 493 of the hearings. This is from Mr. Glazek, addressed to Mr. Ugo Carusi, Chairman. He says:

> Having been in displaced-persons work for the last 3 years and having learned by experience the historical background of various groups of displaced persons by direct interview with over 8,000 persons, and having supervised registration and documentation of over 100,000 displaced persons in Austria, I was able without difficulty to discern the falsification of documents. Through this method of documentation, individuals who served the Nazis as traitors to their own countries and persons who committed atrocities against Jews, and other types of criminals who served their terms in concentration camps, as well as possible Communist agents, are being processed with little possibility for detection. These types of individuals are poor material for United States citizenship.

Did you ever hear of that report?

Mr. MAIN. No, sir.

The CHAIRMAN. All right.

Senator DONNELL. Are there further questions?

Senator KILGORE. Mr. Chairman, is that part of an executive hearing?

The CHAIRMAN. I think not.

Senator KILGORE. The reason I ask is that I think that letter, inasmuch as I have asked about it, should be incorporated in the public record.

Mr. ARENS. It is. It is a public hearing.

The CHAIRMAN. That is only a paragraph of the letter.

Senator KILGORE. Yes. I would like to get the whole letter in the record, to find out just what Mr. Glazek had to say.

Mr. MAIN. That apparently is a report upon Mr. Glazek's activities at the time he was employed either by IRO or UNRRA.

The CHAIRMAN. Was he not with you in May 1949?

Mr. MAIN. In May 1949, I think, he was back in the States, but he is referring, no doubt, to his activities as an employee of UNRRA or IRO, not to his activities while he was with the Commission.

The CHAIRMAN. I think you had better read the whole thing before you make that statement.

Mr. MAIN. Senator, he refers to screening these people in Austria. While he was an employee of the Commission he never was in Austria.

Senator DONNELL. You are speaking of UNRRA and the IRO. Is there any considerable number of former employees of UNRRA who are now employed by IRO?

Mr. MAIN. I do not know, sir. Quite a number, I would say, though.

Senator DONNELL. Your best judgment is what, that there is or is not a very considerable proportion of the present employees of IRO who were at one time employed by UNRRA?

Mr. MAIN. I am unable to say, sir.

Senator DONNELL. You are unable to say. Very well.

The CHAIRMAN. May I call your attention to the fact that this is addressed to the Chairman of the Displaced Persons Commission, Mr. Ugo Carusi, and I ask you now whether this Mr. Glazek was under your supervision on May 11, 1949?

Mr. MAIN. No, sir. He left Munich, I believe, on April 7, 1949.

May I read to you the letter that I submitted to Mr. Squadrilli with reference to Mr. Glazek at the time he went to Frankfurt from Munich?

The CHAIRMAN. Surely. Why not?

Mr. MAIN. April 7, 1949, is the date. It is addressed to Mr. Squadrilli, coordinator, from Donald W. Main, senior officer.

Subject: Edward M. Glazek.

After thorough consideration of the factors involved, I find it necessary to request that Edward M. Glazek, who was sent to Munich by headquarters as a selector, be transferred from this station as soon as possible.

Since his arrival, Mr. Glazek has demonstrated an attitude which is not in harmony with the displaced persons program. On an occasion shortly after his arrival he stated, in the main dining room of the Haus de Kunz Officers Club, that he hated Jews. He later stated that though he hated them he is married to a Jewish displaced person. It is unknown to me whether or not anyone other than the officers of the Commission seated at his table overhead these statements.

On another occasion he had a heated argument with one of our best drivers, because of the fact that the driver would not exceed the speed limits. During

this argument he apparently became very angry, called the driver a "swine," and stated that all German people were "swine." Later he demanded that I either require the driver to apologize to him or he would report the incident to the provost marshal.

Mr. Glazek's reports, which are supposed to be based upon facts contained in the dossiers, have been found to contain positive statements which have no basis in fact but which are the reflection of his imagination.

In view of these facts and in fear of further embarrassing circumstances, it is my firm conviction that in the interest of the displaced-persons program Mr. Glazek be transferred from Munich.

May I further amplify on this? When I stated, there, that he reported as fact things that were the creation of his imagination, I might illustrate that by stating that the particular day when this report was written he came in to me saying that he had first talked to Mr. Kelly,[1] who was my assistant, about the case.

He then came to me about a rejection he had written up, a two-page rejection, wherein he cited that in IRO's resettlement registration form, under the question "nationality?" there was entered in there the term "Nansen." He amplified that term "Nansen" to the point where he stated that the man had committed perjury by claiming to have a Nansen passport and that he had been unable to produce one. I discussed the matter with Mr. Glazek. I said, "Mr. Glazek, was this man under oath when he made such a statement?" "Well, no." I said, "How is it perjury, then?" "Well, it doesn't make any difference. He said that was 'Nansen,' and he isn't Nansen."

I said, "Where did he state that he had a Nansen passport?"

He said, "Right there. He says 'Nansen.' "

I said, "He does not state that he has a Nansen passport."

"Well, it is all the same thing."

I asked him who had asked him for his Nansen passport. He said, "No one did." I said, "How do you arrive at the statement that he is unable to present one, then?" He said, "Well, if he could present one, it would be in the dossier."

Now, that is one item of his imagination. The complete report was based upon such imagination.

I also wish, in connection with the allegations made by Mr. Glazek, which are without question directed at the Munich office—because that is the only office in which he operated under the displaced-persons program as a selector or considering cases—to submit to the committee an affidavit prepared by the present employees of the Munich office, most of whom were there at the time Mr. Glazek was at the office.

Senator DONNELL. Just a minute. You desire that incorporated in the record?

Mr. MAIN. Yes, sir.

Senator DONNELL. It will be so incorporated.

(The document referred to was marked "Main Exhibit 2" and is as follows:)

AFFIDAVIT

The undersigned officers of the United States Displaced Persons Commission at Munich, Germany, depose and say:

That in the Stars and Stripes of February 7, 1950, there appeared a news item under Washington date line of February 6, 1950, "Senate group hears charge of bribery in DP program."

[1] Edward Kelly, case analyst, Displaced Persons Commission.

That in said article one Edward M. Glazek, a former officer of said Displaced Persons Commission in Munich, was reported to have told a Senate committee, inter alia "* * * that on orders of higher-ups he had 'whitewashed' immigration applications while working with the DP Commission."

That inasmuch as the exigencies of the administration of the Displaced Persons Act of 1948 prevent each of us individually appearing before said Senate committee to offer testimony in rebuttal of aforesaid alleged statement of Edward M. Glazek, we wish to state for the record:

That at no time have we been influenced by any superior officer assigned to Munich in arriving at a recommendation and/or decision in any specific case, be the decision favorable or unfavorable;

That our recommendations and/or decisions have been predicated upon documents, etc., presented to us;

That where we were unable to arrive at a recommendation and/or decision solely upon documentation we were permitted, without restraint, personally to interview an applicant;

That at no time have any of us been instructed by anybody connected with the Displaced Persons Commission at Munich to "whitewash any immigration application" in connection with the administration of the Displaced Persons Act of 1948;

That the statements as aforesaid have been voluntarily made with no promise of reward by any person within or without said Commission;

That recently every member of said Commission in the Munich office executed a "job description" in connection with the Reclassification Act of 1949. An examination of said "job descriptions" will clearly indicate that each and every officer of this Commission, at least insofar as the Munich office is concerned, is permitted without restraint to make his own recommendations and/or decisions.

Further affiants sayeth not.

Dated at Munich, Germany, the 8th day of February, 1950.

Edgar A. Suter, Edward Kelly, C. R. Jacobs, H. Verstappen, C. N. Smith, M. Mosko, Gerald A. Daley, Martin Lowenkopf, William A. Stuart, Blair Taylor.

Each of the above being first duly sworn on oath deposes and says: He has read the foregoing depositions by him subscribed and knows the contents thereof and that the same is true of his own knowledge, except as to matters which are stated therein to be on his information and belief and as to those matters he believes them to be true.

Edgar A. Suter, Gerald A. Daley, Blair Taylor, Martin Lowenkopf, C. R. Jacobs, Michael Mosko, William A. Stuart, H. Verstappen, C. N. Smith, Edward Kelly.

Subscribed and sworn to before me this 8th day of February A. D. 1950.

[SEAL] JOHN M. THOMPSON, Jr.,
American Vice Consul.

Mr. MAIN. I also wish to add a supplemental statement by five individuals with reference to Mr. Glazek's allegation that pressure was put upon him and he was ordered to "whitewash" cases, which I again state categorically is untrue.

Senator DONNELL. That will also be incorporated in the record in full and it will be understood that counsel for the committee, Mr. Arens, or any member of the committee, either the subcommittee or the full committee, may have access to these documents while Mr. Main is still under subpena, so that if any further examination of him on these documents is desired he may be available for that purpose.

(The document referred to was marked "Main Exhibit 3" and is as follows:)

MUNICH, GERMANY, *February 8, 1950.*

We, the undersigned, who executed an affidavit before the consul general at Munich, Germany, this date with respect to refuting alleged testimony of one Edward M. Glazek before a Senate committee, wish to state that, in connection with our affidavit as aforesaid, there have been occasions where our unfavorable

recommendations and/or decisions have been overruled by our European headquarters at Frankfurt, Germany, and through our senior officer we have been directed to write a favorable report thereon, however, notwithstanding the fact that such direction further directed that unfavorable recommendations and/or decisions be withdrawn from the case file (before forwarding same to the consular officer for his consideration of an application for an immigration visa) there was no attempt to "whitewash" or conceal any of the pertinent facts;

That the practice of removing unfavorable reports from the case file as aforesaid was strenuously objected to by the staff of the Munich office.

That upon information and belief as far as Clarence Jacobs and Henry Verstappen are concerned and upon the personal knowledge of Messrs. Taylor, Suter, and Kelly immediately said practice was brought to the attention of Ugo Carusi, the Commission's chairman, the practice was stopped.

EDGAR A. SUTER.
CLARENCE R. JACOBS.
H. VERSTAPPEN.
BLAIR TAYLOR.
EDWARD KELLY.

Senator FERGUSON. Mr. Main, do you know of anyone in your office that was requested, either directly or indirectly, to "whitewash" any particular case or any cases?

Mr. MAIN. No, sir.

Senator FERGUSON. And it is to dispute that that you are filing these statements?

Mr. MAIN. That is right.

Senator DONNELL. Gentlemen, is there anything further for this afternoon?

Mr. ARENS. I would like to ask one question.

Senator DONNELL. Very well.

Mr. ARENS. Who is Mr. Hightower?[1]

Mr. MAIN. Mr. Hightower is an employee of the Commission now assigned to the Frankfurt office.

Mr. ARENS. What has been your association or contact or possible contact with Mr. Hightower?

Mr. MAIN. I do not know Mr. Hightower by sight. I have never been acquainted with him. He was to be assigned to the Munich office, but that assignment was withdrawn.

Mr. ARENS. Why?

Mr. MAIN. Because of my protest.

Mr. ARENS. Why?

Senator DONNELL. That is, why did he protest, you mean?

Mr. ARENS. Yes.

Senator DONNELL. Very well. Why did you protest?

Mr. MAIN. I protested because of the fact that it had been called to my attention that Mr. Hightower had been involved in what was considered by most people as improper practices in our office at Bremen.

Mr. ARENS. Who was going to transfer him there?

Mr. MAIN. Mr. Squadrilli.

Mr. ARENS. What was the nature of his improper practices that you protested when they undertook to transfer him to Munich?

Mr. MAIN. It was alleged that Mr. Hightower was, may I say, too familiar with the female employees of the Bremen office; that he also used an Armenian displaced person who was his assistant, in an in-

[1] J. Bernard Hightower.

direct way, to solicit the cooperation of female displaced persons and in effect blackmail them into improper activities, on the promise of being put on a transport and being allowed to come into the United States.

Mr. ARENS. And he is or was an employee of the Displaced Persons Commission?

Mr. MAIN. Yes, sir.

Mr. ARENS. Is he now?

Mr. MAIN. Yes, sir.

Senator FERGUSON. Where does he work?

Mr. MAIN. He is now assigned to the Frankfurt office.

Senator FERGUSON. In what capacity?

Mr. MAIN. I do not know.

Senator FERGUSON. How long ago did you give this information to anyone about his conduct previously up at Bremen?

Mr. MAIN. I received most of the information, Senator. I called this matter to the attention of the Frankfurt headquarters when they were attempting to transfer him to Munich.

Senator FERGUSON. When was that?

Mr. MAIN. I am not certain. It was within the last 3 weeks, I would say.

Senator FERGUSON. Did you give it in writing?

Mr. MAIN. The protest?

Senator FERGUSON. Yes.

Mr. MAIN. No, sir.

Senator FERGUSON. Over the phone?

Mr. MAIN. Over the phone.

Senator FERGUSON. What did they say about it?

Mr. MAIN. Mr. Squadrilli said that there was no basis for the allegation. I asked him why, then, he had been removed from Bremen and he informed me that it was for other reasons.

Senator FERGUSON. Where did you get the information?

Mr. MAIN. I got it from Mr. Higgins,[1] who had conducted a partial investigation into the case, from Mr. Fothergill,[2] another employee of the Commission, who was stationed at Bremen.

From Mr. Tripp, I received somewhat of a confirmation of the allegations. From Mr. Wagner [3] of the Immigration and Naturalization Service, the same. Also from Mr. Freeman [4] of the Immigration and Naturalization Service. I also read a report, that is, subsequent to this matter, the fact that he was not sent down there—I read a report submitted by Mr. Higgins, to Mr. Dervan, relating the facts in the case, which tended to confirm the information that I had received.

Mr. ARENS. Now, who is Mr. Dervan?

Mr. MAIN. He is the associate coordinator.

Mr. ARENS. What is his real name?

Mr. MAIN. Richard Dervan, as far as I know.

Mr. ARENS. Do you know whether or not he has an alias?

Mr. MAIN. Not to my knowledge.

Mr. ARENS. As a matter of fact, he does have an alias, "Levine"; is that not true?

[1] Errol V. Higgins, selector.
[2] Clarence E. Fothergill, selector.
[3] Otto H. Wagner, patrol inspector.
[4] Russell M. Freeman, immigrant inspector.

Mr. MAIN. I have heard that his name was Levine.

Mr. ARENS. Of what race is Hightower?

Mr. MAIN. Negro.

Mr. ARENS. And what contacts or relationships did he have with prospective DP's of the female sex?

Mr. MAIN. It is alleged that the Armenian who was assisting him would tell certain displaced persons, female displaced persons, that their case was fouled up and they were having difficulty, and that Mr. Hightower was the only one who could straighten it out for them, and that if they would cooperate with Mr. Hightower, he was quite certain that it could be straightened out.

Mr. ARENS. Is Mr. Squadrilli, the coordinator, a bachelor?

Mr. MAIN. I understand that he is married. I do not know.

Senator KILGORE. A question, at that point: Do you know the name of the Armenian assistant of Hightower's?

Mr. MAIN. I do not know it, no.

Senator KILGORE. Would that be contained in the Higgins report?

Mr. MAIN. Yes, sir.

Senator FERGUSON. Should that Higgins report be here with the Commission?

Mr. MAIN. I think it is here now, yes. It had not been reported to the Commission prior to that time. I think within the last few days it has arrived.

Senator DONNELL. You used the term, there, "cooperate." I think you might state what you mean. That should go in the record, I think; whatever you mean by it.

Mr. MAIN. I think in Mr. Higgins' report there is evidence that Mr. Hightower and this Armenian were soliciting the payment of money and gifts and the implication that I received——

Senator DONNELL. That is, from prospective women, displaced women?

Mr. MAIN. Yes. From the information I received, apparently he was soliciting improper sexual relations with them.

Mr. ARENS. Now, do you know anything about the extra curricular activities of Dervan, the cocoordinator, alias Levine?

Mr. MAIN. His activities? No.

Mr. ARENS. Do you know anything about his procurement of articles from the standpoint of extra curricular activity?

Mr. MAIN. No.

Senator DONNELL. Is there anything further of this witness this afternoon?

Senator KILGORE. Is it Dervan, alias Levine, or is it Levine, alias Dervan?

Mr. ARENS. Dervan, alias Levine. The real name is Levine, as I understand it.

Senator KILGORE. Then it is Levine, alias Dervan. That was the point I wanted to make.

Senator DONNELL. Mr. Main, you understand that you are under subpena and are remaining under subpena, subject to the direction of this committee and shall so remain until the committee notifies you.

Gentlemen, the committee is in recess until 10 o'clock tomorrow morning, at this same place.

(Thereupon, at 4:55 p. m., the committee recessed, until Wednesday, February 15, 1950, at 10 a. m.)

DISPLACED PERSONS

WEDNESDAY, FEBRUARY 15, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO
DISPLACED PERSONS BILL OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10 a. m., pursuant to recess, in room 424, Senate Office Building, Hon. Forrest C. Donnell presiding.

Present: Senators Donnell and Kilgore.

Also present: Richard Arens, staff director of the special subcommittee.

Senator DONNELL. The hearing will come to order.

Our witness this morning is Mr. Almanza Tripp. Mr. Tripp, will you come forward, please? Mr. Tripp, will you raise your right hand, please?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TRIPP. I do.

TESTIMONY OF ALMANZA TRIPP, UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, MUNICH, GERMANY

Senator DONNELL. Will you have a seat, Mr. Tripp?

Mr. Arens, you may proceed.

Mr. ARENS. Mr. Tripp, will you kindly state your name, your present occupation, and give us a little of your background?

Mr. TRIPP. My name is Almanza Tripp. I am presently the officer in charge of the immigration detail stationed in Europe to examine displaced persons.

I have been an employee of the Immigration and Naturalization Service for something in excess of 23 years. Immediately prior to my detail to Europe, I was the supervisor of primary inspection of the port of New York.

Mr. ARENS. When were you first assigned to the displaced-persons program?

Mr. TRIPP. I reported in Europe on February 1, 1949.

Mr. ARENS. Where are you located in Europe? Where is your office?

Mr. TRIPP. My office was at Bremen, Germany, but I had just moved to Munich, Germany, when I came here. In fact, when I arrived in Munich, I found a cable directing me to appear here in Washington.

Mr. ARENS. Will you just give us a word about the jurisdiction of the Immigration Service and its functions with the displaced-persons program?

Mr. TRIPP. That is a rather difficult question to answer. The jurisdiction of the Immigration Service in the displaced-persons program has been the subject of some controversy.

At the present time, we work on the theory that we are responsible for the admissibility of displaced persons under the general immigration laws. However, when it comes to our attention that some other agency connected with the program has made some sort of an error or when our examination discloses new evidence, it is our practice to return the case to the agency involved for review.

Mr. ARENS. Since you have been head of the immigration mission in Europe, how many cases have you held up which had been processed to you through the Displaced Persons Commission, because of appearances that the case had been irregularly processed or that the displaced person was not eligible under the law?

Mr. TRIPP. Between 7,000 and 8,000.

Mr. ARENS. How many cases do you have right now in your office that you have been obliged to hold up?

Mr. TRIPP. I cannot give you the exact figure, but I would estimate that we are presently detaining in the neighborhood of 800 or 900.

Mr. ARENS. Now, of those cases which you had held up or which the Immigration Service in Europe has held up, which have been processed through the Displaced Persons Commission to your office, of those 7,000 or 8,000 cases which you have held up because of apparent irregularities or the apparent ineligibility of the applicant, cases which had passed the Displaced Persons Commission and had been referred to you for your work, what percentage of those have been passed on anyhow? In other words, overruled?

Mr. TRIPP. I would say——

Senator DONNELL. You mean, Mr. Arens, in how many of those cases has the Displaced Persons Commission not agreed with the Immigration Service and its finding of irregularity?

Mr. ARENS. Yes, and passed on.

Senator DONNELL. Do you understand the point that Mr. Arens is driving at?

Mr. TRIPP. Yes. I believe that requires a little explanation as to the reasons for holding cases, because, of the total number, a small percentage, a comparatively small percentage have been passed as the result of being overruled.

We hold cases for many reasons. Perhaps the largest number have been held because of technical errors in the preparation of the visas. Those cases have been passed on as soon as the necessary corrections have been made. We have also held a fairly large number for reexamination by medical authorities.

If, on reexamination, no cause for exclusion under the immigration law is disclosed, those cases have been passed on.

Senator DONNELL. By passed on, you mean what?

Mr. TRIPP. We make a finding of admissibility and permit the applicant to embark for the United States. The International Refugee Organization has been requested to review their findings in a number of cases.

Senator DONNELL. Then this is a third category of reasons, is it not?

Mr. TRIPP. A third category.

Senator DONNELL. What is that, you say?

Mr. TRIPP. The International Refugee Organization has been requested to review their findings of eligibility in a number of cases. If they reaffirm eligibility, those people are found admissible.

Mr. ARENS. What you mean is that you have accepted IRO's determination?

Mr. TRIPP. That is correct.

Mr. ARENS. Where you have had cases where you have found irregularities and where you have referred those cases back to the Displaced Persons Commission, their determination is final, is it not?

Mr. TRIPP. Yes, sir.

Mr. ARENS. The only place where you have a final determination under the present practice is in connection with admissibility under the immigration laws?

Mr. TRIPP. That is correct.

Senator DONNELL. Speaking of that, are there certain statutes in the immigration laws that succinctly state what the points are on which you do assert and follow and maintain final jurisdiction?

Mr. TRIPP. No, sir; it is a matter of administrative interpretation.

Senator DONNELL. I understood that the immigration authorities would pass on the matter of disease, crime, and things of that sort. I wondered if there are any particular sections of the immigration statute that you could call our attention to that we might have in the record at this time, or at least a reference to them, which would indicate the subject matter on which the immigration authorities assert complete and final jurisdiction, as distinguished from the matter of eligibility determined by the IRO and other matters determined by the Displaced Persons Commission.

Mr. TRIPP. We determine admissibility under all the immigration statutes. The causes for exclusion are generally found in section 3 of the Immigration Act of February 5, 1917, and the act of October 16, 1918.

Mr. ARENS. Is the latter the subversive statute?

Mr. TRIPP. That is right.

Senator DONNELL. Section 3 that you mentioned was of what act?

Mr. TRIPP. The act of February 5, 1917.

And I might say also under certain sections of the Immigration Act of May 26, 1924, the present quota act.

Senator DONNELL. Are those the three principal portions of the immigration statutes that are involved in the line run of displaced persons cases?

Mr. TRIPP. That is correct.

Mr. ARENS. How long have you been over there, did you say?

Mr. TRIPP. Slightly over 1 year.

Mr. ARENS. You have had an opportunity to observe thousands of cases, have you?

Mr. TRIPP. I have.

Mr. ARENS. How many people have thus far been admitted into the United States under the displaced persons law approximately?

Mr. TRIPP. I believe the last figure I saw indicated that in the neighborhood of 135,000 had been admitted.

Mr. ARENS. Now, on the basis of your experience and observation as a trained immigration officer and on the basis of the opportunity which you have had to observe thousands of cases, would you give an estimate to this committee of the number of cases of persons who have been admitted pursuant to the present law in violation of the law?

Mr. TRIPP. Well, it is difficult to say how many have been admitted in violation of the law. I have examined hundreds of files in which there was considerable doubt in my mind as to whether or not the applicant qualified under the date line requirements of the act.

Mr. ARENS. But you do not have final determination on that under the present practice?

Mr. TRIPP. No.

Mr. ARENS. What is your estimate of the number of people, on the basis of your experience and observation of these thousands of cases, who have been admitted into the United States who do not comply with the law?

Mr. TRIPP. Well, I could not venture an estimate. As I have said before, I have seen hundreds, yes, thousands, of cases that were doubtful. The recent investigation conducted by the Counter Intelligence Corps seemed to bear out the suspicion we felt that those persons did not meet the date line requirements.

Mr. ARENS. Who did not meet the date line requirements?

Mr. TRIPP. Those doubtful date line cases.

Mr. ARENS. Who have come into the United States?

Mr. TRIPP. That is right.

Mr. ARENS. How extensive has that been? How many cases? How many people would you estimate?

Mr. TRIPP. I have never attempted to keep any records, and I could not give any exact estimate. Any estimate that I made would be purely a guess, but I would say that they probably would number in the thousands.

Senator DONNELL. What would probably number in the thousands?

Mr. TRIPP. The number of date-line cases that would appear to be doubtful cases.

Mr. ARENS. Would it run as many as 30,000, as your estimate, on the basis of your experience and observations of thousands of cases?

Mr. TRIPP. It is quite possible that it would run that high.

Mr. ARENS. It would run as high, in your estimation, as 30,000 cases of people who have thus far been admitted into the United States who have not complied with the law?

Mr. TRIPP. If every doubtful-looking case did not comply, I would say so, but obviously some of those doubtful-looking cases must have complied with the statute.

Senator DONNELL. As I understand it, you are telling us, Mr. Tripp—by the way, let the record show that Senator Kilgore is present now—is that, first, it is your understanding, from what you have read, that 135,000 persons have been admitted to the United States under the displaced persons law; and, in the second place, of those approximately 135,000 cases, there are about 30,000, according to your best estimate, as to which there is some doubt, in your mind, as to whether the persons involved therein qualified under the date-line provisions of the Displaced Persons Act; is that not correct?

Mr. TRIPP. There is a large number which appear to be doubtful date-line cases, which number might possibly be approximately 30,000. I have kept no records on that and I have no way of knowing, but the number 30,000 was suggested by Mr. Arens, and I said, that it is quite possible that it did amount to that.

Senator DONNELL. I understand that you are not making the statement that there are 30,000 of them as to which there is a doubt on the date-line provision, but you are simply stating, as I understand it, pursuant to the question of Mr. Arens that the number in which there is a question on which there may arise a legitimate question, without determining the ultimate admissibility or eligibilty, may amount to as high as 30,000 out of the 135,000.

Mr. TRIPP. That is correct.

Senator DONNELL. It may be less; it may be that number, or it may be somewhat more, I assume; is that correct, or do you thing 30,000 is the outside limit?

Mr. TRIPP. I would think 30,000 would be the absolute maximum.

Mr. ARENS. Let me rephrase the question: Is it your testimony, on the basis of your observation of thousands of cases, that approximately 30,000 of the cases which have been processed and brought to the United States are doubtful validity insofar as as compliance with the law is concerned?

Mr. TRIPP. I would not fix the figure at 30,000. I would say that it may approximate 30,000. I have kept no records, so I could not say, but it may have reached that maximum.

Senator DONNELL. May I ask where that 30,000 figure arises.

Mr. ARENS. Let me ask Mr. Tripp a question or two, and I think we can clear that up. Did you have a conversation with me and with the Commission several days ago in which we had an informal interview as to the factual material to which you are testifying today?

Mr. TRIPP. I did.

Mr. ARENS. Was that figure of 30,000 suggested by you in the course of the conversation with reference to these cases which you estimated were probably in the country in an illegal status?

Mr. TRIPP. I believe I stated that possibly 30,000 doubtful cases.

Mr. ARENS. Who have come into the United States pursuant to the present law?

Mr. TRIPP. That is right.

Mr. ARENS. Did you say that you base that upon the observations which you have had as the immigration officer in charge in Europe after having had a personal opportunity to review thousands of cases?

Mr. TRIPP. I did.

Senator KILGORE. May I ask a question at this point?

Senator DONNELL. Certainly.

Senator KILGORE. I was not here at the beginning, and you may have explained this point: What, in your opinion, is a doubtful case as to the date line? What would occasion doubt in the case record as you saw it?

Mr. TRIPP. Usually the doubt arose as a result of interrogation, although it was sometimes supported by evidence contained in the file.

Senator KILGORE. You mean that the doubt was supported by evidence?

Mr. TRIPP. That is right. I might explain that: Included in the file which comes to us from most of the resettlement areas is what is known as IRO resettlement forms. It is prepared from the IRO basic document, the CM–1 or care and maintenance form. A part of the resettlement form is a statement by the IRO as to when that particular applicant first registered with UNRRA.

If that registration is shown to have occurred in the first 6 months of 1946 or some later date and the applicant has nothing to establish that he was in one of the prescribed areas before the date of that registration, immediately there is some doubt in our mind as to whether he does qualify.

Senator KILGORE. Now, as I understand it, the first registration that these people made was with UNRRA; is that right?

Mr. TRIPP. I believe the first registration was with the Army.

Senator KILGORE. Upon liberation from the concentration camps or upon arrival within the zone?

Mr. TRIPP. Not only on liberation. I believe that some persons who were not confined in concentration camps also registered with the Army.

Senator KILGORE. In other words, these were people who were in the zone or who were in the concentration camps when they were liberated.

Senator DONNELL. When did the registration occur in point of date, if you know, approximately, Mr. Tripp?

Mr. TRIPP. I never have been able to find out definitely, but I have been able to obtain, in a few isolated cases, records of the registration by what was called an Army screening board. Those registrations were made in 1945, but I cannot tell you the date.

Senator DONNELL. Will you go ahead, Senator?

Senator KILGORE. Now, does the applicant make any representation to you under oath, I mean to your employees, to the Immigration Service, as to the date of his arrival in there?

Mr. TRIPP. At one time, we were asking all applicants when and why he first came to Germany. However, we later discontinued that as a practice.

Senator KILGORE. Why?

Mr. TRIPP. We were asked to do so by representatives of the Displaced Persons Commission.

Senator KILGORE. Who was the person?

Mr. TRIPP. The original request was represented to me as being that of Mr. Squadrilli,[1] the European Coordinator, but it was made directly by Mr. Abraham P. Conan, the senior officer of the Displaced Persons Commission in Bremen.

Senator DONNELL. What was that request, Mr. Tripp, made by Mr. Conan?

Mr. TRIPP. That our inspectors refrain from asking questions bearing upon the eligibility of an applicant under Public Law 774.

Senator DONNELL. That is the displaced persons law?

Mr. TRIPP. That is right.

Senator DONNELL. Now, I want to be sure that I understand that correctly. Mr. Conan's request was that your inspectors refrain from making inquiries as to what?

[1] For the testimony of Alex E. Squadrilli, see p. 828.

Mr. TRIPP. That my inspectors refrain from interrogating applicants upon their eligibility under Public Law 774.

Senator KILGORE. Are you through, Senator?

Senator DONNELL. Would you mind if I ask the witness the approximate date Mr. Conan made that request and to whom it was made. Was it made of you?

Mr. TRIPP. It was made directly to me.

Senator DONNELL. What was the approximate date on which he made the request?

Mr. TRIPP. I would say sometime in July of 1949.

Senator DONNELL. Was that request made orally or in writing?

Mr. TRIPP. It was made orally in the presence of Mr. Errol Higgins, whom I believe Mr. Conan had brought to my office to witness the conversation.

It was later repeated.

Senator DONNELL. How much later?

Mr. TRIPP. It was repeated around the latter part of August 1949.

Senator DONNELL. By whom?

Mr. TRIPP. By Mr. Conan.

Senator DONNELL. Where?

Mr. TRIPP. In my office in Bremen.

Senator DONNELL. Who were present at that time?

Mr. TRIPP. I believe no one but Mr. Conan and myself. It was brought up for discussion. I cannot recall whether the actual request was repeated in the office of Mr. Gray, the director of the IRO in Bremen.

Senator DONNELL. Who brought it up for discussion?

Mr. TRIPP. Mr. Conan did when the subcommittee of the House committee was in Bremen.

Senator DONNELL. Is that the subcommittee of which Mr. Walter was a member and possibly the chairman?

Mr. TRIPP. That is right.

Senator DONNELL. Mr. Conan brought it up, you say?

Mr. TRIPP. He brought it up again.

Senator DONNELL. Who were present at that time?

Mr. TRIPP. There were a number of people present at that time. There were myself, Mr. Conan, Mr. Shaughnessy[1] of our service, who was acting as a sort of staff member for the House committee, Congressman Feighan, who was chairman, I believe, of the subcommittee, Congressman Case, and Congressman Byrne.

Senator DONNELL. Was Congressman Walter there?

Mr. TRIPP. He was not. Acting counsel general, Patrick Mallon, was there with some other State Department officials, but I cannot recall their names.

Senator DONNELL. Now, what do you mean by saying it was brought up by Mr. Conan for discussion in the office of Mr. Gray? How did he bring it up?

Mr. TRIPP. The Commission had indicated that it was somewhat dissatisfied with our operation, because it resulted in the detention of applicants at Camp Grohn in Bremen. It appeared to be the opinion of the Commission that these detentions could be reduced if we refrained from investigating eligibility.

[1] Edward Shaughnessy, Immigration and Naturalization Service.

Mr. ARENS. In other words, the cases would pass without being stopped because they were ineligible; is that what you mean?

Mr. TRIPP. They apparently thought that there would be fewer detentions, fewer cases held for investigation.

Senator DONNELL. Was this request ever confirmed in writing?

Mr. TRIPP. It was not confirmed in writing, but it was discussed again.

Senator DONNELL. Before you go to that next discussion, when was this incident in the office of Mr. Gray when you say the matter was brought up for discussion by Mr. Conan, what was the approximate date of that?

Mr. TRIPP. That was in the latter part of September, I believe, when the committee was there. Then shortly thereafter, when Mr. Carusi came to Germany, he came to Bremen to discuss with me certain operations with the view of improving the over-all operation. At that time the matter was again brought up.

Senator DONNELL. By whom?

Mr. TRIPP. I cannot recall who brought it into the discussion, but it was an open discussion attended by Mr. Carusi, Mr. Squadrilli, and Mr. Conan and myself. I believe that is the only time I personally wrote anything on it.

Senator DONNELL. Do you recall which one of these gentlemen brought the matter up in this conference when Mr. Carusi was in Germany?

Mr. TRIPP. No; I do not.

Senator DONNELL. What was the date of that, approximately?

Mr. TRIPP. I believe that was the latter part of September.

Senator DONNELL. Did Mr. Carusi express himself as being for or against or in any other way as giving his own opinion with respect to the request that your inspectors refrain from interrogating applicants upon their eligibility under this Public Law 774?

Mr. TRIPP. I cannot recall whether he made any direct statement on it, but I assume that it was his desire that we refrain from exploring eligibility, because following that meeting, I prepared a memorandum setting forth my conception of all the issues we had discussed and included in that memorandum was a statement in which I stated that it was my conception of the discussion that the Commission desired my inspectors to refrain from asking those questions. I stated what we would do in connection with that.

Senator DONNELL. What was done with that memorandum?

Mr. TRIPP. I sent the original of its to Mr. Squadrilli's office in Frankfurt.

Senator DONNELL. Do you remember the date of the memorandum, approximately?

Mr. TRIPP. Well, it was immediately following the meeting, so it must have been in the latter part of September.

Senator DONNELL. Do you have a copy of that memorandum here with you, Mr. Tripp?

Mr. TRIPP. I have not the memorandum in my possession, no, not now.

Senator DONNELL. Is there a copy of it back in your office in Munich?

Mr. TRIPP. Oh, yes.

Senator KILGORE. Is your office in Munich?

Mr. TRIPP. I have just moved there.

Senator KILGORE. I see.

Senator DONNELL. Do you know whether or not there is a copy of that memorandum here in the possession of the Displaced Persons Commission local office in Washington?

Mr. TRIPP. I could not say whether they sent a copy here or not.

Senator DONNELL. Did you receive a response from that memorandum after it had been transmitted, as you have indicated?

Mr. TRIPP. No. I received no response to that memorandum, because shortly thereafter, I received a directive from my central office relating to this matter of jurisdiction which I can see now I misinterpreted.

Senator DONNELL. What was that directive? Do you have a copy of it here with you?

Mr. TRIPP. I have not a copy with me.

Senator DONNELL. Can you give us the substance of it from memory?

Mr. TRIPP. Well, the memorandum referred to an earlier memorandum outlining the jurisdiction of the various agencies engaged in the processing of displaced persons. In the earlier memorandum my Commissioner had directed me to refer back to the Commission or to the IRO any cases which appeared to be doubtful, that is, as to which an erroneous finding had been made.

There then was a subsequent memorandum.

Senator DONNELL. I take it you are talking about a second memorandum now?

Mr. TRIPP. Yes. The second one I received failed to mention that I should return those cases for review and I interpreted that second one to mean that I was no longer directed to refer the cases for review. It was an erroneous interpretation.

However, because of it, I wrote the Frankfurt office of the Displaced Persons Commission and told them that my Service would no longer review cases and we would examine only under the immigration law, and that, because of that, certain operational changes were necessary, including the establishment and maintenance of lookout files and things which our Service had done in Bremen.

Mr. ARENS. That was notwithstanding the fact that you had, prior to that time, held up about 7,000 or 8,000 cases, and notwithstanding the fact that, of those 7,000 or 8,000 cases which you held up, two-thirds of them were passed anyway?

Mr. TRIPP. That is right.

Senator DONNELL. Now, Mr. Tripp——

Mr. TRIPP. May I finish what I was explaining?

Senator DONNELL. Certainly. Do you mind, Mr. Tripp, it is like when you start on a certain track and you get a little further out all the time. Unless you are quite certain of the first part, you may not understand the second part? Do you mind if I just clarify this for my own mind so that it may be perfectly clear? It may be clear in everyone else's mind, but I am not quite clear on this directive and I would like to ask you a few questions on that. Then you may continue and tell us all about it, because we want to know all about it. I am sure.

You said you prepared this memorandum dated about the latter part of September 1949 and that you sent that to what office?

Mr. TRIPP. To the office of the Coordinator of the Displaced Persons Commission in Frankfurt.

Senator DONNELL. That is Mr. Squadrilli?

Mr. TRIPP. That is right.

Senator DONNELL. Then you received no response from that, but you did receive a directive, as you have termed it, after you had sent this memorandum. Now, this directive was from your central office in Washington?

Mr. TRIPP. That is right, sir.

Senator DONNELL. Who signed that directive, do you know?

Mr. TRIPP. Mr. Reilly,[1] the chief of our inspection section, acting in the capacity of assistant commissioner for enforcement.

Senator DONNELL. That directive was dated when, if you recall, approximately?

Mr. TRIPP. I cannot tell you, but it must have been late in September of 1949.

Senator DONNELL. It was very shortly after you had sent this memorandum to Mr. Squadrilli's office?

Mr. TRIPP. That is right.

Senator DONNELL. What did this directive that you received late in September of 1949 say in substance?

Mr. TRIPP. In substance, it told me that I should accept the findings of the IRO, so far as IRO eligibility was concerned, and the findings of the Displaced Persons Commission, so far as eligibility under Public Law 774 was concerned.

Mr. MILLER.[2] Mr. Chairman, would you suffer an observation? I realize that this may be somewhat out of place. Would you ask Mr. Tripp what he was directed to do in the memorandum sent to him on August 18, 1949, with respect to the reference back of doubtful cases to the Commission. I think that has been overlooked by Mr. Tripp.

Senator DONNELL. Very well. Mr. Tripp, you have heard Commissioner Miller just now?

Mr. TRIPP. Yes, sir.

Senator DONNELL. Do you recall a memorandum that was sent to you on or about August 18, 1949?

Mr. TRIPP. I do.

Senator DONNELL. That came from the Washington office of Immigration Service?

Mr. TRIPP. That is right.

Senator DONNELL. Was that before the second conference that you had with Mr. Conan on this subject of the request that your inspectors refrain from interrogation?

Mr. TRIPP. It was before the second conference.

Senator DONNELL. So it was between the first conference, which occurred in July of 1949, and the second conference, which occurred in August of 1949; is that correct?

Mr. TRIPP. Yes. In fact, it was my Commissioner's instruction which led to the second conference.

[1] James Reilly, Immigration and Naturalization Service.
[2] Commissioner Watson B. Miller, Immigration and Naturalization Service.

Senator DONNELL. Well, now, what was this message that came from the Washington office to which Commissioner Miller has just referred?

Mr. TRIPP. That instruction or that letter outlined the authority and jurisdiction of the various agencies engaged in the displaced-persons program. It was directed to me and it specifically directed me to refer to the Displaced Persons Commission or to the IRO any cases in which we believed an erroneous finding had been made.

Senator KILGORE. Now, Mr. Chairman, may I say at this point that we are receiving testimony from recollection which is based on written documents. It seems to me that most of those written documents are available.

Senator DONNELL. I think we should have them.

Senator KILGORE. I think we should request the Immigration Service to furnish us a copy of the directive, the first memorandum and, in fact, of all instructions issued to Mr. Tripp in Europe. I think we should also ask Mr. Tripp if he cannot from his office have air-mailed back to the United States the memorandum that he sent out. I would like to see just what happened.

Senator DONNELL. I concur thoroughly with you, Senator Kilgore, and at this point I make the request both of Mr. Miller and of Mr. Tripp as outlined by Senator Kilgore. Will you gentlemen be kind enough to comply with that request?

Mr. MILLER. We are very anxious to comply with any request of the committee. There is the old question of the inviolability of governmental files and I will have to clear through the Department of Justice.

Senator DONNELL. I did not get that, Mr. Miller. What was the last thing you said?

Mr. MILLER. I am sure you heard me say that I would be very glad to cooperate with this committee.

Senator DONNELL. Yes; I heard that.

Mr. MILLER. Then there is the whole question of the inviolability of governmental papers and I shall have to get a clearance from the Department of Justice, which I shall certainly try to do.

Senator DONNELL. Mr. Tripp, you will likewise, subject to the approval of Mr. Miller, who, in turn, I take it wants to get clearance from the Department of Justice, comply with that request? [1]

Mr. TRIPP. Certainly.

Senator DONNELL. Mr. Miller will make the inquiry of the Department of Justice and use his best efforts to secure the release of those documents for inclusion in our file; is that correct?

Mr. MILLER. As for myself, there are certainly no papers in those files or in any other files which I have any notion, however remote, of concealing material from this committee.

Senator DONNELL. I am sure of that, Mr. Miller. I am sure that our committee has no doubt of that.

Mr. ARENS. Similar directives went to consular offices from the State Department to the effect that they were likewise not to question the determinations made by the Displaced Persons Commission under the law.

I suggest that that also be included in this record.

[1] Certain of the documents referred to in this session were subsequently received, see p. 895.

Senator DONNELL. Well, now, of course, these gentlemen have no authority over the State Department records.

Senator KILGORE. I suggest that we ask the representatives of the State Department to appear with those records and place them in the record.

Senator DONNELL. I concur with that and I will ask Mr. Arens, at this point, if he will be kind enough to get in touch with the State Department and make that request. We want a full record from both of these Departments on this whole subject matter.

Mr. TRIPP. I shall enlarge a little more on that directive?

Senator DONNELL. Have we finished with the August 18 message, which directed you to refer to the Displaced Persons Commission or to the IRO, any questions relating to eligibility under the IRO constitution or eligibility under Public Law 774?

Mr. TRIPP. There should be added to that statement: "in those cases where apparently an erroneous finding had been made."

Mr. ARENS. Were you to be bound by those determinations as made by the IRO and the Displaced Persons Commission, as the case might be?

Mr. TRIPP. Yes.

Mr. ARENS. Even though you felt that the person was ineligible, you were bound by their determinations?

Mr. TRIPP. That is right.

Senator DONNELL. Who said you were bound by them?

In the first place, this message of August 18 was from Mr. Miller or from Mr. Reilly?

Mr. TRIPP. It was from Mr. Reilly.

Senator DONNELL. Do you have a copy of that here with you, Mr. Miller?

Mr. MILLER. No, sir.

Senator DONNELL. Do you want to get clearance from the Justice Department on that?

Mr. MILLER. Yes, sir.

Senator DONNELL. Did that say that you were to be bound by the decisions of the Displaced Persons Commission or the IRO, respectively, on subject matters referred back to them pursuant to the August 18 message?

Senator KILGORE. Are we now referring to the first memorandum?

Senator DONNELL. Yes; the first memorandum; that of August 18.

Mr. TRIPP. I do not know that the wording was that we should be bound. It said that we should accept them, unless we found that an erroneous finding had been made.

Senator DONNELL. Very well, I trust you will have the actual documents before us in due time for examination, but that is your best recollection?

Now you have gotten down here to the directive which you received late in September 1949, which said that you should accept the findings of the IRO, so far as IRO eligibility was concerned, and the findings of the Displaced Persons Commission on eligibility under Public Law 774, insofar as that last-mentioned eligibility was concerned.

You were just about, as I understand it, to enlarge on that directive. Will you be kind enough to do so?

Mr. TRIPP. The difficulty arose from my misinterpretation of my central office's wishes in the matter.

Senator DONNELL. How did you interpret that directive of the latter part of September 1949?

Mr. TRIPP. Because it did not have the proviso for the referral of cases, I somewhat foolishly believed that the central office no longer desired me to refer those cases back. For that reason, I wrote this second letter to the Displaced Persons Commission in which I stated that we would withdraw from all activity except the examination under the immigration law.

Senator DONNELL. What is the date of that letter approximately?

Mr. TRIPP. I would say that it was dated in the last days of September 1949.

That letter resulted in a conference between myself, Mr. Squadrilli, Mr. Carusi, Mr. Conan, at Frankfurt on or about October 1, at which time we worked out some changes in our operation, at which time Mr. Carusi requested me verbally to continue the review of those factors like eligibility.

At that time, I asked him to supply me with a letter requesting us to continue that review. The letter was later sent to me. I do not recall who signed it, but we did receive such a letter, so we continued the review activity. However, we did make certain operational changes as a result of that conference at the request of the Commission.

Senator DONNELL. Now, at the expense of a little tediousness, I want to be positive that I understand this correctly. I understand—and you will stop me right in the middle of my terms if I am not correct—I understand you to have, in your judgment, misinterpreted the directive which you received late in September 1949, your misinterpretation of it being that you thought that your office no longer meant that you were to make referrals back to the International Refugee Organization and the Displaced Persons Commission; is that right, Mr. Tripp?

Mr. TRIPP. That is correct.

Senator DONNELL. Now, those referrals that had previously been made back to those two organizations, that is, the IRO and the Displaced Persons Commission, related to matters of eligibility under the IRO constitution, so far as the reference back to the IRO was concerned and related to matters of eligibility under the Displaced Persons law, Public Law 774, insofar as your referrals back to the Displaced Persons Commisison were concerned; is that right?

Mr. TRIPP. That is right.

Senator DONNELL. You got the idea from the directive of the latter part of September 1949 that you were no longer to make such referrals back to them?

Mr. TRIPP. That is right.

Senator DONNELL. Then you wrote a letter in the latter part of September 1949 to the effect that in the future, you would confine your inquiries to matters under the immigration law and would no longer make any inquiries into the matters of eligibility under the IRO constitution, and as to matters of eligibility under Public Law 774; is that correct?

Mr. TRIPP. That is correct.

Senator DONNELL. Then that letter resulted in a conference being held with Mr. Carusi in October; is that right?

Mr. TRIPP. It was either in the very last of September or the first of October. The conference was with Mr. Carusi, Mr. Squadrilli, Mr. Conan, and I believe, Mr. Kaplan was present during part of the conference.

Senator DONNELL. In that conference which you have just mentioned, which occurred either in the latter part of September or the first part of October, you were requested by Mr. Carusi to continue to make your review of matters relating to eligibility under the IRO constitution and eligibility under Public Law 774, and to not confine yourself solely to matters under the immigration law; is that right?

Mr. TRIPP. That is right.

Mr. ARENS. But even after you had made your inquiry, the final determination, the final say-so, was to be vested in the IRO and in the Displaced Persons Commission, respectively; is that not so?

Mr. TRIPP. That is right.

Mr. ARENS. That was the case, notwithstanding the fact that you had up to that time held up 7,000 or 8,000 doubtful cases?

Mr. TRIPP. That is correct.

Senator KILGORE. I understand you have now moved your office to Munich.

In my next question, I am trying to get information. At the time of this first conference with Squadrilli, were they shipping these displaced persons who were approved as eligible to the port of Bremen and holding them there for interview by the State Department consular service and by the Immigration Service?

Mr. TRIPP. They were sending them to Bremen for examination by immigration authorities only. They had already been visaed by the State Department in the resettlement areas.

Senator KILGORE. And they were being shipped up there. What is the procedure now? Are you still doing the same thing?

Mr. TRIPP. No; we have decentralized our examination. We now have men stationed at Wentdorf in the British zone, Butzbach, Schweinfurt, Ludwigsburg, Augsburg, and Munich in the United States zone, Salzburg in the United States zone of Austria, and Naples in Italy.

We also cover the French zone from the Ludwigsburg office.

Senator KILGORE. With the exception of the French zone, you have offices in practically every place that the Displaced Persons Commission has regional headquarters; is that right?

Mr. TRIPP. That is right.

Senator KILGORE. So that the people are interviewed there by the Immigration Service, just as they are by the consular service, before they are moved near the port, which is, of course, an economy of movement.

Mr. TRIPP. That is right.

Senator KILGORE. Did you advise the Washington office of this request made by Mr. Squadrilli or the other gentleman, whose name I have forgotten?

Mr. TRIPP. I do not believe that I ever notified my Washington office of the first requests made by Mr. Conan. I believe that I did send

a copy of my memorandum to Mr. Squadrilli outlining my conception of the matters we had discussed to my Washington office.

Senator KILGORE. You operate, of course, under existing immigration laws and these displaced persons are brought within the province of your operation by reason of Public Law 774?

Mr. TRIPP. That is right.

Senator KILGORE. So that when they reach your office they are in about the same shape that a quota immigrant would be who had been found by the State Department to come within a certain quota and eligible for immigration; is that correct?

Mr. TRIPP. That is right.

Senator KILGORE. And the same rules would apply to him at that point as would apply to the quota immigrant?

Mr. TRIPP. That is correct.

Senator KILGORE. Now, if you, on interviewing, decided that a certain applicant for quota immigration had misrepresented his country of origin and had gotten a visa from the consul through misrepresentation, what would be your action?

Mr. TRIPP. If I were a primary inspector, I would hold that immigrant before a board of special inquiry as one who was inadmissible to the United States, because he was not of the quota specified in the visa, his immigration visa, under the provisions of section 13 (a) (4), I think, of the Immigration Act of May 26, 1924.

Senator KILGORE. Is that what is called the BSI, the board of special inquiry, which is an immigration function completely staffed by immigration people?

Mr. TRIPP. That is right.

Senator KILGORE. If they sustain the primary inspector's finding, the man would be ineligible regardless of visa, would he not, unless he appealed?

Mr. TRIPP. That is right.

Senator KILGORE. If he appealed, where would his appeal go?

Mr. TRIPP. He would appeal first to the Commissioner, and then, he would have the right of further appeal to the Board of Immigration Appeals if the Commissioner's decision was adverse to him.

Senator KILGORE. And if the original findings were sustained all up the line, he would be inadmissible, regardless of his visa, and the visa would be revoked; is that right?

Mr. TRIPP. That is right.

Senator KILGORE. Why is not the same procedure applicable here without any changes of law?

Mr. TRIPP. Because under the general immigration statute, we may not exclude unless the reason for exclusion is specifically set forth in the statute. Now, on matters of eligibility under the act——

Senator DONNELL. Do you mean the Displaced Persons Act?

Mr. TRIPP. Yes, the Displaced Persons Act. Under that act, there are, of course, no precedents and there is some doubt in, perhaps I should say, the legal minds of the agencies involved as to whether we have that authority.

Senator KILGORE. That is what I want to get at. Now we are getting down to our own alley over here, because it appears to me that fraud in the procurement of a visa is a ground for denying immigration. Is not that right?

Mr. TRIPP. I cannot answer. I cannot recall any section of the immigration law which makes that statement.

Senator KILGORE. In other words, while there may not be any section, you do practice it. In other words, if Richard Roe gets a bunch of forged certificates and things of that kind, and it is detected in your office, although he successfully passes the consular's office, you treat that as fraud and that would be grounds for exclusion, would it not?

Mr. TRIPP. Not on the ground of fraud alone. If the fraud amounted to obtaining the visa which was charged to the wrong quota or amounted to obtaining a nonquota visa, when that person was not entitled to a nonquota visa, yes. But the exclusion would not be for fraud in getting the visa, but would be because of an improper visa.

Now, of course, the fraud could be used as a basis for exclusion if an admission that the applicant had committed a fraud was made.

Senator KILGORE. The point I am trying to get at is this: It seems to be just the same thing here. Let me use an illustration. Let us say that under the old Chinese Exclusion Act, the Chinese should succeed in getting himself placed—and this is far afield as an illustration—on the British quota and should manage to get a visa in that way, although he was born in China and was a Chinese national and everything else, you would promptly throw him back on the nonquota status, would you not? If you found that out, because the Chinese had no quota?

Mr. TRIPP. You mean we would reject him?

Senator KILGORE. Yes.

Mr. TRIPP. There, again, you have a specific section of the statute under which you could exclude him, that is, that he was not of the nationality specified in the visa, in his immigration visa.

Senator KILGORE. But in this case of the man that you discussed, who falls without the quota, who is nonquota, you have a misrepresentation, because the only thing that puts him in that kind of a quota is Public Law 774. If he gets himself in under Public Law 774, when he does not belong there and that is found out, he has no immigration status.

Mr. TRIPP. I understand that, but if he was born, we will say, in Poland and was issued a Polish quota visa, possibly through fraudulent means, he would still be a Polish-quota immigrant, and you could not exclude him as not being of the nationality specified in the visa, because he still is a Polish-quota immigrant.

Senator KILGORE. But we are speaking of the displaced persons quota here. If he does not properly belong in the displaced persons, as defined in the act, you have no quota.

Mr. TRIPP. Actually, Senator, the remedy for this situation—and there is a remedy—is not in the immigration law. The remedy is in the rejection of the original application of the Displaced Persons Commission.

If we can establish from our examination that a fraud has been perpetrated to obtain the status of an eligible displaced person, that applicant could be rejected under section 10 of the act, that is, Public Law 774, but not under the general immigration statute.

Senator KILGORE. Now, all people who come to you have, theretofore, received visas from the consular service as eligibles; is that not right?

Mr. TRIPP. That is right.

Senator KILGORE. So that before you receive them, they have been passed on by the IRO, by the Displaced Persons Commission, and by the consular service?

Mr. TRIPP. That is right.

Senator KILGORE. And have any of the excluding decisions been overruled?

Mr. TRIPP. Do you mean whether any of our excluding decisions have been overruled?

Senator KILGORE. Yes.

Mr. TRIPP. Do you mean under the general immigration laws?

Senator KILGORE. By the general process of review procedure set up by law. In other words, you have your exclusions being reviewed. Have they been overruled by the regular procedure?

Mr. TRIPP. When you say exclusions, I assume you mean those cases which we have excluded under the immigration law, because those are the only ones we are authorized to exclude. We have referred to the office of the Commissioner for review cases involving, I believe, close to 400 people who have been excluded by our board and we have been reversed on some of them. That is a common practice.

Senator KILGORE. I know that. If there were no reversals, there would be no need for the review.

Mr. TRIPP. I would say that probably to date the reversals have not amounted to any more than 5 percent.

Mr. ARENS. That is just under the immigration law?

Mr. TRIPP. Yes, not under the displaced persons law. That is under the immigration law.

Senator KILGORE. How many exclusions have you had up to date, approximately?

Mr. TRIPP. Do you mean by the board of special inquiry under the immigration law?

Senator KILGORE. Yes.

Mr. TRIPP. I think the figure is around 400 individuals, which does not mean 400 cases, because many of the cases involve families.

Senator KILGORE. And there you might have two or more individuals affected?

Mr. TRIPP. That is right.

Senator KILGORE. So that would amount to about one-half that number of cases or even less than that number, would it not?

Mr. TRIPP. I believe that just before we closed our office at Bremen, our filing index indicated that we had completed the hearings on and had sent the records into Washington in something in excess of 200 cases, perhaps 225, and figuring on the basis of the regular average, that would mean around 440 to 450 people.

Senator KILGORE. Now, how many of those were on what we might call security grounds?

Mr. TRIPP. I do not believe that any of them were on security grounds, because the security question in this program, which, I might say, has been the source of considerable concern on my part, has been a problem which we could not handle properly to the best interests of the American public by the board of special inquiry procedure.

I have had, shall I say, to improvise to handle the security situation. In the first place, there are almost no cases where we have absolute proof that a person is subversive. We have had many cases where there is doubt.

Now, of those doubtful cases, I have referred probably between 5 and 10 to our central office under a special procedure provided for by section 175.53 and section 175.57, 8 CFR, which authorizes the Attorney General to exclude without hearing.

The other cases, I have tried to dispose of in some other way. I have had some cases reinvestigated.

Senator KILGORE. That would be by the CIC?

Mr. TRIPP. That is right or by the Commission, if it is outside of the American zone.

Senator KILGORE. Let us get this point straightened out. You say Commission. Now, you have a Commissioner of Immigration.

Mr. TRIPP. By Commission, I mean the Displaced Persons Commission.

As to a number of cases where there has been an element of doubt, I have referred those back to the Displaced Persons Commission with the request that they review their finding of eligibility, and in the event that they reaffirm eligibility, they supply me with a written statement that they do not regard this particular individual as a security risk.

Mr. ARENS. Let me ask a question right there. Under the law, the burden of proof is upon the applicant. As a matter of practice, where does the burden of proof rest insofar as the displaced-persons operation is concerned?

Mr. TRIPP. Well, as a matter of practice, I believe the Commission is inclined, in some cases, to almost require proof that the person is subversive before they will reject him.

Mr. ARENS. In other words, if you get a derogatory subversive CIC confidential report, is it the practice of the Commission to shift the burden of proof from the applicant to the Government to prove that the man is a Communist before he can be excluded?

Mr. TRIPP. Will you let me enlarge a little on that? I do not want to put the Commission in a bad light here unnecessarily. Most of this derogatory information that we have consists of letters of denunciation by other displaced persons usually.

Senator KILGORE. Those who wanted to get a place themselves?

Mr. TRIPP. In many cases, they are anonymous. In most other cases, the writer of the letter may not be located. That may be accounted for because he has immigrated already or probably signed a fictitious name.

Now, I realize that, as Americans, we are inclined and we feel that anonymous information is valueless. As a law-enforcement officer for 20 years, I know that anonymous information is frequently true. Therefore, because of the gravity of the situation, I am reluctant to pass any case where such a denunciation has been made until it has been proved that the denunciation is not based on fact.

Now, I realize that frequently that results in an injustice to the applicant. But in a program of this sort, I feel that the function of my Service is to first protect the interests of the American public.

Even though that results in an injustice at times, I must do so. It is unavoidable, but we must first protect the American public.

So, in those cases, even though the evidence is weak—although sometimes it is a little stronger than in others—I am reluctant to pass them unless we can prove that that person is a good security risk.

Now, in addition to the denunciations, we have information from the files of central registry. The central registry files of CIC probably is the best source of information in Germany relating to Communist activities. Well, I am not too familiar with it, but it is my understanding that as information comes to light the CIC opens a dossier and builds it up as time goes on.

Now, some of the information from central registry might allege that this particular displaced person has been engaged in communistic activities. That information may have been put in the central registry back in 1946. The source of that information is no longer available.

Now, when we have a case of that sort, where central registry contains something derogatory of that nature, I do not believe we should make a finding of admissibility until it has been disproved. But the evidence that they had in central registry would not be sufficient for our Service to exclude by the normal board of special-inquiry proceedings, because those proceedings must be conducted in a manner in which they could not be subject to attack in a court of the United States.

You may say that it is unfair to the applicant not to give him that protection, but you must remember that the applicant is an applicant. He has no rights. I think it is well within our province to select only those whom we feel are desirable.

Senator DONNELL. In fact, Mr. Tripp, first, under the general immigration law the burden of proof is not on the applicant himself to prove himself guiltless of any of these things. There is nothing in the immigration law that says that the burden of proof is on him, is there?

Mr. TRIPP. The 1924 act places the burden of proof upon the applicant at the time of entry.

Senator DONNELL. With respect to what matters?

Mr. TRIPP. With respect to the 1924 act, the quota act.

Senator DONNELL. It puts that on him?

Mr. TRIPP. That is right.

Senator DONNELL. Then I am in error on that.

But the Displaced Persons Act does expressly say—and I quote:

> The burden of proof shall be upon the person to establish his eligibility under the act.

Does it not?

Mr. TRIPP. It does.

Senator KILGORE. Now, going a little further, you say that none of these people have been rejected on security grounds themselves, because you have improvised another system of re-referrals back to the source of information; back to the original source.

Mr. TRIPP. That is right.

Senator KILGORE. I would like to get your opinion from your experience on this point: At the outset, the setting of the Displaced Persons Commission was to clear, shall we say, a certain group of dis-

placed persons by classification who had been found to be displaced persons under the care of the IRO. Is that not right?

Mr. TRIPP. That is right.

Senator KILGORE. That thereby relieved the IRO of the burden of taking care of them over there. And they have worked along that line, because the definition in the bill was the IRO charter definition and so forth.

Now, in your opinion and from your experience, would it not be better if each applicant—and that term includes the man, his wife, and his whole family—were initially interviewed by a representative, shall we say, a selector of the Displaced Persons Commission who had to make a report on the results of that interview which would go forward so that he would assume the responsibility for his recommendations?

Mr. TRIPP. I have had that opinion almost from the moment I arrived in Europe. I have spoken of it many times not only from the angle of security but from the angle of making poor selections. I believe that a person interviewed is one of the best answers to some of the operational problems we have encountered in the program.

Senator KILGORE. That, plus a signed report by the interviewer. Do you not think that is necessary so that he assumes the responsibility for his recommendations?

Mr. TRIPP. I believe that the rank and file—perhaps I should say all—of the Displaced Persons Commission are just as much interested as any others in protecting the United States from undesirable immigration and I do not believe that merely making the selector sign a report will insure that no undesirables will get in.

Senator KILGORE. I do not believe that, but I do feel that if there is a personal responsibility for his own decisions and activities that can be traced, he will be more careful than if it is just a general Commission proposition.

Mr. ARENS. Do you think the Immigration and Naturalization Service could do the job over there with fewer people than the Displaced Persons Commission is now using?

Mr. TRIPP. I do not like to get involved in that.

Mr. ARENS. The committee wants your opinion.

Mr. TRIPP. The Immigration and Naturalization Service usually does any job that is assigned to it.

Mr. ARENS. How many of the Displaced Persons Commission people have had immigration background, so far as you know?

Mr. TRIPP. Mr. Main.[1]

Mr. ARENS. He is an Immigration man on assignment?

Mr. TRIPP. Yes.

Mr. Barron, Mr. Martineau at the Butzbach office have Immigration background. Mr. Suter in Mr. Main's office, and I believe there is a Mr. Becker or Baker in the Schweinfurt office. There is also a Mr. Conan, one of our ex-naturalization examiners.

Senator KILGORE. What office is he in?

Mr. TRIPP. He is the senior officer at Bremen. And Mr. Higgins at the Bremen office formerly worked for our Service.

Senator KILGORE. Was it Mr. Conan who asked you to discontinue this eligibility thing?

[1]The testimony of Donald Main appears on p. 557.

Mr. TRIPP. He is the one; yes.

Senator KILGORE. The question is, could you do it with less personnel?

Mr. TRIPP. We probably could, because we have operated a lot of programs with a small appropriation.

Senator KILGORE. Where would you obtain your trained personnel?

Mr. TRIPP. That would be a terrific problem.

Senator KILGORE. How long would it take you to obtain it?

Mr. TRIPP. I think that would be a matter that is in the Commission's bailiwick. I personally believe that we could operate more successfully, more efficiently, and in a satisfactory manner with a set-up similar to what we have now, with certain administrative changes.

Senator KILGORE. Now that is what I want to know. What are those administrative changes?

Mr. TRIPP. I believe that one agency should have the final determination of who is or is not eligible and admissible.

Senator KILGORE. Would you say that agency should be or should not be the Immigration Service, consular service, or trained men who have been administering the immigration laws?

Mr. TRIPP. A man who is trained obviously can operate better than one who is not experienced in governmental operations and law-enforcement operations.

Senator DONNELL. Do you mean by that, Mr. Tripp, that you think it would operate better to leave the ultimate final determination of whether or not a man or woman gets into the United States under this law with the Immigration or consular service rather than the Displaced Persons Commission or IRO?

Mr. TRIPP. I believe we are a superior organization and I naturally think we can do a good job of it.

Senator DONNELL. We want your best judgment and opinion at this time. I am going to put this question to you direct. Do you or do you not think that the best interest of this country would be safeguarded by having the ultimate decision as to whether any specific individual gets into this country under the Displaced Persons Act vested in the Immigration and Naturalization Service and consular officers?

Mr. TRIPP. Yes; I do.

Senator KILGORE. I want to get something in there. At the present time, Immigration really has the final say on immigration over the consular officers, because, even though they issue a visa, you can exclude them if you find grounds?

Mr. TRIPP. That is right.

Senator KILGORE. So you cannot have dual final determination. They are final up to a certain point and you are final up to a certain point.

Mr. TRIPP. That is right.

Senator KILGORE. If we get the same thing on what we might call a normal immigration procedure, when they reach the point of the consular service, they then go from the consular service into the Immigration Service, that is the idea that you think would function better?

Mr. TRIPP. I think there is too much of a position of jurisdiction as it stands now. As far as the consular service goes, as you say, we have final decision over who shall be admitted after the consular service has issued a visa. So in effect, if the final say was vested in the Consular and Immigration Service, why we would have the final word. However, it is desirable that the consular service be there, because the consular service is authorized to refuse the issuance of visas, which is a much simpler procedure than exclusion under immigration laws.

Senator KILGORE. Of course, they operate under treaties which gives them an opportunity to do things which our Immigration Service cannot do abroad, because, under the normal procedure, Immigration Service does not touch it until the emigrant gets to Ellis Island. They get to the Immigration Service only when they reach this country under normal procedure.

Mr. TRIPP. Under what you might call normal procedure.

Senator KILGORE. Under the present procedure with reference to displaced persons, we have outposts abroad and if they were able to do the same job in the same way that they do it on normal immigration, it is your idea that the thing would function that way?

Mr. TRIPP. Yes; I believe it would.

Senator KILGORE. Would it eliminate abuses and mistakes and things that you feel exist?

Mr. TRIPP. Yes; if we had the final authority so far as eligibility, I think it could straighten the thing out.

You see, I have been engaged in some controversy with the Displaced Persons Commission almost since I arrived in Europe. Now that does not necessarily mean that I am right and that the Commission is wrong. I have questioned certain interpretations and certain operating procedures. Now legally, I suppose, I have no authority to do that, but because I have done it, it has resulted in some little friction between my agency and theirs.

Mr. ARENS. On that point do you know of efforts made by folks over there to try to "get" you?

Mr. TRIPP. I do not know personally of any such efforts.

Senator DONNELL. To do what, Mr. Arens?

Mr. ARENS. To try to get him removed. What is your information along that line?

Mr. TRIPP. What I have heard is mostly rumors. I have been told by voluntary agency representtatives in Europe that they were solicited to protest against me, but it is hearsay and I pay no attention to it.

Senator DONNELL. I would like to get back to a point Mr. Tripp mentioned a moment ago, that is, the difference in interpretation made by the Displaced Persons Commission and himself. You said earlier this morning, Mr. Tripp, in substance, as I recall the testimony, that the immigration authorities have no authority to exclude these displaced persons applicants except under the immigration law. You said that in substance, I think?

Mr. TRIPP. Yes.

Senator DONNELL. Now as I understand it, as a matter of law you do have that authority perfectly clearly under section 10 of the Displaced Persons Act and I doubt very much if you disagree with me on that. Am I correct in understanding this, that as a matter of

practice, the practice which is followed, you do not have the final determination? That is, the practice is, is it not, that as to matters of eligibility under the displaced persons law—the question for instance whether the applicant got in before December 22, 1945—the determination of the Displaced Persons Commission is accepted as final when it once makes it finally? That is correct; is it not?

Mr. TRIPP. That is right.

Senator DONNELL. The act says:

> Except as otherwise expressly provided in this Act, the administration of this Act, under the provisions of this Act and the regulations of the Commission as herein provided, shall be by officials who administer the other Immigration laws of the United States.

Do you not concur with me that that does, as a matter of law, vest the ultimate determination of any fact that would determine whether or not a man or woman is entitled to come in under the displaced persons law in the immigration authorities and consular authorities instead of in the Displaced Persons Commission? Is that not your interpretation?

Mr. TRIPP. My own personal interpretation?

Senator DONNELL. Yes, sir.

Mr. TRIPP. Yes; but it has been discussed by persons far better versed in law than I am—I am not an attorney—and I think held the other way.

Senator DONNELL. It has been discussed by others. Undoubtedly, the practice has been the other way, but I am asking your own personal opinion. You have been in the Immigration Service for all these years. You have been reading the English language. Your personal opinion, I take it, is precisely what I have stated, is it not, that under the Displaced Persons Act, as the law is written, the ultimate legal power of determination as to whether any person comes into the United States under the Displaced Persons Act, rests in the officials who administer the other immigration laws of the United States, which officials are the Immigration Service and the consular service? Is that right?

Mr. TRIPP. I believe so; yes.

Senator DONNELL. That is your personal judgment, is it not?

Mr. TRIPP. That is right.

Senator DONNELL. In regard to the procedure that is followed in this review you spoke about, you talked about this memorandum and the Conan conversations and the directive and so forth. I understand—and if I am incorrect please check me—that when you look over a file or when your representatives look over a file of Johann Schmidt who wants to come over here as a displaced person and you find there something which indicates to your mind doubt as to whether that man got into Germany before December 22, 1945, you send that file back to the Displaced Persons Commission, do you not, or at least if you do not send the file, you communicate with it to have them look the thing over again and tell you whether he did? Is that right?

Mr. TRIPP. That is not exactly right.

Senator DONNELL. Just exactly what do you do there?

Mr. TRIPP. In cases where we might be doubtful but where all those facts have been considered by the Commission and a finding of eligibility made, we accept that finding, but if the interrogation of the in-

spector discloses some new evidence or his examination of the file clearly indicates an erroneous finding has been made, we refer the case back.

Senator DONNELL. Very well. That is a much more accurate statement than I made of it but is in accord with the general theory at any rate that I understand you are proceeding under, namely, where you think, as you now put it, and correctly so, subsequent examination made by the interrogator discloses there have been some facts overlooked or not called to the attention perhaps of the Displaced Persons Commission, you refer the matter back for further consideration by it?

Mr. TRIPP. That is right.

Senator DONNELL. Suppose after it is referred back there with these additional facts, which to your mind made it either true that the man did not come into Germany on or before December 22, 1945, or that there is doubt as to it, suppose the Displaced Persons Commission looks the thing over and send word back to you saying they have decided he did come in before December 22, 1945, would you then accept that determination as final?

Mr. TRIPP. We would.

Senator DONNELL. You would do that notwithstanding your own personal opinion that you have expressed a few minutes ago in response to my inquiry as to what the law means as to which body it is that has the ultimate decision?

Mr. TRIPP. That is right.

Senator DONNELL. Now I take it, in matters in which the IRO comes into play, for instance a question as to whether or not a person is a displaced person within the constitution of the IRO or is the concern of the IRO under its constitution, if you find some facts that you did not think were called to the attention of the IRO, you send it back to IRO?

Mr. TRIPP. We do.

Senator DONNELL. If IRO says, "We have considered all those," or "We do not think your facts change our opinion and our opinion is that he is still admissible," you abide by the finding?

Mr. TRIPP. Except in very rare cases.

Senator DONNELL. That would be in very rare cases in which you think you have further evidence or it should be reexamined by IRO?

Mr. TRIPP. I say some rare cases. I mean some rare cases where I feel the finding is so erroneous, I usually hold it and discuss it personally with the eligibility officer.

Senator DONNELL. Of whom?

Mr. TRIPP. Of IRO. In one case, I discussed the matter with the Geneva headquarters of IRO.

Senator DONNELL. Suppose the eligibility officer of IRO after that discussion or the headquarters in Geneva of IRO after your discussion of this obviously erroneous decision as you would have determined, still says, "We are right; that man is a displaced person under the constitution of the IRO, and is the concern of IRO," do you then accept that determination as final?

Mr. TRIPP. He does not usually say so after he has discussed it with me, but if he did, we would accept it as final.

Senator DONNELL. Very well. I have one other question, Mr. Tripp. I asked you earlier this morning about whether or not there is anything in the immigration law that throws the burden of proof on the applicant for admission to this country. Now I obviously was in error, at least in your opinion, in my statement there, and I may well be in error on it. I am not claiming to be an authority on this subject. I have caused a hasty search to be made here of the 1924 act to which you referred, and the only provision that has been called to my attention that I think bears on that is this one. It is the one appearing in title 8, section 202, of the United States Code Annotated:

No immigration visa shall be issued to an immigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws, nor shall such immigration visa be issued if the application fails to comply with the provisions of this chapter, nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws.

Is that the section to which you referred?

Mr. TRIPP. No; it is another section. It is section 221.

Senator DONNELL. Could I see it, please, Mr. Tripp?

Section 221 says:

Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; and in any deportation proceeding against any alien the burden of proof shall be upon such alien to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration visa, if any, or of other documents concerning such entry, in the custody of the Department of Justice.

I think that is very clear, and I thank you very much for correcting my error on it. As has been mentioned this morning, the displaced-persons law has the provision that "The burden of proof shall be on the person who seeks to establish his eligibility under this act." Is that correct?

Mr. TRIPP. Yes.

Senator DONNELL. As I understood your testimony a little while ago, I think that notwithstanding the provision in the displaced-persons law that I have just read about the burden of proof, that there has been a tendency which has grown up rather to throw the burden of proof on the United States officials than on the applicant. Am I correct in that, or am I not?

Mr. TRIPP. I think that we in the Immigration Service have been required to justify exclusions—not really exclusions, exclusions under the immigration law—but to justify our activities on eligibility matters. Now our activity has not been exclusion or rejection. It has merely been more or less passive resistance and sending the cases back for reconsideration.

Senator DONNELL. Thank you, Mr. Tripp.

Senator Kilgore, did you desire to proceed?

Senator KILGORE. I want to ask you another question on implementation. As I understand it, at the present time the applicant, certified by IRO to the Displaced Persons Commission and by the Displaced Persons Commission to the Consular Service, makes in,

shall I say, a written application under oath representation as to his eligibility. Is that correct?

Mr. TRIPP. He makes his first application under oath, when he files his visa application which becomes the immigration visa.

Senator KILGORE. It becomes the immigration visa.

Mr. TRIPP. But actually, the basic document under which his case is processed is the CM–1 Form or in the American zone from which come most of the cases, the IRO resettlement form.

Senator KILGORE. That is sworn to?

Mr. TRIPP. That is not sworn to.

Senator KILGORE. I am getting back again to this question of fraudulent procurement of eligibility. Do you not think the implementation if, in addition to being interviewed by a representative of the Displaced Persons Commission, he was also required at that time under oath to state the grounds of his eligibility with supporting documents and that should go forward; thereupon, you would have a question of fraud that might be serious in there and might deter a lot of these fraudulent representations? Do you think that would aid in the handling of the case?

Mr. TRIPP. I have not much faith in the power of an oath in the administration of law, Senator. I have been working in this business too long. I have examined too many affidavits. I think if we made it a practice to reject those cases where it was quite apparent that there was something wrong, that we would be going a long way.

Senator KILGORE. May I interrup, Mr. Tripp? Under your theory our whole legal process in court would break down.

Mr. TRIPP. As I say, I have had affidavits submitted to me.

Senator KILGORE. That is different, but a written application sworn to would constitute perjury. False swearing and perjury are two different things and some chief of police might make a false affidavit, whereas if the applicant himself faced a charge of perjury and possible deportation later, even after he got over here, it might make it a little different.

Mr. TRIPP. Perhaps your idea has merit but I do not have much faith in it.

Senator KILGORE. Let me ask you another question. When was the last report that you filed with the Commission's office here with reference to the number of cases up to that date that had been put before the BSI and the disposition? Do you remember the date of that?

Mr. TRIPP. That was my monthly report for the month of January.

Senator KILGORE. I wonder if you remember the figures from that—or if you could get them—as to how many had been held for BSI up to that date and the disposal of those cases and the grounds for them.

Mr. TRIPP. I can tell you that at that time the board had heard between 200 and 225 cases, involving roughly 440 to 450 individuals.

Senator KILGORE. Could you procure those figures, of course, with the permission of the Department of Justice, and put them in the record? I think it would be of value to the committee to know the volume of that work that has been carried on. You may have already put them in because, when I came in, you were discussing some figures. If you have the figures on the number of cases that you raised a question on and referred back as to the disposition, what was the final number?

Mr. ARENS. Seven or eight thousand, I believe it was.

Mr. TRIPP. We have held between 7,000 and 8,000, but by far the greatest proportion of that number were for what we call consular errors. Those cases have been cleared as rapidly as they have been cleaned up.

Senator KILGORE. I think it would give us a better picture if we had those figures in this record to show how Immigration had functioned over there and the trials and tribulations you faced as the stuff came up to you.

Mr. TRIPP. The Commissioner is here.

Senator KILGORE. The Commissioner will get permission to put those figures in up to the January report.

Senator KILGORE. Did you fairly early in the program ask the Displaced Persons Commission to reject these people so certified on immigration grounds, as well as upon the normal grounds?

Mr. TRIPP. Yes.

Senator KILGORE. Did you ask them also to go into the immigration grounds?

Mr. TRIPP. I did not ask them to go into the immigration grounds exactly, but I was concerned with the number of persons we were detaining at Bremen as early as last April. In many cases, it appeared to me that the tension could have been eliminated by more careful selection and processing. Not only would it have eliminated work but it would have reduced a terrific hardship upon those persons who came to Bremen and were rejected at that stage.

At that time, I attended a meeting of the senior officers of the Displaced Persons Commission in Frankfurt when Commissioner O'Connor came over. I spoke to the group of senior officers at that time, and told them my views and suggested that more care be taken in the selction and processing, mentioning different types, such as physically handicapped, who would be unacceptable and I dwelt particularly on criminal cases in which I pointed out that we would be required to exclude those people if they processed them.

I also spoke to various groups of voluntary agency workers in Munich and to IRO officials in Butzbach along the same lines. In other words, I was trying to rectify the condition at the source.

Later on, a number of cases came through where the analyst report provided for by section 10 discussed convictions in the various courts and notwithstanding that discussion the case had been processed. At that time, we had a particularly pitiful case come through. A young man with a young wife and child had been convicted of theft. It was theft of a minor nature. I think this man stole two or three blankets, some sheets, and some other clothing from stores under his supervision. He was convicted of it. Of course, we found it necessary to exclude him.

Using that case as a guide, I wrote to Mr. Squadrilli and I requested that he instruct his senior officers to refrain from processing any more cases where there had been a conviction. I told him I realized that it would be difficult for him to establish which ones would be excludible, but I pointed out he had available the services of Mr. Main, Mr. Barron in Butzbach, Mr. Martineau, Mr. Suter, and, if they were not sufficient, why I stood ready to advise on matters, I and my force, and I was sure the consular service would do the same.

He wrote back to me that he could not comply with my request, because the determination of who was excludible under the immigration law was solely the responsibility of the consular service and the Immigration Service.

Senator DONNELL. Mr. Tripp, I lost part of your previous statement that said just what the request was that you made of him. You told about Mr. Suter and others being available. What was the request made to Mr. Squadrilli?

Mr. TRIPP. I requested him to instruct the senior officers to refrain from processing cases of persons who had been convicted of crime.

Senator DONNELL. Yes, thank you.

Mr. TRIPP. Later on, the matter was brought to the attention of Mr. Carusi here in Washington, I believe by my central office. Mr. Carusi sent Mr. Squadrilli a letter in which he stated he believed my idea had merit and he suggested that the Commission avail itself of my offer but unfortunately the Commission as a general rule has not taken advantage of it.

Senator KILGORE. You mean the Commission employees abroad?

Mr. TRIPP. That is right, and we are still receiving cases of people who have been convicted. In fact, a considerable number of the persons we now have detained are detained while we are awaiting the receipt of the record of conviction in order that we might determine whether the conviction is one which would warrant exclusion under the immigration law.

Senator KILGORE. Let me ask a further question on that. In amending the act, do you think it would be wise to write into it a mandate to that effect that, where it is known by the Commission that the applicant is not eligible for immigration, they should not report him?

Mr. TRIPP. I do not think it is necessary. I think the present act makes that clear. One of the basic requirements for eligibility is that the applicant be admissible under the general immigration laws. Here, again, it is a matter of interpretation, of which my interpretation is at variance with Mr. Squadrilli's.

Senator KILGORE. That is the point I am getting at. If it is spelled out in such a way, there is no need for interpretation. I agree with you; I think it is right. Sometimes we draft legislation that has to be interpreted, but one man looks at it in one light and the other man looks at it in another light.

I would like to have for the record, if possible, any letter or memorandum that you might have written to Mr. Squadrilli on that point and such replies, if any, that were made to you, if made in writing. Could that be obtained along with the other information for the record?

Mr. TRIPP. Assuming I have the Commission's approval.

Senator KILGORE. If you can get the Commission's approval, will you also get that for the record, not today but as soon as it can be conveniently done?

Mr. TRIPP. Yes, sir.

Mr. ARENS. How many of these criminal cases that have been convictions for crime have been processed by the Displaced Persons Commission and are being held by you?

Mr. TRIPP. I do not know that I can give you an accurate estimate. Probably the Board has excluded close to 100.

Mr. ARENS. May I invite your attention to the problem of criminal cases and ask you if the figures 96–33 in the United States mean anything to you?

Mr. TRIPP. Yes. There became available to me recently copies of the results of a fingerprint check made by the Provost Marshal's office in a number of cases. The first group of cases in which the information became available to me related to ninety-odd individuals. Immediately I checked the camp registration records, Camp Grohn in Bremen, to determine if any of the persons named had proceeded to the United States. I found that 33 of the people had already sailed to the United States. Examining the nature of the report in each case, I concluded without investigation that 11 of the individuals were probably deportable on criminal charges.

Mr. ARENS. Has it not been the policy of the Displaced Persons Commission to avoid BDC checks or Provost Marshal checks in the processing of displaced persons on the basis of this calculated-risk theory of the Displaced Persons Commission?

Mr. TRIPP. I do not know whether I would say they did it to avoid, but what they have done is process practically all cases without receiving the returns from the Berlin Document Center or from the Provost Marshal.

Mr. ARENS. Those are centers where there would be criminal records on individuals?

Mr. TRIPP. The Berlin Document Center records would indicate Nazi affiliations, and the Provost Marshal records would indicate arrest and convictions, possibly by the American authorities, in criminal cases and in some cases convictions in German courts.

Mr. ARENS. It was because of your check into the BDC records and the Provost Marshal records that you found these hundred-odd cases of criminal conviction, 33 of which had already come to the United States; is that right?

Mr. TRIPP. That is right.

Mr. ARENS. What expression was made to you by the Displaced Persons Commission with reference to why the Displaced Persons Commission would not make BDC checks or Provost Marshal checks to ascertain whether or not the displaced persons had criminal records?

Mr. TRIPP. I was told earlier in the program that if a case was held until the BDC checked——

Senator DONNELL. What is BDC?

Mr. TRIPP. Berlin Document Center—and Provost Marshal checked, it would materially slow down the program.

Mr. ARENS. Who made that statement?

Mr. TRIPP. I believe the first person I spoke to about it was Mr. Kaplan. That was one of the first things I discussed on arrival in Germany.

Mr. ARENS. He is Mr. Squadrilli's right-hand man?

Mr. TRIPP. Yes; I believe he is the executive assistant.

Mr. ARENS. You had nevertheless on your own volition been making in some instances BDC checks and Provost Marshal checks?

Mr. TRIPP. We had been making BDC checks, but I had not been making Provost Marshal checks; but recently, as I say, two groups of reports became available to me, and I have now filed a written request

with the Provost Marshal's office that I be supplied with the result of every fingerprint check.

Senator KILGORE. The CIC is the counterintelligence agency of the Army there; is it not?

Mr. TRIPP. That is right.

Senator KILGORE. Do they not have access to those records?

Mr. TRIPP. Perhaps I can explain that.

Senator KILGORE. I had gone all the way through figuring that was one of their chief sources of information. I thought the records in the central bureau was one of their chief sources of information.

Mr. TRIPP. The CIC work sheet is divided up this way: There is a Berlin Document Center check. That is one source. The Provost Marshal's office is another source. The German police and court records are another source. The IRO and assembly records are another source. Central Registry is another source. The CIC files are another source. I believe they have one more; I have forgotten what it is.

That work sheet has all of those items listed, and the report which comes forward has marked opposite each one of them "Negative" or "See attached." Usually it is negative.

Senator KILGORE. "Negative" does not mean negative?

Mr. TRIPP. It means that there is no negative so far as derogatory information is concerned.

Now, in practically all cases both BDC and the Provost Marshal are marked "Not yet received." So, the case is processed without receiving the results from those two sources. Now, that is a "calculated risk" of which Mr. Arens speaks.

Mr. ARENS. You mean of which the Displaced Persons Commission speaks?

Mr. TRIPP. Yes. They felt—at least I was told that—it would slow down the program so much to await those results that they would take the calculated risk of the few in which there would be derogatory information.

Senator DONNELL. Who said that, Mr. Tripp?

Mr. TRIPP. Mr. Kaplan is the one I first spoke to about it, although I have talked to others about it from time to time.

Senator KILGORE. Then your CIC report is not a full report.

Mr. TRIPP. No. As Mr. Main pointed out yesterday, the CIC report could be entirely worthless in some cases if the individual assumed a different name, because all checks except the Provost Marshal's check are made by name.

It is my thought—and if the proposed bill should be enacted it would be absolutely imperative—that every case be cleared through the Berlin Document Center.

Senator KILGORE. Do they have a card-selecting machine over there so that you can make a rapid check, say, on fingerprint classification?

Mr. TRIPP. I have never been in the identification bureau of the Provost Marshal's office, but it is directed by an ex-member of the Federal Bureau of Investigation, and I assume that they use much the same methods. However, they are running behind on their checks.

Mr. ARENS. Do you not know as a matter of fact in that fingerprinting process over there the men are likewise complaining that

they are under pressure and cannot get their fingerprints checks adequately?

Mr. TRIPP. I have only talked with this one man on one occasion. I think his name is Mr. Baker.

Mr. ARENS. What did he express to you?

Mr. TRIPP. He did not say anything about that except that they were running 3 months behind on the fingerprint check.

Mr. ARENS. Are you familiar with the facts in any of those 33 cases of people who have been convicted and who have already gotten into the United States?

Mr. TRIPP. No. They are not all criminal, by the way. A few of those cases were cases involving individuals who were denied entry to the United States under the Truman directive because of fraudulent or false documents. In at least some of them the fingerprints have been identified, such as the fingerprints of John Jones have been identified as those of Sam Brown who was rejected under the Truman directive.

Mr. ARENS. Do you know of any instances in which the Displaced Persons Commission or its employees have solicited pardons for convicted displaced persons in order to make them eligible under the law?

Mr. TRIPP. I know that IRO does that. IRO in fact maintains a Legal Division just to try to get pardons for displaced persons.

Mr. ARENS. For convicted displaced persons?

Mr. TRIPP. That is right, but I have only known of one instance where a Commission employee intervened, and he was way out of his authority.

Mr. ARENS. Who was that?

Mr. TRIPP. I think his name was Stalew.[1] He did not intervene for a pardon. He went to the Legal Division of IRO and made certain allegations to that Division which resulted in the IRO delegating a legal officer to Bremen to clean up the cases we were detaining there.

Mr. ARENS. How many people in IRO are engaged in the job of soliciting pardons for convicted displaced persons so they would be eligible under the law?

Mr. TRIPP. I have no way of knowing, but I presume all the legal officers work in their own ways.

Mr. ARENS. Do you know how many cases they have secured pardons for so they would be eligible?

Mr. TRIPP. I do not know. In fact, we have not knowingly admitted any person for whom IRO or anyone else got a pardon, because we haven't decided at the European level yet what we will consider the weight of a pardon there. As far as the German authorities are concerned, we will not regard a pardon as making that person admissible. The matter of pardons by the military government authorities we are still considering.

Senator KILGORE. I am just thinking about something. Could any of these people with criminal records be what are commonly classified as political criminals, such a man being convicted for not belonging to the right party or something of that kind? We do have that in Europe. Fortunately, we have not arrived at this stage yet in this country.

[1] William V. Stalew, former employee of the Displaced Persons Committee.

Mr. TRIPP. Our immigration law specifically states, I believe, that persons shall not be excluded for political crimes. However, we do have pending right now the case of one murderer who alleges that the crime was political. He is a Pole.

Mr. ARENS. That has been passed by the Displaced Persons Commission on to you?

Mr. TRIPP. Yes; it has been passed, but there was no reference made to the conviction in the file. The Displaced Persons Commission did not know it. The only one who knew it was the agency representative, the representative of the agency sponsoring the case, and she elected to keep it quiet. In that case, the individual murdered—he was a Pole—and he murdered a Russian consul or official in Poland in 1927. He was sentenced to life imprisonment, I believe, although I did not hear the case. He served 10 years and was released. It is now alleged that the crime was political.

Mr. ARENS. But the Displaced Persons Commission passed that case on to you?

Mr. TRIPP. Yes, but the Displaced Persons Commission had no knowledge of this.

Mr. ARENS. If the Displaced Persons Commission had made a check of the BDC or the Provost Marshal records, would they have run on to that?

Mr. TRIPP. No. One of our own inspectors turned it up, and probably more through good luck than anything else.

Senator KILGORE. In other words, there would have been no record available to CIC or anything else that would have shown it?

Mr. TRIPP. That is right.

Mr. ARENS. Who was the agency representative and of what agency who knew about it?

Mr. TRIPP. It was Miss Schaufuss who represents the Tolstoy Foundation, a subdivision of Church World Service.

Mr. ARENS. Does the Displaced Persons Commission regard black marketing as a disqualification under the law?

Mr. TRIPP. I believe not.

Mr. ARENS. I mean more than just an exchange of cigarettes or exchange of shoestrings for Treet. I mean large-scale black marketing.

Mr. TRIPP. I have seen a number of cases where CIC has reported that this individual is a large-scale black-market operator and the cases have been processed.

Mr. ARENS. They have been passed by the Displaced Persons Commission?

Mr. TRIPP. There has been no conviction in those cases, and the information is some that CIC has unearthed in their investigation. As to the value of the information, I couldn't say.

Mr. ARENS. Is that another instance where CIC has to prove its case before the Displaced Persons Commission will hold up the case?

Mr. TRIPP. Essentially, yes.

Mr. ARENS. What is the nature of this black-marketing operation which Displaced Persons Commission passed notwithstanding adverse reports from CIC? Is it just merely an exchange of cigarettes for shoestrings or Treet or something more consequential than that?

Mr. TRIPP. Some of the cases involved fairly large-scale operations. For instance, we recently excluded a man who was convicted of black marketing. I believe he had something like 98 cartons of cigarettes and 500 pounds of chocolate in his possession when he was arrested. I would say that was a fairly substantial operator.

Mr. ARENS. Who is Gertrude Ruskin?

Mr. TRIPP. Gertrude Ruskin is the senior officer of the Displaced Persons Commission at Ludwigsburg.

Mr. ARENS. What experience have you had with Gertrude Ruskin?

Mr. TRIPP. Well, early in the program I held some cases processed in her resettlement area in which she apparently had some particularly strong interest. Because they were held by our Service, she came to Breman to discuss them and see if she could not make me understand that we were in error in holding those cases.

Mr. ARENS. Are you just putting it politely, or would you say man to man she was there to put pressure on you?

Mr. TRIPP. She was trying to get me to pass the cases.

Mr. ARENS. Now, Mr. Main's operation in Munich is regarded, generally speaking, as the cleanest operation in Germany; is it not, Germany or Austria?

Mr. TRIPP. I have implicit confidence in Mr. Main. I can say that.

Mr. ARENS. You heard him testify yesterday with reference to the fraudulent and false documents there in his area?

Mr. TRIPP. Yes.

Mr. ARENS. Do you have information respecting fraudulent documents and fraudulent practices in areas other than the area about which Mr. Main testified yesterday?

Mr. TRIPP. I have no official reports.

Mr. ARENS. Generally speaking, is it worse or better than in Mr. Main's area?

Mr. TRIPP. I think they have uncovered more fraudulent documents issued in Mr. Main's area, which probably is because Mr. Main is there.

However, I recall one group in Wiesbaden of 94 individuals who were registered at a certain address in that city, all 94 at one address. These 94 tried to obtain visas under the Truman directive.

Mr. ARENS. The same cut-off date as we have in the present law?

Mr. TRIPP. That is right. The consular service conducted an investigation and established that none of the 94 lived at that address or had ever lived there, so they rejected all 94 applications.

Senator KILGORE. On that point there, the question I asked Mr. Main I want to ask you. In your experience over there and from what your information is, it not this question of false documentation and things of that kind quite prevalent all over Europe? It has been for a long time in the procurement of passports not to the United States alone but from one country to another and procurement of cards of identity. Is it not actually practiced by their intelligence and counterintelligence services over there? I am getting at the psychology of the European on such a subject.

Mr. TRIPP. No; I think your thought there is wrong, because for many years more records have been kept in Europe than we keep here.

Senator KILGORE. I know it.

Mr. TRIPP. For that reason, most anyone could go and get their own records. The record is available. I wouldn't say that myself—this is my own personal opinion—that the use of false documents was more prevalent in Europe before the war. I think since the war; yes.

Mr. ARENS. May I ask you this? Yesterday, Mr. Main discussed with the Senators his proposition of the directive which came from Mr. Squadrilli to remove from the files adverse reports, and Mr. Main testified in essence that, after he had removed from the files the adverse report or adverse finding, he substituted in its place a certain letter which would indicate that the report had been taken out. That is the essence of it, as I understand it. Do you have information whether or not in other areas in Europe the letter was substituted for the material which was taken out of the file or whether on the other hand the adverse information was just taken out of the file and nothing was put back in? I hope I have made it clear.

Mr. TRIPP. I believe in other areas the material was withdrawn from the file in most cases and nothing was substituted for it.

Mr. ARENS. And Mr. Main is the only senior officer over there who has had Immigration background and experience?

Mr. TRIPP. Well, Mr. Conan of course.

Mr. ARENS. He is not a senior officer?

Mr. TRIPP. He is a senior officer, but he is not processing applications.

Mr. ARENS. To what extent have people, who were found to be trying to get in under the Truman directive of December 22, 1945, engaging in fraudulent practices, reapplied under the present law and gained admission into the United States?

Mr. TRIPP. I do not know to what extent. There have been many hundreds, perhaps thousands of them, like the 94 Wiesbaden cases I spoke about. At least, I would think perhaps half of those have been admitted.

Mr. ARENS. But they were found to be in a fraudulent status in the administration of the program when it was then under the administration of the Immigration Service and of the consular officers; is that right?

Mr. TRIPP. It was under the administration of the consular officers, and they were rejected then. But you must remember that the Truman directive had this difference: The Truman directive required presence in the American zone of Germany; and I believe that the Commission has, in finding those cases admissible, since stated that the applicant has now established that he was within one of the prescribed areas outside of the American zone.

In that connection, I might say that those are the cases that I believe should be rejected for this reason: If an individual under the Truman directive presented a document like the Wiesbaden residence certificate showing that he lived in Wiesbaden in November 1945 and that document was found to be fraudulent and the same individual now comes forward and presents a document showing that he lived in the British zone in 1945, my own thought would be that that document is probably worthless, the second document as well as the first.

Mr. ARENS. How many did you say came in, who were rejected by

the consular officers under the Truman directive but have since under the present practice been admitted in the United States?

Mr. TRIPP. I couldn't venture an estimate of the number. I know I have seen hundreds of them go through.

Mr. ARENS. Would it be in the hundreds or thousands in your estimation?

Mr. TRIPP. I would say that the figure of 1,000 would probably be a minimum figure anyway.

Mr. ARENS. Would you tell the committee about the session you had with Mr. Rosenfield?

Senator DONNELL. Mr. Arens, let me ask this question right there. Do you mean, Mr. Tripp, that in your judgment as many as a thousand persons, a minimum number, claimed under the Truman directive to have come into the American zone prior to December 22, 1945?

Mr. TRIPP. Yes.

Senator DONNELL. It was discovered that they had not done so; therefore, they were rejected. Then they came in claiming to have come into other zones the presence in which makes them admissible under the displaced persons law prior to December 22, 1945?

Mr. TRIPP. That is right.

Senator DONNELL. And they have been admitted?

Mr. TRIPP. That is right.

Senator DONNELL. Your thought, as I understand it, is that the untruthfulness as to their representation about coming into the American zone prior to December 22, 1945, makes extremely doubtful and perhaps utterly invalidates any conclusion of truthfulness in regard to this claim they had come into one of these other zones prior to December 22, 1945?

Mr. TRIPP. That is right.

Senator DONNELL. That is your point?

Mr. TRIPP. That is right, particularly those who alleged they were in Silesia.

Mr. ARENS. The Truman directive was administered by officials who administer the other immigration laws of the United States?

Mr. TRIPP. At the European level, it was administered by the consular service.

Mr. ARENS. Under the present practice, notwithstanding the law, the determinations of eligibility on that date are now made by the Displaced Persons Commission; is that so?

Mr. TRIPP. That is right.

Senator DONNELL. Mr. Arens, do you mind if I ask Mr. Tripp just a question along one or two lines before we get too far away from these? You spoke about Miss Schaufuss of some organization allied with Church World Service having known of the fact that murder had been committed by this one individual to whom you referred. She did not report that fact.

Mr. TRIPP. She did not.

Senator DONNELL. To the Displaced Persons Commission; is that right?

Mr. TRIPP. I am quite sure she didn't.

Senator DONNELL. The Displaced Persons Commission claimed they did not know it; is that right?

Mr. TRIPP. The case was processed in Mr. Main's office and I am sure that if he had known about it, I would have known about it myself.

Senator DONNELL. Has this matter ever been presented to Miss Schaufuss for her explanation as to why she was trying to get somebody in who was a murderer?

Mr. TRIPP. Yes; I chided her for it.

Senator DONNELL. What did she say in response to the chiding?

Mr. TRIPP. She said it was justified because it was a political crime. I told her it made no difference; that I didn't think she had kept faith with me and that I would have to scrutinize what she presented in the future very closely.

Senator DONNELL. Is she still over there representing this organization and trying to get people in?

Mr. TRIPP. Yes.

Senator DONNELL. What is the name of the organization that is connected with the Church World Service?

Mr. TRIPP. Tolstoy Foundation.

Senator DONNELL. Has she gotten very many people into the United States by virtue of her efforts?

Mr. TRIPP. I have no way of knowing but I would say her organization probably represented the admission of a couple of thousand. That is just a guess.

Senator DONNELL. With respect to this Gertrude Ruskin who came over to Ludwigsburg, Mr. Arens asked you whether you were just trying to be polite or whether she tried to put pressure on you. Will you tell us what she did when she got there?

Mr. TRIPP. She came to my office in Bremen.

Senator DONNELL. She is connected with the Displaced Persons Commission?

Mr. TRIPP. Senior officer. She came to my office and referred to the particular case in which she was interested at the time. She told me I was all wrong in holding that case. It so happened that it was a case where I conducted the examination myself, so I was quite familiar with it. She informed me that any case that came out of her area I could accept without reservation, because she personally inquired into them and knew they were all right.

Senator DONNELL. Just briefly will you tell us this particular case she came to Ludwigsburg on, if you remember?

Mr. TRIPP. Nathan Reich.

Senator DONNELL. Why was she so much interested in that case, if you know?

Mr. TRIPP. I do not know.

Senator DONNELL. What was the trouble with this man whom you had considered was an improper person to be admitted?

Mr. TRIPP. He had previously been rejected under the Truman directive, because he claimed residence at a certain address—I forget the name of the town now—and the consular officer sent out an investigator and he found out that that particular address was bombed during the war and, therefore, he could not have lived there in 1945 as he alleged.

Also, there was included in the consular file, which I got subsequently, relating to the prior rejection, an affidavit from his brother

in New Jersey in which the brother alleged that Nathan had been a member of the Russian Army for 5 years up to 1946. Obviously, if he was a member of the Russian Army in Russia until 1946, he could not have been within one of the prescribed areas.

Senator DONNELL. Did Miss Ruskin convince you of the righteousness of her contention?

Mr. TRIPP. She didn't convince me, but after a thorough investigation, I reached the conclusion that the part about residence could be wrong.

Senator DONNELL. You mean that your conclusion on it could have been wrong?

Mr. TRIPP. Could have been wrong, because I interrogated the man quite well and he indicated to me that he did not live at that address, but across the street. He also repudiated his brother's statement about service in the Russian Army. He alleged that he was a laborer with a labor battalion in the Russian Army and he was returned to Poland and from there came to Germany at a much earlier date. I wasn't altogether satisfied but I had insufficient proof.

Mr. ARENS. Notwithstanding the law says that the burden of proof shall be on the applicant?

Mr. TRIPP. That is right.

Senator DONNELL. So the man ultimately got into the United States?

Mr. TRIPP. That is right.

Mr. ARENS. Notwithstanding the fact that the law says the burden of proof shall be on the applicant.

Senator DONNELL. Mr. Arens asked you whether or not any effort was made or any threat was made, as he put it, to try to get you, which I understand to mean trying to put you out of your position. You passed that over rather quickly. Is there any basis in that information that has come to Mr. Arens? What do you have to say about it?

Mr. TRIPP. I have no proof that anyone has tried to get me. The only evidence that I have is that I have been told by agency representatives, whom I wish to remain unnamed, that they have been solicited to complain of my administration of the Immigration Service in Germany.

Senator KILGORE. You said an agency. By that you mean what?

Mr. TRIPP. Voluntary agency.

Senator KILGORE. Such as the Church World Service or an agency of that kind?

Mr. TRIPP. That is right.

Senator KILGORE. Did they indicate to you who had solicited them?

Mr. TRIPP. Yes.

Senator DONNELL. Who did they say had solicited them to make complaints of the administration of the law?

Mr. TRIPP. Mr. Squadrilli.

Mr. ARENS. He is Coordinator of the Displaced Persons Commission in Europe.

Senator DONNELL. I understand you are not saying that Mr. Squadrilli has made that solicitation but you have been told that by more than one person or not?

Mr. TRIPP. By two.

Senator DONNELL. By two individuals. Are those two individuals connected with the same organization, the same agency?

Mr. TRIPP. They are.

Senator DONNELL. What is that agency?

Mr. TRIPP. I am reluctant to get anybody into this. I am able to take care of myself.

Senator DONNELL. If you would rather not, I will not press it. At any rate, two different people have told you that Mr. Squadrilli had solicited them to make complaints of your administration?

Mr. TRIPP. That is right.

Senator DONNELL. Did you ever tell Mr. Squadrilli that?

Mr. TRIPP. No.

Senator DONNELL. Did these people tell you on separate occasions or were they together when they told you?

Mr. TRIPP. On separate occasions.

Senator DONNELL. Do you believe those two individuals to be truthful in trying to give you what they think are the facts?

Mr. TRIPP. I think the two individuals were trying to do their best for me. I do not think for a minute that Mr. Squadrilli did anything quite as bald as that. I think he may have implied that it would be a good idea.

Senator DONNELL. Do you think the two individuals are or are not truthful persons?

Mr. TRIPP. They are truthful and very substantial persons.

Mr. ARENS. When did this occur with reference to the session in which the Displaced Persons Commission, Mr. Kaplan and others, undertook to persuade you not to interview or examine applicants to ascertain whether or not they were eligible? Was it before or after?

Mr. TRIPP. They have questioned our method of operation almost ever since I arrived in Germany.

Senator KILGORE. That was not general questioning from topside, but that question would come out of Mr. Squadrilli's office? Was the questioning by senior officers scattered around from Mr. Squadrilli's office or from the Commission itself?

Mr. TRIPP. I don't quite follow you.

Senator KILGORE. What I am trying to do is to determine who "they" are.

Mr. TRIPP. When I say "they"—Mr. Squadrilli directs the policies of the Commission.

Senator DONNELL. Mr. Tripp, would you rather not tell the names of those two individuals?

Mr. TRIPP. I would rather not.

Senator DONNELL. All right, I am going to respect your own personal desire although I think it is of real importance to know whether or not it is true that Mr. Squadrilli has been trying to get you out. I would like to know that information.

Mr. TRIPP. I would rather you did not make anything of it. As I said before, Senator, I am pretty well able to take care of myself.

Senator DONNELL. I know you are, but we are interested here in the Senate from the standpoint of whether or not this Displaced Persons Commission is or is not properly conducting its duties. I am almost tempted to insist that you answer that question although pres-

ently I am going to defer to your judgment, but I am not going to bind myself not to go into it a little later on.

Mr. ARENS. You and Mr. Main are pressureproof over there and it is generally conceded among the Displaced Persons Commission personnel?

Mr. TRIPP. We don't always see eye to eye with Mr. Squadrilli.

Senator DONNELL. I know there is a question pending by Senator Kilgore, but I think we might recess at this time.

Mr. TRIPP. May I say one more thing, Senator, before you recess?

Senator DONNELL. Very well.

Mr. TRIPP. Another reason why I do not want to bring these individuals in, we enjoy a rather remarkable relationship with the voluntary agencies.

Senator DONNELL. You do not want to disturb that relationship?

Mr. TRIPP. In the program.

Senator DONNELL. Momentarily, I shall desist from that questioning. I can understand that point.

The committee will be in recess until 2 o'clock and will convene again in this same room.

(Whereupn at 12:30 p. m., the committee recessed, to reconvene at 2 p. m.)

AFTERNOON SESSION

The committee reconvened at 2 p. m., upon the expiration of the recess.

Senator DONNELL. The committee will be in order.

Mr. Tripp, will you resume the stand, please? Mr. Arens, will you proceed?

Mr. ARENS. Mr. Tripp, did you have a conference with Mr. Rosenfield of the Displaced Persons Commission with reference to a change in the procedure, whereby the Immigration Service would receive the case for processing after the visa people had processed the case, rather than before the visa people had processed the case?

Mr. TRIPP. I attended a meeting at which Mr. Rosenfield was present.

Mr. ARENS. What is the time and place of that meeting, if you recall, approximately, if not definitely?

Mr. TRIPP. That was around the middle of November at the Frankfurt office of the Displaced Persons Commission.

Senator DONNELL. Is that 1949?

Mr. TRIPP. Yes.

Mr. ARENS. Just tell the committee what transpired there, if you please.

Mr. TRIPP. Following the survey made by the so-called Walter Committee, Mr. Reilly of our central office was sent to Europe to determine the feasibility of decentralizing the immigration examination; that is, to move from the one spot in Bremen to the various resettlement areas.

I understand that before he came to Europe, the question was discussed by representatives of my Service and the State Department, at which time it was tentatively agreed that we would decentralize, and that as a part of the new procedure, the files and all the material

relating to the application would be examined by an immigrant inspector before it went to the consul for the actual issuance of the visa.

Senator DONNELL. Now, Mr. Tripp, up until that time had all of the offices of the Immigration Service been located at Bremen?

Mr. TRIPP. Yes; unless they were detailed to other places for special reasons.

The plan meant that if the inspector found that the applicant was inadmissible, he could give an advisory opinion to the counsel which would result in a refusal to issue the visa, thereby eliminating any procedures under the immigration practice and, at the same time, saving that particular quota number for someone who was admissible.

Mr. ARENS. That was the preceding practice; is that right?

Mr. TRIPP. That was the practice contemplated by this decentralization.

Mr. Reilly and I made a tour of the resettlement areas and discussed it with representatives of agencies, voluntary agencies, IRO representatives, and some of the agencies indicated that they did not feel that that would be desirable. Thereafter, we went to Frankfurt where we met with Mr. Rosenfield and Mr. Squadrilli and that was one of the first things discussed.

Mr. Rosenfield expressed the opinion that we should not conduct the examination before the issuance of the visa, but rather after the issuance of the visa. As a result of what he said, the contemplated procedure was amended so that we now conduct our examination after the visa has been issued.

Senator DONNELL. What do you mean by the term issued? Does that include delivery of the visa to the ultimate recipient?

Mr. TRIPP. No. The visa is signed and sealed.

Senator DONNELL. It is not delivered until after your examination?

Mr. TRIPP. It has already been issued and has been charged to the quota of the appropriate country.

Mr. ARENS. In other words, under the procedure which Mr. Rosenfield caused to be inaugurated, the immigration examination is now subsequent to the examination and determination made by the consular officer ?

Mr. TRIPP. That is right.

Mr. ARENS. Now, have you heard or do you know of cases in which, after the visa has been issued by the consular officer, the immigration people have rejected the case, but the visa has been used by another displaced person?

Mr. TRIPP. I know of no such case.

Mr. ARENS. In your judgment, is the procedure of having the Immigration Service, in accordance with the plan promulgated by Mr. Rosenfield, make its examination after the Visa Division has made its examination preferable to the procedure or having the Immigration Service make its examination first?

Mr. TRIPP. I believe it is more desirable for the immigration examination to take place first. That is a procedure which we have used for many years in the large visa issuing centers in Europe in the twenties and early thirties, our so-called technical adviser system.

The inspector does not actually reject on that examination. He merely gives the consul an advisory opinion for his assistance in deciding whether he should reject.

Mr. ARENS. Now, may I ask you what was the jurisdiction or power or authority of Mr. Rosenfield to cause this new procedure to be inaugurated whereby the Immigration authorities would make their examination after the visa had been issued?

Mr. TRIPP. Well, the plan was only under consideration.

I do not know that he had any real authority to order it, but he convinced Mr. Reilly, who was acting for our central office, that it should be done.

Mr. ARENS. He did not convince you, though?

Mr. TRIPP. Well, I still believe that it is more desirable for us to conduct the examination first. However, in that respect, I may say that since we have assigned our men to the resettlement centers, the same spirit of cooperation which has existed between myself and the top-level consular officer has come about between the individual inspectors and the consuls in the areas.

Mr. ARENS. By and large, the Immigration Service people and the consular service people get along harmoniously, do they not?

Mr. TRIPP. Oh, absolutely.

Mr. ARENS. Men in both services are trained in the operation of the law, are they not?

Mr. TRIPP. Yes, sir; for the most part.

Mr. ARENS. Do they get along harmoniously in the administration of the displaced-persons program under the President's directive of December 22, 1945?

Mr. TRIPP. Well, we had no representatives in Europe at that time, but we always have gotten along.

Mr. ARENS. Now, may I ask you this: The present law provides a cut-off date of December 22, 1945, for eligibility in the general category of displaced persons, does it not?

Mr. TRIPP. It does.

Mr. ARENS. In your opinion, would the security risk to the United States of America be greater or less if that cut-off date were advanced closer to the present day?

Mr. TRIPP. Well, obviously, by extending the date, or making it possible for persons who live behind the iron curtain to go to the United States in comparatively large numbers—if a large numbers of persons who lived under Communist domination are permitted to come here—it would seem to follow that there would be an increase in the security risk.

Mr. ARENS. Now, may I ask you this question on that same point: On the basis of your observation and experience and information, would you say that the infiltration of Communist agents, the penetration of Communist agents, was greater or less after December 22, 1945?

Mr. TRIPP. There is no way for me to know whether it was greater or less, but there was a much greater opportunity for infiltration.

Mr. ARENS. Do you mean after December 22, 1945?

Mr. TRIPP. That is right.

Mr. ARENS. At what rate are people now coming in from behind the iron curtain, would you estimate?

Mr. TRIPP. I have no way of knowing how many are coming in other than what I read in the press. I have seen the figure set as high 10,000 a day for people crossing.

Mr. ARENS. Where do you read that? In the Stars and Stripes?

Mr. TRIPP. In the Stars and Stripes, usually.

Mr. ARENS. That is the official military government publication or military publication?

Mr. TRIPP. It is sponsored by the Army in some way.

Mr. ARENS. Now, may I invite your attention to the subject of the SS men and ask you first of all what was the SS organization?

Mr. TRIPP. When you say SS, you must differentiate between the real SS, the German SS, which was an elite group of the Nazi Party, and the so-called Waffen SS with whom we are mostly concerned. I believe the Waffen SS means battle SS.

Early in the program it came to my attention that we were receiving a considerable number of applicants who had served in the Waffen SS units, not only the Waffen SS units, but they had also served in General Vlasoff's army, the Ukrainian Brigade, the Hungarian Army, all elements of the Axis Army during the war.

My concern was that if we passed those people without question into the United States, at some future time my Service might be criticized for doing that.

Mr. ARENS. Right at that point may I ask this: Did the Displaced Persons Commission process, approve, and pass to you cases of SS men?

Mr. TRIPP. They did, but I think that in many cases they were unaware of the service.

Mr. ARENS. How many cases did you have, prior to the time that Senator McCarran got there, of SS men who had been processed by the Displaced Persons Commission and transmitted via the necessary routes to your office?

Mr. TRIPP. I would say that we had received cases involving approximately 200 SS men and their families.

Mr. ARENS. They had been processed by the Displaced Persons Commission, approved and transmitted to your office?

Mr. TRIPP. That is right. But understand that that was done not always with the knowledge of the Service on the part of the displaced person.

Mr. ARENS. I understand, but they processed them and they got to your office and you stopped them?

Mr. TRIPP. That is right. In some cases they had knowledge.

Senator DONNELL. How did you get the knowledge, if they did not get it?

Mr. TRIPP. Well, usually when we got it and they did not have it, we either got it as a result of interrogation or the Berlin document check results caught up with the alien, either one or the other. It was about evenly divided.

Senator DONNELL. Then it would appear that if your interrogation disclosed that as to about half of those that you caught, half of those 200, if the Displaced Persons Commission had made a similar careful and thorough interrogation, it would have detected them also; is that not right?

Mr. TRIPP. Quite possibly.

Mr. ARENS. But they did not make interrogation?

Senator DONNELL. Do they make any interrogation?

Mr. TRIPP. Yes; I believe they do in unusual cases.

Mr. ARENS. But the general practice in the Displaced Persons Commission is not to interrogate and not to even see the applicant; is that not true?

Mr. TRIPP. That is true.

Senator DONNELL. I wonder if it would not be a good idea, for the benefit of some of us that cannot keep up with all of this processing, to have you tell us what the course of action is that is taken if a particular individual XYZ, comes up and says, "I want to become a displaced person," or rather, "I am a displaced person and I want to go to the United States."

Now, what happens? What is the very first thing he does?

Mr. TRIPP. I would be very glad to do that, because it would explain the reason why I have done many of the things that I have done.

Mr. ARENS. May I first ask one question to clarify? I think the record may be a little vague on this. The general practice of the Displaced Persons Commission is not to even see the displaced person; is that not right, Mr. Tripp?

Mr. TRIPP. That is right.

Mr. ARENS. The Immigration and Naturalization Service does, in many cases, if not all, undertake to interview the applicant; is that not right?

Mr. TRIPP. Yes; in all cases.

Mr. ARENS. Now, was that the subject of at least in part the conversations which you had with the Displaced Persons Commission officials? That is, that they did not even want your men to interview or interrogate the applicants?

Mr. TRIPP. Oh, no. That is a wrong conclusion. They made no objection to us interviewing them. They merely did not want us to interrogate them about questions relating to eligibility as distinguished from admissibility.

Mr. ARENS. They wanted you to confine your interrogation exclusively to the immigration law and not to interrogate them as to whether or not they were eligible displaced persons?

Mr. TRIPP. And as to fraudulent documents or as to whether they had come in at a time later than the cut-off rate. They wanted us to confine our interrogation to immigration matters.

Mr. ARENS. May I suggest that, if the chairman please, he could well proceed.

Senator DONNELL. Suppose you imagine, Mr. Tripp, this nice afternoon that XYZ, a particular man over in Germany in the American zone, decides that he wants to come to America as a displaced person with his wife and two children. Now, what is the very first step he takes.

Mr. TRIPP. I have to go back beyond that, Senator. First, I would like to say that on matters relating to Displaced Persons Commission processing—and this is not official and I may make some errors, this being the result of my own study and observation—all displaced persons who come to the United States must, of course, have an assurance file as required by law.

Now, those assurances are divided up into two general groups, the nominated and the anonymous assurances. Nominated assurances usually relate to those filed by a relative for a relative or a friend for a friend. They name the person that they want to bring to the United States.

Senator DONNELL. Those assurances are made by people in the United States, are they not?

Mr. TRIPP. That is right, and they are filed with the Washington office of the Displaced Persons Commission.

Now, as distinguished from the nominated assurance, there is the so-called anonymous assurance which is usually filed by an agency. The agency files assurances for a certain specified number of people, divided into certain groups.

Senator DONNELL. The nominated assurance, as the word nominated implies, is an assurance with respect to a certain particular individual whose name is handed in by or on behalf of the person who makes the assurance. Is that not right?

Mr. TRIPP. That is right. Some of the agency assurances are nominated by the relative to the agency and the agency in turn files the assurance with the Commission. The assurance goes to the Washington office of the Commission, where it is recorded, and then it goes to the IRO, I believe, to locate the individual that they want. The agency representative in Europe assists in locating the individual if it is a nominated case.

If it is an anonymous case, the agency delegates someone to select a displaced person with the qualifications required. In other words, if a farmer is needed—well, let us say that an agency has anonymous assurances for 500 farmers. They will pass the work on to their field officers: "You get so many farmers, and you get so many farmers." Then the agency passes the word down to the lowest level, the person who will actually make the selection. Very frequently they rely on camp chaplains who, by the way, are also displaced persons.

The selector for the agency will notify the local office of the agency that they have selected this man for a farm job, let us say, in Iowa. The agency then notifies the Displaced Persons Commission that the person selected should be charged to that group assurance.

Then, I believe, the Displaced Persons Commission requests the IRO to prepare the documentation, to get the documents that will be required in connection with the issuance of the visa. The documents come in and are examined.

Senator DONNELL. Pardon me just a minute right at that point. Suppose that the man who has been selected to come out to the farm in Iowa, this man XYZ that I started to ask you about, is over in Germany and is wanted over here in Iowa, and that the Displaced Persons Commission knows that he is the man for that as he is properly qualified. Now, what does XYZ do? Does he do anything about it?

Mr. TRIPP. He waits until he is notified by the sponsor or the sponsor's representative, usually the agency. Then he starts going through this process. There is nothing much that he can do on his own, except register with some agency indicating that he wants to go to the United States.

Senator DONNELL. All right; assume that he has done that. He has registered with the agency, and the agency has said, "This is the man to go to Iowa." Is his name then given to the Displaced Persons Commission?

Mr. TRIPP. Yes.

Senator DONNELL. Then the Displaced Persons Commission says, "We want to find out whether he is the right man to go." Does the Displaced Persons Commission then notify the IRO to check up and find out whether or not, first, he is a displaced person within the meaning of the IRO constitution?

Mr. TRIPP. They give the name of the person to the IRO and the IRO then sends in, in the American zone, a resettlement form and other documents which may be pertinent, together with the documents necessary for the visa.

Senator DONNELL. The IRO sends those documents to whom?

Mr. TRIPP. The Displaced Persons Commission.

Senator DONNELL. I want to go back a little before that.

Mr. TRIPP. There is no finding made up to this point.

Senator DONNELL. I am not talking about a finding. Let us say that we have XYZ who wants to come to the United States, and that we have the Displaced Persons Commission knowing that he is the man that they want to have come over. They then say to the IRO, "You look up and tell us whether or not XYZ has the qualifications under the IRO constitution of being a displaced person and, in the second place, whether he is the concern of IRO." Those are the two questions that the Displaced Persons Commission puts up to the IRO; are they not?

Mr. TRIPP. That is right.

Senator DONNELL. Now, how does the IRO go about finding out whether those two qualifications exist on the part of XYZ?

Mr. TRIPP. They prepare a resettlement form, as to which the information is taken from the care and maintenance form, and their reply to the Displaced Persons Commission is the submittal of that resettlement form.

Senator DONNELL. Where do they get the information to put on the resettlement form?

Mr. TRIPP. They get it from their care and maintenance form which is filled out at the time the displaced person was originally registered with the IRO.

Senator DONNELL. They got the information from the displaced person; is that right?

Mr. TRIPP. In most cases; yes.

Senator DONNELL. Or somebody that knew the displaced person?

Mr. TRIPP. In most cases it is from the displaced person himself.

Senator DONNELL. Then in the average case, they would have gotten the information from XYZ himself?

Mr. TRIPP. Yes.

Senator DONNELL. They would have that information in the care and maintenance file. Then when the Displaced Persons Commission asks for this information as to whether or not this man is a displaced person under the definition of the IRO constitution and whether or not he is the concern of the IRO, the IRO reaches down in its care and maintenance file, pulls out that file, and transfers that information on to the resettlement form.

Does the IRO call in XYZ and talk it over with him?

Mr. TRIPP. To the best of my knowledge, no. I cannot say definitely.

Senator DONNELL. Up to this point, nobody has talked to XYZ?

Mr. TRIPP. With the exception, usually, of the selector for the agency.

Senator DONNELL. The agency will have told him that he is going to come in if he measures up?

Mr. TRIPP. Yes.

Senator DONNELL. Now, the IRO, let us say, has sent the resettlement form to the Displaced Persons Commission, which form gives the information. On that form does the IRO makes its finding, first, as to whether or not the man is a displaced person within the definition of the IRO constitution?

Mr. TRIPP. They certify on the form that the displaced person is the concern of the IRO and that he did enter one of the prescribed areas before December 22, 1945, and that he was in one of the prescribed areas on January 1, 1948.

Senator DONNELL. Now, does the IRO make the determination that the person got into that zone or area before December 22, 1945, and that he was there on January 1, 1948?

Mr. TRIPP. They certify to that.

Senator DONNELL. The IRO does that?

Mr. TRIPP. Yes.

Senator DONNELL. The date that the person got into the zone is not a part of the information that the IRO initially had to get about the displaced person?

Mr. TRIPP. No.

Senator DONNELL. So they are giving some information to the Displaced Persons Commission about the displaced person that they originally did not have to get at all?

Mr. TRIPP. They certify that their records show that.

Senator DONNELL. Well, now, when they made their initial investigation about XYZ, did they ask when he came into that area and whether he was there on January 1, 1948?

Mr. TRIPP. They usually ask him when he came into Germany.

Senator DONNELL. A good many of those people had come in long before January 1, 1948, had they not?

Mr. TRIPP. Oh, yes.

Senator DONNELL. In fact, in order to qualify under the present law, they must have come in before December 22, 1945?

Mr. TRIPP. That is right.

Senator DONNELL. Does the IRO, before it sends in this resettlement form to the Displaced Persons Commission, make a further investigation to find out whether XYZ was in Germany in that area on January 1, 1948?

Mr. TRIPP. No.

Senator DONNELL. It does not do that?

Mr. TRIPP. No.

Senator DONNELL. How can IRO certify to the Displaced Persons Commission that the individual was in Germany on January 1, 1948?

Mr. TRIPP. Their records show that he was.

Senator DONNELL. Then they could not find out whether he had come in before December 22, 1945, and they could not find out whether he was there on January 1, 1948, without making a further inquiry of somebody, could they?

Mr. TRIPP. I presume they would check the 1948 date from their regular camp records.

Senator DONNELL. Well, at any rate, they do in some way get that information as to whether he was there on January 1, 1948?

Mr. TRIPP. That is right.

Senator DONNELL. The IRO gets that information?

Mr. TRIPP. That is right.

Senator DONNELL. So the IRO certifies to the Displaced Persons Commission that XYZ came into that area prior to December 22, 1945, or on or before December 22, 1945, whichever way it may be stated in the statute. Do you recall what it is, Mr. Arens?

Mr. ARENS. It is on or before.

Senator DONNELL. Then the IRO, as I understand it, certifies to the Displaced Persons Commission, first, that the showing in their records is that he came on or before December 22, 1945, or that he did not.

In the second place, their records show that he was in Germany on January 1, 1948, or that he was not there on that date; and they, accordingly, certify to the Displaced Persons Commission. Is that right?

Mr. TRIPP. That is right.

Senator DONNELL. Now, suppose that that certificate that they send over, the resettlement form, shows that XYZ was in the area on or before December 22, 1945, and that he was there on January 1, 1948, and suppose that the Displaced Persons Commission gets that resettlement form from the IRO, which it has sent to the Displaced Persons Commission. What does the Displaced Persons Commission then do?

Mr. TRIPP. They examine it and, if it appears from the form and other documents that XYZ meets the requirements for eligibility, then, I believe, they refer the matter to the CIC for the field investigation.

Senator DONNELL. As to the man's character and history?

Mr. TRIPP. They make a preliminary finding of eligibility, not a permanent finding, but a preliminary finding.

Senator DONNELL. That is, the Displaced Persons Commission makes a preliminary finding?

Mr. TRIPP. Yes; of eligibility as far as date lines are concerned.

Senator DONNELL. The Displaced Persons Commission then turns the man's name over to the CIC to find out about his character and his history?

Mr. TRIPP. That is right.

Senator DONNELL. Do they have the CIC make any recheck as to his date lines and as to whether he was there on December 22, 1945, or, rather, on or before December 22, 1945?

Mr. TRIPP. No.

Senator DONNELL. And as to whether he was there on January 1, 1948?

Mr. TRIPP. No.

Senator DONNELL. They do not ask the CIC to look into that?

Mr. TRIPP. No. In fact, early in the program the CIC reports were indicating on many occasions that their investigation, while it did not prove a later entry, indicate a later entry in those particular cases,

the information was usually ignored, those that I saw, anyway, and the IRO certification accepted.

Mr. ARENS. Do you mean that the Displaced Persons Commission ignored it?

Senator DONNELL. Pardon me just a minute, Mr. Arens, if you do not mind.

Am I correct in understanding your statement to be, then, Mr. Tripp, that in cases in which the IRO had certified to the Displaced Persons Commission that XYZ, to take the specimen case, had come to the area on or before December 22, 1945, and was there on January 1, 1948, the matter was transmitted by the Displaced Persons Commission to the CIC, and then the CIC found that the man really was not there on or before December 22, 1945, that the Displaced Persons Commission ignored that finding and accepted the initial report on the resettlement form from the IRO instead of taking the CIC finding? Is that right?

Mr. TRIPP. Not exactly.

Senator DONNELL. Tell me what is right.

Mr. TRIPP. The CIC does not exactly establish that he was not in one of the areas, but they found evidence which indicated that he was not in one of the areas.

Senator DONNELL. Did the CIC report that evidence back to the Displaced Persons Commission?

Mr. TRIPP. Yes.

Senator DONNELL. What did the Displaced Persons Commission do with that evidence?

Mr. TRIPP. In the cases that I got, they processed them. They may have rejected some that I did not see, but the ones that I saw had been processed all the way through.

Mr. ARENS. Notwithstanding the fact that the law says that the burden of proof shall be on the applicant?

Mr. TRIPP. Yes.

Senator DONNELL. Some cases came to you, then, in which the CIC had presented this evidence which raised a question, at any rate, as to whether the individual had been in the area on or prior to December 22, 1945, but after that information was given to the Displaced Persons Commission they, nevertheless, approved the application and it came to you?

Mr. TRIPP. That is right.

Senator DONNELL. Now, it may be, may it not, that the Displaced Persons Commission made some investigation to find out whether the CIC's evidence was correct, or not?

Mr. TRIPP. If an investigation was made in those cases, it was not so shown by the record in the files. However, in the report accompanying the visa, it was usually stated that the applicant had satisfied the Commission that he actually entered at the required time.

I have questioned a number of those applicants regarding the proof that they presented and they usually answered that they had an interview and told the official of the Commission that they actually did come in before December 22, 1945.

Senator DONNELL. It would appear, then, that in those cases in which you received this information, the Displaced Persons Commission, after getting this evidence from the CIC, did make some

investigation of the individual to find out whether or not he was in the area?

Mr. TRIPP. Yes; in some cases.

Mr. ARENS. By investigation, you mean an interview, not an investigation from the standpoint of going out and checking the facts?

Mr. TRIPP. I mean interview. They do not have the force to permit them to go out and check the facts.

Senator DONNELL. I should have used the word "interview," but that is what I meant, the interview with the applicant himself. If the Displaced Persons Commission was satisfied with that interview and if the man otherwise met the qualifications, it was certified over to whom by the Displaced Persons Commission?

Mr. TRIPP. That was certified to the consul for the issuance of the visa.

Senator DONNELL. To the consul?

Mr. TRIPP. Yes. But in between there, before the applicant really goes to the consul, he goes through the IRO medical examination.

Senator DONNELL. Now, wait a minute. I am following these papers, not the applicant himself.

Mr. TRIPP. The papers are sent.

Senator DONNELL. The Displaced Persons Commissions says that XYZ is all right; he was there on or before December 22, 1945, and he was there on January 1, 1948, and his character and his history are all right. They say further that they are going to certify him onto the next authority. Who is that next authority?

Mr. TRIPP. The certification is the section 10 report which has been discussed before, the report required by section 10 of the act.

Senator DONNELL. Well, now, to whom is that report delivered by the Displaced Persons Commission?

Mr. TRIPP. That goes to the consul.

Senator DONNELL. To the consul?

Mr. TRIPP. Yes, with the file. But the applicant himself does not go directly to the consul, because he must pass through a medical examination before he goes to the consul.

Senator DONNELL. Well, now, as I understand it, up to this point the applicant himself has not done anything at all except the cases in which the CIC discloses some evidence which casts doubt on whether he is qualified as to the date lines; but in the ordinary cases, in which no such question arises from the CIC report, the applicant has not done anything at all himself?

Mr. TRIPP. No; he has been interrogated probably by a CIC man.

Senator DONNELL. By a CIC man?

Mr. TRIPP. Yes, as part of the CIC investigation.

Senator DONNELL. Now, the Displaced Persons Commission, having received the CIC report and having approved XYZ, sends the documents of approval and the supporting file to the consul; is that right?

Mr. TRIPP. That is right.

Senator DONNELL. What does XYZ do then?

Mr. TRIPP. He is notified by IRO, who is told by the Commission, that he is ready for medical examination.

Senator DONNELL. How does the IRO get into it? Why does not the Displaced Persons Commission tell him that?

Mr. TRIPP. Because the IRO is caring for him, furnishing his quarters and all of his maintenance. So as soon as the Displaced Persons Commission finds him eligible, they notify the IRO to present him.

Mr. ARENS. I believe you made a little misstatement there when you said that the IRO was caring for them. About half of them are outside the camps where they are on their own, are they not?

Mr. TRIPP. Now, probably, but earlier in the program the larger proportion of them were in the camps.

Mr. ARENS. But now approximately half of them are out on their own?

Mr. TRIPP. I would say that is right.

Senator DONNELL. As to those who are outside the camps, does the the IRO, on the XYZ's in that group who are outside the camp, give them the notification to prepare for medical examination?

Mr. TRIPP. I believe so.

Senator DONNELL. There is no special reason why the IRO should do that in the case of a fellow who is not in the camp; is there?

Mr. TRIPP. They have the personnel there to supervise the movement of these people. At any rate, that is the way it is done.

Senator DONNELL. Then the IRO tells XYZ to appear at a certain place to be examined?

Mr. TRIPP. He is called into a settlement area office, of a resettlement center, and there is examined by an IRO doctor. An X-ray of his chest is taken, and the blood test is made. Then the findings of the IRO go to the United States Public Health Service office at the consulate.

Senator DONNELL. Then in the office of the consulate by that time there will be the approval by the Displaced Persons Commission of the applicant XYZ, as well as the supporting file, and there will be the medical report from the IRO doctor as well presumably in the hands of the same official; is that right?

Mr. TRIPP. That is right. In the next step the applicant goes to the Public Health doctor at the consulate where he is examined by a United States Public Health surgeon.

Senator DONNELL. So he has had two medical examinations?

Mr. TRIPP. That is right. The IRO report is available to the United States Public Health man. After he has been examined by the Public Health Service the official certificate is filed with the documents and goes to the consul, where the visa application is actually prepared by an indigenous clerk. After the visa application has been prepared the file, the applicant, and the application go to the consul, who is next to examine them and who is the first American employee to really interview the subject regarding his admissibility.

Senator DONNELL. At the time he has that interview—that is, the consul—he should have before him and does have, first, the recommendation of the Displaced Persons Commission that the man is all right; secondly, the supporting file; and, thirdly, the medical report of the IRO doctor and the report of the United States Public Health doctor? Is that right?

Mr. TRIPP. That is right.

Senator DONNELL. And he has those things before him and the applicant there before him in his presence?

Mr. TRIPP. That is right.

Senator DONNELL. What does he do then?

Mr. TRIPP. If he finds the subject to be eligible for the issuance of the visa, he swears him to his application, signs the visa, places the seal on it, and then the case is ready for immigration examination.

Senator DONNELL. Now, does the consulate officer in that interview with XYZ, which is the first interview with XYZ that has been had, except that by the CIC man, and, in some few cases, perhaps, by the Displaced Persons Commission, when the CIC had reported the circumstances about dates, himself go into the facts and interrogate this applicant as to when he came into the territory and whether he was there on January 1, 1948, and what his history is and whether he is a Communist and one thing and another?

Mr. TRIPP. I believe that the consuls are now making a thorough interrogation when they issue the visa.

Senator DONNELL. For how long has that thorough investigation been made? I mean, is it just a matter of recent weeks or some time before that?

Mr. TRIPP. I would say probably, just as a guess, since about the 1st of July.

Senator DONNELL. About the 1st of July of last year?

Mr. TRIPP. That is right. Now, before that, there was an interrogation, but I do not think it was quite as thorough as it is now.

Senator DONNELL. As I understand it, then, the consul makes that thorough examination of XYZ as he stands there before him and he has these documents before him, and the consul comes to the conclusion that the man is all right and ought to come over to the United States with his family. Then what does the consul do?

Mr. TRIPP. He signs the visa, places the seal on it, and swears the applicant to the application.

Senator DONNELL. Then what is the next step that is taken? What happens to the visa at that point?

Mr. TRIPP. The way it is set up now, the visa and the file and the applicant go to the immigration officer.

Senator DONNELL. The applicant does not carry the visa along with him, does he?

Mr. TRIPP. No. Those are handled either by the IRO personnel or other Government personnal.

Senator DONNELL. And those documents, including the visa, that is, the file, the medical reports, and the finding by the Displaced Persons Commission that the man is all right, go where, from the consul?

Mr. TRIPP. They go to the immigration officer.

Senator DONNELL. Does XYZ go to the immigration officer?

Mr. TRIPP. He does, absolutely.

Senator DONNELL. He goes there, too?

Mr. TRIPP. He must be there, too.

Senator DONNELL. We have XYZ and all of these documents there. What happens there?

Mr. TRIPP. There he is reexamined by an immigration inspector and an immigrant inspector.

Senator DONNELL. You do not mean a medical examination, you mean an interrogation; is that right?

Mr. TRIPP. The immigrant inspector examines all the material in the file. He examines the visa, he examines the medical certificate which is attached to the visa, and he interrogates the applicant.

Senator DONNELL. Now, suppose that in the process of interrogation, the immigration officer finds something that makes him think that the man was not in the area on or before December 22, 1945, but got there in July of 1946? What does the immigration official do?

Mr. TRIPP. Under the present procedure, if the thing which makes him believe that the man was not in the area before 1945 has already been considered by the Displaced Persons Commission, he passes it.

Senator DONNELL. How can he tell from the file whether that has been considered or not?

Mr. TRIPP. If it is something that he gets from the interrogation, of course, he knows that the Commission did not have it before.

Mr. ARENS. Let us assume that the CIC report says that this man was not there on or before December 22, 1945, but that the Displaced Persons Commission has considered that and says that they are going to pass him. What do you do then?

Mr. TRIPP. We pass him as far as eligibility goes.

Senator DONNELL. Then you will pass him on the finding of the Displaced Persons Commission?

Mr. TRIPP. Yes.

Senator DONNELL. Are there any circumstances under which you send that file back on that question of date if your investigator finds that he thinks something is wrong about it?

Mr. TRIPP. Yes. Sometimes that evidence is there, and our examination might also disclose that there has been a prior refusal to issue the visa under the Truman directive.

In such a case, we would send for the consular file relating to the prior refusal. After the consular file had come in, it would be studied, and if there was material in there to substantiate a belief that the man did not meet the requirements, we would then return the whole thing to the Commission for review.

Senator DONNELL. The Displaced Persons Commission?

Mr. TRIPP. That is right.

Senator DONNELL. Suppose, then, that the Displaced Persons Commission looks over the file again and sends the whole thing back to the immigration office with the statement "we have examined all the facts presented to us, and we find that this man was there on or before December 22, 1945." Do you accept that finding of the Displaced Persons Commission?

Mr. TRIPP. We do.

Senator DONNELL. Suppose that in the course of the interrogation by your examiner in the Immigration Service, he finds out facts that make him think that this man is a Communist and a murderer, although there is nothing disclosed to that effect in the file. What does your man then do?

Mr. TRIPP. It depends on the nature of the information he unearths. If it is something which can be proved or disproved by investigation, he either refers it back to the Displaced Persons Commission for further investigation, or if it is a special case, he refers it directly back to the CIC and the Displaced Persons Commission is bypassed.

Mr. DONNELL. Then suppose that you get back word from the CIC or the Displaced Persons Commission that this man is not a Communist and is not a murderer. What do you do then?

Mr. TRIPP. Well, it is awfully hard to answer that, because it depends on the nature of the information and on how we would evaluate it.

Senator DONNELL. Suppose you still think your information is right and that the CIC and the Displaced Persons Commission are wrong.

Mr. TRIPP. If we have something substantial relating to Communist affiliations, we would submit that case to the Attorney General under our special procedure. We do not fool with those cases.

If, on the other hand, we suspect that he was a criminal and we could not substantiate that suspicion, we would admit him.

Mr. ARENS. Why would you have to substantiate it when the law says that the burden of proof shall be on the applicant to establish his eligibility under the act?

Mr. TRIPP. Well, unless we had something pretty definite, we cannot say to every prospective immigrant that he must prove to us that he has never committed a crime. We would have to have something to base that suspicion on, something substantial. After all, we are Americans, and we must be fair in our dealings with these people.

Senator DONNELL. We have come to the point where we have this man XYZ in the Immigration Service office. The Immigration Service has examined the documents. They think he is all right, or if they do not think so, they have communicated back to the CIC and to the Displaced Persons Commission.

Let us say that the results have come back from those two sources indicating that the man is all right. What do the immigration authorities then do? Do they approve the man for passage over to this country?

Mr. TRIPP. If he is found to be admissible, a stamp is placed on the reverse side of the visa indicating that he was examined and found admissible on a certain date. That is signed by the inspector who made the finding.

Senator DONNELL. Then what happens to the visa?

Mr. TRIPP. The visa then goes back to the Displaced Persons Commission and is used by them in the preparation of what they call the nominal roll of the next outgoing transport.

Senator DONNELL. So that visa then becomes a part of what you might term a sort of shipping document or passenger document of the person who is coming over?

Mr. TRIPP. His name is placed on the roll. The document is turned over to the IRO, which organization handles the actual transportation to the port of entry.

One day out on this side, the visa is delivered to the displaced person in order that he may present it to the inspector at the port of entry.

Senator DONNELL. I see. Very well. Thank you.

I may go a step beyond before Mr. Arens begins his questions.

Mr. TRIPP. May I say, now that I have gone through that procedure, that I want to explain why we have done some of the things we have. Early in the program it became evident to me that the interrogation of these people by an American was rare in most agencies and was cursory in some of the others.

I found that IRO personnel, which is predominantly not American, had much to do with the selection. I found that the actual selection, even of agency cases, was made in more than half of the cases by other displaced persons.

It was a source of considerable concern to me that no one other than the consular officer really examined these people until they got to the United States.

Senator DONNELL. These other persons who were displaced persons and who made the selection or assisted in it, were they in the IRO employ?

Mr. TRIPP. No.

Senator DONNELL. By whom were they employed?

Mr. TRIPP. They were usually employed by the voluntary agencies. The voluntary agencies, of course, have a small American staff, and they have to rely on their indigenous employees and on their displaced-persons employees.

Most of them are religious organizations and they have leaned heavily on the chaplains of the various camps of residence. The chaplains have been, for the most part, displaced persons, and naturally do not approach the selection with the same attitude that an American would approach it, and even an American might approach it a little differently than an American who was a clergyman.

A clergyman is interested, of course, in the humanitarian standpoint. With all deference to them, I am afraid that many of these selections were made with the view of alleviating hardship and misery and not enough thought to the value of that particular person to the United States. That was particularly true in the cases of the physically handicapped. We have found it necessary to detain a large number of persons who are physically handicapped, because we were afraid that they would become public charges if they were admitted to the United States.

Now, that is not true in the cases of all physically handicapped. In reaching our decision, we consider many things: The family structure, relatives in the United States, the nature of the handicap, the type of work they are going to do here, whether the job assurances are bona fide job assurances, whether the applicant is qualified to fill the job.

In the cases where we could admit them without anything additional and do it in fairness to the United States, we have done so. Where the case was one where the subject might possibly become a public charge, but it was not a strong case, we went back to the agencies and asked them to give us a letter saying that they were aware of the condition existing, that they would stand behind their original assurance and would not let this person become a public charge.

In the more severe cases, we required a bond, which is provided for by our regulation. In the worst cases, why, we had nothing else to do but to place them before a board and exclude them as likely public charges.

I wanted to explain that because it really is the root of much of our activity over there which I know has been criticized and which I think we can justify.

Senator DONNELL. Now, may I ask you one question before Mr. Arens proceeds with his examination? At the outset of the operation

of this law, the displaced-persons law, which went into effect when, Mr. Arens?

Mr. ARENS. June 25, 1948.

Senator DONNELL. Did the Immigration and Consular Services take the position that they were the Services who should have the final determination on matters of eligibility and character and history and subversiveness et cetera of these applicants, and also on the question of whether or not the applicants came within the requisite date lines? Did the Immigration and Consular Services take the position that under the statute they were the ones who had to do that?

Mr. TRIPP. I cannot tell you what the official stand was of my own Service or of the State Department.

Senator DONNELL. Who would know that in your own Service?

Mr. TRIPP. The Commissioner.

Senator DONNELL. He was not the Commissioner at that time, was he?

Mr. TRIPP. Yes.

Senator DONNELL. Very well, you do not know of your own knowledge what position was taken by him on that?

Mr. TRIPP. No, sir.

Senator DONNELL. At this time we will interrupt your testimony, Mr. Tripp, to hear the short testimony of Mr. Cole of the State Department. Mr. Cole, will you come forward, please?

Will you raise your right hand, Mr. Cole?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COLE. I do.

TESTIMONY OF WILLIAM E. COLE, JR., FOREIGN SERVICE OFFICER ON DUTY IN THE VISA DIVISION, DEPARTMENT OF STATE

Senator DONNELL. Will you give us your full name, Mr. Cole?

Mr. COLE. William E. Cole, Jr.

Senator DONNELL. Mr. Cole, will you state what your official connection is here in Washington, D. C.?

Mr. COLE. I am a Foreign Service officer on duty in the Visa Division of the State Department.

Senator DONNELL. How long have you been in that particular official connection?

Mr. COLE. Since September 1, 1949.

Senator DONNELL. Prior to that time, were you also with the State Department?

Mr. COLE. Yes, sir.

Senator DONNELL. Mr. Cole, have you come here this afternoon at the request of this committee to furnish to us certain documentary evidence that we are interested in?

Mr. COLE. Yes; I have.

Senator DONNELL. Will you produce what you have and identify it, please?

Mr. COLE. I have a copy of an instruction to the United States political adviser's office, at Frankfurt, from the Department of State, dated August 19, 1949.

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Senator DONNELL. Is that a copy that has been made, or is that the original document?

Mr. COLE. It is a copy that has been made from the file of the Visa Division.

Senator DONNELL. May we have that copy for our record, Mr. Cole?

Mr. COLE. Yes, indeed.

Senator DONNELL. I will read this document into the record at this point:

UNCLASSIFIED

2049.
Uspolad.
Frankfurt (Germany).
A-362, August 19, 1949.
Pass Consul for Mallon.
Your dispatch No. 699, August 9, 1949.

Carusi considers DPC representatives should not attempt to determine the admissibility of DP's under moral-turpitude clause of the Immigration Act of 1917. This is a consular visa and immigration inspection function. DPC representative will therefore determine eligibility DP status hereafter without regard possible ineligibility individual DP's to receive visas or enter United States under moral-turpitude clause.

ACHESON.

150 DP/8-949.

Mr. ARENS. That is not the document that we were inquiring about, as I recall, Senator. The one that we were inquiring about was the directive from the State Department to the consular officers instructing them not to make determinations of eligibility under the displaced-persons law. Do you have a copy of that?

Mr. COLE. No; I do not.

Mr. ARENS. Mr. Davis has just informed me that there are two others over there. I wonder if they could be obtained. This is not the directive which told the consular officers not to make determination of eligibility under the displaced-persons law, is it?

Mr. COLE. The program began well before I came into the Visa Division and, of my own knowledge, I do not know.

Mr. ARENS. Mr. Cole, when you return to the Department, would you mind procuring, if a copy is available, the directive, if such has been issued, to the consular offices stating, in effect, that the consular officers are not to make determination of eligibility under the displaced-persons law?

Mr. COLE. Yes.

Mr. ARENS. This is all hypothetical and I am not now asserting that such a directive has been issued. If such a directive has been issued, will you kindly produce a copy of that for the committee?

Mr. COLE. Yes.

Senator DONNELL. This is the only document that you have produced for the committee, is it?

Mr. COLE. Yes, sir.

Mr. ARENS. I appreciate your coming over. I am sorry about the misunderstanding.

Mr. COLE. That is quite all right.

TESTIMONY OF ALMANZA TRIPP—Resumed

Mr. ARENS. Now, Mr. Tripp, to continue. Who prepares the IRO records which are certified to the Displaced Persons Commission?

Mr. TRIPP. Do you mean the resettlement form and similar documents?

Mr. ARENS. Yes.

Mr. TRIPP. They are prepared by displaced persons employed by the IRO.

Mr. ARENS. In other words, is it true that the certifications which go from the International Refugee Organization to the Displaced Persons Commission are prepared—that is, the files are prepared—by displaced persons themselves?

Mr. TRIPP. Yes; they are, but the certification is by one of their international employees.

Mr. ARENS. But he just signs his name to a document which has been prepared by other displaced persons; is that true?

Mr. TRIPP. I believe so, in most cases.

Mr. ARENS. Now, when the displaced persons have prepared this document which has been certified by their officer and transmitted to the Displaced Persons Commission, does the Displaced Persons Commission, in the usual run of cases, accept the certification of this document which was prepared by displaced persons themselves?

Mr. TRIPP. To the best of my knowledge, they do.

Mr. ARENS. In other words, we have a situation where displaced persons are preparing documents which, as the practice is, are binding upon the representatives of this Government?

Mr. TRIPP. Yes.

Mr. ARENS. What is your appraisal of that situation, Mr. Tripp?

Mr. TRIPP. Well, that does not concern me quite as much as the fact that one of their eligibility officers is a displaced person, I have been informed.

Senator DONNELL. One of whose eligibility officers? Do you mean the IRO?

Mr. TRIPP. Yes.

Mr. ARENS. Do you mean that the man that signs his name?

Mr. TRIPP. No; the man that makes the finding of eligibility for IRO release.

Mr. ARENS. That makes it even worse then; does it not?

Mr. TRIPP. Well, that particular case does concern me.

Mr. ARENS. Now, Mr. Tripp, if the CIC gives a report which, in effect, says that the man appears not to have been in the occupied areas at the prescribed time, but the form which was prepared by the displaced persons themselves, acting through an international organization, says, in effect, that the man was there, which is accepted by the Displaced Persons Commission?

Mr. TRIPP. If we get them——

Mr. ARENS. I say, which is accepted by the Displaced Persons Commission?

Mr. TRIPP. I can only testify as to those that we see. If we see them, it means that they have accepted the certification of the IRO. Otherwise, we would never see them if they were rejected.

Mr. ARENS. How many have you seen of this category in which the representative of the agency representing the Government of the

United States, namely, the CIC, has said, in effect, that the man was not there, but in which the IRO, through its files prepared by displaced persons themselves, says that he was there and as to which the Displaced Persons Commission has accepted the IRO certification as against the information from the Counter Intelligence Corps?

Mr. TRIPP. I could not venture a guess on how many, because most of those that I saw came through our office early in the program.

In late months, the CIC operators have not been reporting that information.

Mr. ARENS. And why have not the CIC operators been investigating the question of the eligibility of the individual from the standpoint of dates?

Mr. TRIPP. Well, I do not know.

Mr. ARENS. Do you know, as a matter of fact, that the Displaced Persons Commission has caused the CIC to suspend its operations in which it undertakes to determine whether or not the man has been in there on the dates prescribed by the law of the Government of the United States?

Mr. TRIPP. I have heard that, but it is purely hearsay. I never have questioned any CIC operator about it.

Mr. ARENS. But you know that the CIC used to make investigations to ascertain whether or not the man was in the occupied areas on the prescribed dates, but that now the CIC does not even investigate that?

Mr. TRIPP. Well, I know that we get very few cases where we have that information in the CIC report.

Mr. ARENS. Do you know as a matter of fact that the CIC does not at this time make an investigation to ascertain whether or not the man was in the zones on the prescribed dates?

Mr. TRIPP. I do not know that as a matter of fact, but I believe that they do.

Mr. ARENS. It is your understanding, is it, that they do not do that at this time?

Mr. TRIPP. That is right.

Senator DONNELL. Pardon me, Mr. Arens. Is it the CIC that you were referring to this morning when you said the records of the Berlin document center are not being examined? Is it the CIC that is not examining those records?

Mr. TRIPP. I did not say that they were not being examined, Senator. I said that they were not getting the results of the check.

Senator DONNELL. What do you mean when you say they are not getting the results of the check?

Mr. TRIPP. Well, the CIC, I believe, sends a form to the Berlin document center asking that that name be checked. It is checked, but the case is processed before the results of the check are received.

Senator DONNELL. That is, the CIC gives its finding to the Displaced Persons Commission as to whether or not a man was of good character and whether his history was all right before the CIC gets word back from the Berlin document center; is that right?

Mr. TRIPP. They do not make a finding. They merely state that it appears or does not appear, whichever is appropriate, that the subject has participated in a movement hostile to the United States.

Senator DONNELL. The Displaced Persons Commission, as I understand it, under this statute and under the designation made by the

President is to make a thorough investigation of the applicant's character, history, and eligibility. Now, is it not the CIC that makes that examination?

Mr. TRIPP. Yes.

Senator DONNELL. With respect to his character and history?

Mr. TRIPP. They interview three persons.

Senator DONNELL. Three persons?

Mr. TRIPP. Yes.

Senator DONNELL. Just three?

Mr. TRIPP. I believe so.

Senator DONNELL. In making that investigation about his character and history, does the CIC go to the Berlin document center and get any information?

Mr. TRIPP. No. They send a form for the results of the Berlin document center check.

Senator DONNELL. As I understand it, the CIC sends its report back to the Displaced Persons Commission before getting an answer from the Berlin document center?

Mr. TRIPP. That is right.

Senator DONNELL. What is the sense of sending over to the Berlin document center if they do not wait until they get an answer?

Mr. TRIPP. The Commission felt that they could take the calculated risk and it would not slow down the flow of displaced persons.

Senator DONNELL. That is, they are going to take the calculated risk of introducing Communists and dangerous and subversive elements into this country, because it is going to otherwise slow the process down a little; is that the idea?

Mr. TRIPP. They could not get the information from the Berlin document center relating to Communists. Those are Nazi Party records.

Senator DONNELL. What would they get over there?

Mr. TRIPP. They would get information on service in the Waffen SS units.

Mr. ARENS. They may be subversive Nazis, even though they may not be Communists.

Mr. TRIPP. They would get any information relating to Nazi affiliations. Such information would come from the Berlin document center.

Senator DONNELL. The Displaced Persons Commission decided, as you understand it, that they would take the calculated risk of not waiting until they received this answer from the Berlin Document Center?

Mr. TRIPP. Yes; and also from the provost marshal.

Senator DONNELL. Does CIC send a letter to the provost marshal asking for information?

Mr. TRIPP. That is with regard to the fingerprinting.

Senator DONNELL. Does the Displaced Persons Commission cause the CIC to give the Commission a report before the final fingerprint reports come back from the provost marshal?

Mr. TRIPP. I have not been able to find out just what those procedures are on the fingerprint check.

Senator DONNELL. Well, at any rate, as I understand it, leaving out the fingerprints for the moment, your information is that, al-

though the Displaced Persons Commission requests the CIC to make this report as to the applicant's character and history and all that, the CIC sends over a communication to the Berlin Document Center asking what their records show, yet the Displaced Persons Commission has told the CIC to get word back to the Commission about this applicant without waiting for a response from the Berlin Document Center; is that right?

Mr. TRIPP. That is right.

Senator DONNELL. And they have also said the same thing to the CIC with regard to the reports from the provost marshal; is that right?

Mr. TRIPP. That is right.

Senator DONNELL. In other words, the Displaced Persons Commission, in order to expedite the handling of these displaced persons, has said, "We will take the calculated risk that may result from the failure to get those two reports"; is that right?

Mr. TRIPP. That is right.

Senator DONNELL. Who was it that issued that kind of statement, do you know?

Mr. TRIPP. I do not know who may have issued the instruction.

Senator DONNELL. I mean the statement to the effect that they were willing to take the calculated risk.

Mr. TRIPP. Mr. Kaplan told me that.

Mr. ARENS. He is Mr. Squadrilli's right-hand man?

Mr. TRIPP. Yes.

Mr. ARENS. He is the man that really runs Mr. Squadrilli's office affairs?

Mr. TRIPP. He is the executive assistant.

Senator DONNELL. Where was he when he made that statement, in whose presence, and when?

Mr. TRIPP. That was at Frankfurt on the day I arrived in Germany. I believe I discussed it with him again in the first month I was there.

Mr. ARENS. Now, that calculated risk that they have taken in at least the cases you have told us about was quite a risk in the 96 cases, the criminal cases, was it not?

Mr. TRIPP. Yes.

Senator DONNELL. Well, how many cases have come to you from the Displaced Persons Commission since your conversation with Mr. Kaplan in which he told you of this determination that they would accept the calculated risk?

Mr. TRIPP. Around 125,000.

Senator DONNELL. On those 125,000 cases, am I correct in my understanding that it is your belief that there has been followed this plan of taking the calculated risk by not waiting for the Berlin document center and by not waiting for the Provost Marshal's report; is that right?

Mr. TRIPP. That is right.

Senator DONNELL. Now, do you not think, Mr. Tripp, from your knowledge over this long period of years, that a calculated risk of that kind is a pretty serious thing for the security of our Nation?

Mr. TRIPP. I think it is dangerous.

Senator DONNELL. Why do you think it is dangerous?

Mr. TRIPP. Well, the 93 cases of which I spoke, to say nothing of others on which I have received a report since, lead me to believe that even though the percentage, as compared to the whole, is small, it would have been better to have proceeded a little more slowly.

Senator DONNELL. Just one man by the name of Fuchs [1] was able to do considerable in the way of activities recently, was he not, according to the newspapers?

Mr. TRIPP. Yes.

Senator DONNELL. And it would not take very many men coming over here with ulterior designs and subversive instincts to do a tremendous amount of damage of an irreparable nature to our country; is that not right?

Mr. TRIPP. That is correct.

What I would like to point out is that the Provost Marshal's records will not establish Communist affiliation in most cases. Those are merely criminal records.

Senator DONNELL. Then they were going to take this calculated risk not only on subversives, but on criminals also; is that correct?

Mr. TRIPP. Speaking of criminals, most of the information relating to subversives, that is, those we regard as subversives today, comes from the Central Agency Registry. That is another source and that is almost invariably checked.

Senator DONNELL. Why do they not always do it?

Mr. TRIPP. I do not know what the reason is, but the CIC reports have come through without that particular item checked as often as it might be.

Senator DONNELL. Do you not think that is a calculated risk of very doubtful wisdom?

Mr. TRIPP. Yes.

Senator DONNELL. Yes.

Mr. ARENS. Would you say that this procedure is "diligent and satisfactory," to use a quotation?

Mr. TRIPP. I wouldn't say it is satisfactory from my standpoint.

Mr. ARENS. Would you say it is "diligent"?

Mr. TRIPP. I wouldn't say it is diligent, but my views are colored by many years of law-enforcement work.

Mr. ARENS. Sir?

Mr. TRIPP. Of course my views are colored by many years of law-enforcement work.

Mr. ARENS. May I ask you this, to get back on this IRO record: Are IRO records made available to you at your request to check to see whether or not these records, prepared by displaced persons and virtually automatically accepted by the Displaced Persons Commission, are true and correct? Do you have any difficulty obtaining IRO records?

Mr. TRIPP. I very seldom have been able to get anything from IRO to substantiate a belief that a person involved did not meet the date line.

Mr. ARENS. As a matter of fact, IRO does not make its records available to our Government, does it?

Mr. TRIPP. I wouldn't say that. They make them available, but they seldom have been able to find the records that I have asked for.

[1] This is a reference to Klaus Fuchs, German-born British scientist who was convicted of passing atom bomb secrets to the Soviet Union.

Senator DONNELL. Mr. Tripp, how many did you ask for?

Mr. TRIPP. Not too many. I gave up.

Senator DONNELL. I do not blame you.

Let me ask you if you did not get results on a considerable number you asked for. Is that the experience you have had?

Mr. TRIPP. You mean IRO records?

Senator DONNELL. Yes.

Mr. TRIPP. I didn't get IRO records. I requested information from IRO records on occasion early in the program, say prior to August 1. On doubtful date-line cases, I requested information and I had very little luck.

Senator DONNELL. That is what I mean. When I say I do not blame you in ceasing to make further efforts, that is because of the kind of experience you had.

Mr. TRIPP. You understand, it was not a refusal to furnish the record. They couldn't be located.

Senator DONNELL. Do they not have files and filing clerks and great big establishments?

Mr. TRIPP. I have heard that they have many records.

Senator DONNELL. You have been in their headquarters in Geneva; have you not?

Mr. TRIPP. Yes.

Senator DONNELL. Those are very large quarters; are they not?

Mr. TRIPP. They are not so large.

Senator DONNELL. Regardless of the largeness, they have a filing system; have they not?

Mr. TRIPP. Yes, but the records I was seeking were not at Geneva; they were usually in various zones of Germany.

Senator DONNELL. I understand, but they had a filing system wherever you were in their office; did they not?

Mr. TRIPP. Yes.

Senator DONNELL. On this question of calculated risk that this man Kaplan told you they were going to take—that is, calculated risk resulting from not waiting for these things they were having CIC ask for—did he tell you why they had them ask for them and still not wait for the answers?

Mr. TRIPP. Mr. Kaplan told me they would ask for that information as part of the information and trust that the report would catch up with the alien before he actually departed. Otherwise, it would result in a 4 to 6 weeks' delay in processing the cases.

Senator DONNELL. They would rather avoid that delay than guarantee the safety of this country as far as possible from inspection of the Berlin document center and provost marshal reports; is that right?

Mr. TRIPP. He didn't say he was endangering the country.

Senator DONNELL. You thought he was?

Mr. TRIPP. I think the check should have been completed.

Senator DONNELL. Certainly .

Did Mr. Kaplan tell you who had determined on this policy of accepting this calculated risk?

Mr. TRIPP. No; he didn't.

Senator DONNELL. Who is Mr. Kaplan? I understand he is right there with Mr. Squadrilli, in an executive capacity with him, but what is his background? Do you know anything about him?

Mr. TRIPP. I have talked with him. I believe he was employed by the American Joint Distribution Committee before he came to the Displaced Persons Commision. Before that, I know, he was in the Army, during the war.

Senator DONNELL. What was the name of that committee you mentioned by which he was employed?

Mr. TRIPP. The American Joint Distribution Committee.

Senator DONNELL. What kind of committee is that? What is its background?

Mr. TRIPP. That is the foreign agency for most of the Jewish agencies.

Senator DONNELL. Do you know in what capacity he was employed by them?

Mr. TRIPP. I think he told me he had charge of their supplies.

Senator DONNELL. How did he happen to shift over to a Government employee in this displaced persons work?

Mr. TRIPP. I don't know.

Mr. ARENS. As a matter of fact, most of the people administering the program have either UNRRA background or were connected with voluntary agencies?

Mr. TRIPP. Yes.

Senator DONNELL. What is Mr. Kaplan's first name?

Mr. TRIPP. Ben, as far as I know.

Senator DONNELL. K-a-p-l-a-n?

Mr. TRIPP. K-a-p-l-a-n.

Senator DONNELL. Do you know from where he hails? He comes from this country?

Mr. TRIPP. Yes, sir; he is an American. I don't know where his home is here.

Senator DONNELL. Did you ever talk to Mr. Squadrilli about this calculated risk policy that was adopted?

Mr. TRIPP. No. In the year I have been there I have had very few conversations with Mr. Squadrilli directly early in the program. I discussed the security reports with him, and after that, most of my business has been done with Mr. Kaplan whom Mr. Squadrilli delegated to deal with me.

Mr. ARENS. Mr. Kaplan is actually the man who really runs things over there? Mr. Squadrilli is more of a figurehead, generally speaking, than Mr. Kaplan?

Mr. TRIPP. I think Mr. Kaplan controls operations; yes. I don't know how much he has to do with policy.

Senator DONNELL. Now the American Joint Distribution Committee, the organization Mr. Kaplan was with before he started to run this program over there, is an agency engaged now in processing on a voluntary basis. Jewish displaced persons to come to the United States; is that not right?

Mr. TRIPP. Yes. They handle the USNA cases in Europe.

Senator DONNELL. So Mr. Kaplan then was associated with an organization, this American Joint Distribution Committee, which was then and is now interested in trying to get displaced persons over here to this country. That is true; is it not?

Mr. TRIPP. He was associated with them before he came to work with the Commission.

Senator DONNELL. That is what I mean. That is their business, to try to get displaced persons over here and arrange for their settlement after they get here; is that right?

Mr. TRIPP. I believe so.

Senator DONNELL. Then he shifts over from that organization, which is engaged in that work of trying to get people over here and he gets into the Federal Government in this Displaced Persons Commission work, assisting Mr. Squadrilli, and then announces that in order to expedite the getting of people over here so that there will not be this delay of some little time, they are going to take the calculated risk of not getting the information from the Berlin document center and the provost marshal office in the hope, however, that those reports from those two offices might catch up with the alien before he got away?

Mr. TRIPP. Not waiting for them.

Mr. ARENS. And it is this same Mr. Kaplan who sat in this conference with you when they undertook to persuade you not to make any determinations on eligibility under this displaced persons law?

Mr. TRIPP. I don't recall whether he sat in on that conference or not. He may have.

Mr. ARENS. Now with respect to these IRO records, the displaced persons working for IRO prepare the file on which they establish or allege that the displaced person is eligible from the standpoint of the date and also is a displaced person under the constitution of the IRO. The Displaced Persons Commission accepts that in virtually all cases as a matter of routine?

Mr. TRIPP. That is right.

Mr. ARENS. But you as Chief of the Immigration Service in Europe, representing the Government of the United States, are precluded by the administrative policy from making a determination as to whether or not the man was eligible under the displaced persons law; is that not so?

Mr. TRIPP. That is right, although in the more doubtful cases we do refer them back for review.

Mr. ARENS. But the review is a final review and the vested power for that determination is not in the Immigration Service; is it?

Senator DONNELL. Under the practice.

Mr. TRIPP. That is right.

Mr. ARENS. Notwithstanding the fact that the law says among other things that—

> No eligible displaced orphan or eligible displaced person shall be admitted into the United States under the provisions of this Act except in pursuance of the regulations of the Commission, but, except as otherwise expressly provided in this Act, the administration of this Act, under the provisions of this Act and the regulations of the Commission as herein provided, shall be by the officials who administer the other immigration laws of the United States.

Who are the "officials who administer other immigration laws of the United States?"

Mr. TRIPP. The Immigration and Naturalization Service and the Foreign Service, Department of State.

Mr. ARENS. I want to get this crystal clear for the record. On the basis of your observation and experience and the work over there as Chief of the Immigration Service in Europe, is it not a fact that the

administration of the Displaced Persons Commission, the people in key positions over there are people who have either been formerly associated with UNRRA or with voluntary agencies?

Mr. TRIPP. The majority of them are.

Senator DONNELL. Which voluntary agencies are themselves trying to get displaced persons over here in this country; is that correct?

Mr. TRIPP. That is correct.

Mr. ARENS. May I ask a few questions to clarify something about these SS men? As I understood it, you said that about 400 cases had been processed through the Displaced Persons Commission and had been sent to your office of people who had formerly been associated with the SS. Is that right?

Mr. TRIPP. Yes. May I give you the history of that whole thing?

Mr. ARENS. It is 400 altogether?

Mr. TRIPP. Two hundred cases involving 400 people. May I give you the history of that whole thing related to IRO review, in my own words?

Mr. ARENS. Is that on the SS or back on the other subject?

Mr. TRIPP. That includes the SS, because the two groups were together—the SS group and the naturalized German group.

Early in the program, I was concerned about the number of cases we received where the principal applicant had served in some element of the Axis army or had been naturalized a German during the war or had sought German nationality. I referred those cases to the Commission with the query as to whether or not they did not believe that those persons were inadmissible under section 13 of Public Law 774.

In reply, the Commission stated that it did not believe that service alone would bring the applicant within section 13. Nevertheless I was reluctant to pass the cases, so I caused an investigation to be made, reported to my central office with recommendations, one of which was that I have the cases reviewed by the eligibility section of IRO. I did that and the eligibility section of IRO found a number of them outside the IRO mandate. Those people were rejected.

Then I noticed that most of the persons who served in the SS units—that is, the Waffen SS units—were found within the mandate. For that reason, I did not want to keep referring cases to them if they were going to find them within the mandate.

Senator DONNELL. What do you mean by "within the mandate"?

Mr. TRIPP. Within the IRO constitution.

Senator DONNELL. These Germans, these people who were being investigated?

Mr. TRIPP. Those people were usually Balts. Most of those make up the Waffen SS units.

Senator DONNELL. Yes; all right.

Mr. TRIPP. So I asked the eligibility officer if he would give me a statement that he would find certain groups as eligible for IRO relief. He gave me an informal memorandum, and after he had given me that, I directed my men to pass those cases that fell within the terms of this memorandum. We passed probably a hundred principals with their dependents after we received that memorandum.

However, sometime in September, the Displaced Persons Commission requested me to stop all cases where the principal had served in any element of the Axis Army, return the files to them for further

review and I have been doing that since, all cases regardless of what army it was—Hungarian, Rumanian—and they are presently holding a number of such cases trying to arrive at some decision.

But during the time we were having the case reviewed, we referred to IRO, either directly which we did at first or through the Commission later, cases involving approximately 500 people, principals and dependents, of which I would say roughly 200 were found to be outside the IRO mandate.

Mr. ARENS. Now, Mr. Tripp, let us get on to the question of Communists and subversives.

Mr. TRIPP. The VVN is an organization which was originally made up, and still supposed to be, of victims of Nazi persecution. That organization came to my attention last spring when a number of applicants were using photostats of VVN documents, VVN membership books, to establish residence in the prescribed areas. The initials themselves rather aroused my suspicion and I did not want to pass cases or have my men pass cases of persons who were members of an organization which might be subversive.

So I wrote to CIC and asked them to give me a statement as to the type of organization VVN was. CIC did not reply to my letter but sent a captain out to see me.

Mr. ARENS. By the way, about what time was this, if you do not mind identifying the approximate date?

Mr. TRIPP. I think it was around March 1949. They sent this captain to see me and he told me that the organization was under investigation. For that reason, they did not want to make a written report but he would give me what he had about the organization. He briefed me on it and this is substantially what he told me:

The organization was originally formed by victims of Nazi persecution, most of whom or at least half of them were Jewish. The only other large group were Communists. Obviously, both of these groups were victims of Nazi persecution. The organization promised its members a fee, I believe, of 5 marks a day for every day they spent in a concentration camp. It was also instrumental in getting extra rations for its members in the early days of the American occupation.

However, the CIC captain reported to me that the organization became Communist-infiltrated and fell under Communist control at a date, as near as I can determine to be, around November 1, 1947.

Mr. ARENS. The CIC man said that under date of November 1, 1947, or thereabouts, this VVN organization became Communist-controlled?

Mr. TRIPP. That is right. Later on, it was reported to me, maybe 3 months later, that their investigation had established that about 86 percent of the officers of the organization were known Communists. It was also reported to me that about 40 percent of the membership of the organization were either known or believed to be Communists.

Mr. ARENS. This was in March 1949 that he gave you this information?

Mr. TRIPP. That is right. The 86 percent of the officers I learned later on.

Mr. ARENS. Approximately March 1949 or after March 1949, at your instigation, it was learned that as of November 1, 1947, the VVN was Communist-controlled and had approximately 86 percent of its

officers Communist and approximately 40 percent of its membership Communist; is that correct?

Mr. TRIPP. That is right.

Mr. ARENS. How large a membership did the VVN have?

Mr. TRIPP. It was large.

Mr. ARENS. Was it in the thousands?

Mr. TRIPP. I believe it was.

Mr. ARENS. This query of CIC was made by you; it was not made by the Displaced Persons Commission?

Mr. TRIPP. Yes.

Mr. ARENS. Prior to the time you made inquiry about VVN, were VVN people being processed and sent to the United States?

Mr. TRIPP. Yes.

Mr. ARENS. How many VVN people, prior to the time you made this inquiry, were processed, to your knowledge, and brought to the United States out of the organization running into thousands?

Mr. TRIPP. Not a very large number, because up to March 1949 very few persons had come here under the present act.

Mr. ARENS. Were some VVN people brought into the United States prior to this period of March 1949?

Mr. TRIPP. Yes.

Mr. ARENS. Now are people being brought in or have any people been brought in since March 1949 who were VVN people?

Mr. TRIPP. Yes.

Mr. ARENS. How many have been brought in altogether? What would be your estimate as to the total number of VVN people who have been brought into the United States at any time?

Mr. TRIPP. Well, I would say probably three or four hundred.

Mr. ARENS. Three or four hundred?

Mr. TRIPP. Yes.

Mr. ARENS. Now if CIC makes a report on a man and says he is in VVN, does the Displaced Persons Commission still follow the practice of saying, "Well, you have to prove it, prove he is a Communist" or does the Displaced Persons Commission on the other hand read the law and follow it, which says the burden of proof shall be on the person who seeks to establish eligibility under this act?

Mr. TRIPP. They usually process the cases, and I might say we have been admitting most of them. I would like to explain the reasoning behind it.

Mr. ARENS. They usually process the VVN cases, the Displaced Persons Commission does, and pass them on to you?

Mr. TRIPP. Yes. We usually pass them. We have held some. We questioned the group we were holding last spring quite thoroughly. We found that most of these VVN members claimed that they had joined the organization only for the 5 marks a day they were going to get for their residence in concentration camps.

Mr. ARENS. You did not have any of them admit they were Communists?

Mr. TRIPP. No. Also, for the extra rations they would get. So we worked out a policy of handling the cases this way: If the membership commenced before November 1, 1947, and there was nothing to indicate Communist affiliations other than that membership, we did

not regard it as too important although we interrogated those people carefully.

Mr. ARENS. How did you happen to get them in the first place? Why did not the Displaced Persons Commission stop them?

Mr. TRIPP. I could not tell you that.

Mr. ARENS. The Displaced Persons Commission had been passing the VVN cases on to you; is that it?

Mr. TRIPP. Most of them, yes.

Mr. ARENS. Notwithstanding the fact that 40 percent of the members are Communist and 86 percent of the officers are Communists.

Mr. TRIPP. That is right.

Mr. ARENS. The Displaced Persons Commission approves them?

Mr. TRIPP. The organization itself, while it has participated in some Communist exhibitions or activities, is not definitely a Communist organization.

Senator DONNELL. Only to the extent of 86 percent of its officers and 40 percent of its members?

Mr. TRIPP. Yes; but as near as I can make out, so far we have been unable to get proof that the organization is a Communist organization.

Mr. ARENS. Why do you have to prove it when the law says the burden of proof shall be upon the person who seeks to establish his eligibility under this act? Would it not occur to you that the applicant if he is a VVN man would have to establish that he is not a Communist?

Mr. TRIPP. Well, it could well be held that any member of the organization who retained membership after the 1947 date could be regarded as a possible Communist.

Mr. ARENS. If a man stepped up to you to get a visa to this country and he told you he was a member of an organization, of which 86 percent of the officers were Communist and 40 percent of the membership were Communists, would there not then be a burden on that man to prove he himself was not a Communist or subversive?

Mr. TRIPP. Yes; I should think so.

Mr. ARENS. But the Displaced Persons Commission has processed all these cases on to you?

Mr. TRIPP. They have processed a number of them.

Mr. ARENS. Go ahead.

Mr. TRIPP. We also consider whether or not the person has been active in the organization since November 1, 1947.

Senator DONNELL. How did you happen to arrive at that date, Mr. Tripp, for this dividing line?

Mr. TRIPP. That was the date on which the CIC captain told me Communist control of the organization took place.

Senator DONNELL. Prior to that time, say July 1947, what proportion, then, of the members were believed to be Communists?

Mr. TRIPP. I think the proportion was about the same but the officers were different.

Senator DONNELL. What proportion of the officers were Communists on July 1, 1947?

Mr. TRIPP. I do not know, but I believe a small percentage of the officers were Communists before that date.

Senator DONNELL. About 40 percent of the membership were Communists around July 1, 1947?

Mr. TRIPP. I believe that is right.

Mr. ARENS. How many VVN cases have come to the United States?

Mr. TRIPP. I would say, including the families, 400 would be a conservative estimate.

Mr. ARENS. You would say at least 400?

Mr. TRIPP. Yes.

Mr. ARENS. Now, if the VVN people coming to the United States are in the same proportion as the VVN people are in the organization, then we have gotten, in this one instance, 100 Communists; is that right?

Mr. TRIPP. If that way of estimating is reliable. If I thought they were Communists, why we would not have admitted them.

Mr. ARENS. You admitted some before you found out it was a Communist organization.

Mr. TRIPP. I will say that, in recent months, members of the organization have made some attempt to conceal their membership and those who admit their membership have in some cases removed the stamps from their dues books to try to indicate that they have not been paying dues.

Senator DONNELL. The very fact that the stamps are in there shows that they had been paying dues; is that right?

Mr. TRIPP. The books look like stamps have been cut.

Senator DONNELL. But they have been processed by the Displaced Persons Commission and sent on to you?

Mr. TRIPP. That is right.

Mr. ARENS. Have you had any conversations with Mr. Rosenfield with reference to what is the connotation or the definition of the word "persecutee" or the word "persecution" as used in the law?

May I invite your attention, as you of course probably know by this time by heart, to the definition of an eligible displaced person as contained in section 2 (c) which provides in the definition:

> * * * or a person who, having resided in Germany or Austria, was a victim of persecution by the Nazi government, and was detained in, or was obliged to flee from such persecution and was subsequently returned to, one of these countries as a result of enemy action, or of war circumstances.

Have you had any conversation with Mr. Rosenfield on what is meant by that word "persecution" or who are persecutees?

Mr. TRIPP. I don't recall having any conversation with Mr. Rosenfield on that point, but last spring we questioned the eligibility of those natives of Germany who were forced to flee Germany because of persecution, and who returned to Germany after December 22, 1945, without compulsion.

Mr. ARENS. Did they return as a result of enemy action or war circumstances as the law says?

Mr. TRIPP. These people returned without compulsion, of their own volition.

Senator KILGORE. From where did they return?

Mr. TRIPP. Some returned from China. Some returned from France. Some returned from England.

Senator KILGORE. Do you mean that they fled from Germany to get away from the Nazis?

Mr. TRIPP. That is right.

Mr. ARENS. But they had returned from Spain, China, and various places all over the world voluntarily?

Mr. TRIPP. That is right.

Mr. ARENS. What was the decision of the Displaced Persons Commission as to whether or not those people fell within the definition as contained in the law?

Mr. TRIPP. The Commission held that the return need not be under compulsion. The fact that they returned was sufficient.

Mr. ARENS. How did they get around this language of the law which says "return to this country as a result of enemy action or war circumstance"?

Mr. TRIPP. I couldn't explain their reasoning.

Mr. ARENS. Is it your view that these people did not return as result of enemy action or war circumstance, but just came in voluntarily to get eligibility under this law?

Mr. TRIPP. I believe that most of them are not eligible. I so reported to the Commission, but they held that the return was sufficient. The test case we used was that of a young man who returned to look for relatives. He returned to Germany from France, I believe, in June 1946.

Mr. ARENS. This is another instance, is it not, in which you are precluded from making a determination?

Mr. TRIPP. That is right.

Mr. ARENS. The determination is made by the Displaced Persons Commission and you are precluded from giving a judgment on what the law of the United States means?

Mr. TRIPP. That is right.

Senator KILGORE. Could I ask you a question along that line? Had these people formerly had homes in what we call west Germany now that is west of the iron curtain or had they had homes east of the iron curtain, eastern Germany?

Mr. TRIPP. Both sides. Some in one and some in the other area, some in Austria. The question involved was whether or not they were eligible as persecutees who had been returned because of war circumstance. The whole thing turned on whether or not the return to the area must be under compulsion or whether it should be voluntarily.

Senator KILGORE. In other words, you interpret that the return must be a compulsory return. In other words, the country of their temporary residence which they had fled would have to throw them out?

Mr. TRIPP. Would have to be compulsion arising from war circumstances.

Mr. ARENS. How many cases have you known or do you estimate in which people have come back in there who on the basis of the law are not displaced persons but are being processed as displaced persons by the Displaced Persons Commission?

Mr. TRIPP. You mean by interpretation that they are not displaced persons?

Mr. ARENS. The way the law reads.

Mr. TRIPP. I think there will probably have been upward of 500 of that group.

Mr. ARENS. As a matter of fact, they brought boatloads from China; did they not?

Mr. TRIPP. Quite a few; yes.

Mr. ARENS. From China—who did not return as the result of enemy action or war circumstance but for whom the Displaced Persons Commission under the practice of having the final say has certified that they are eligible?

Mr. TRIPP. That is right.

Mr. ARENS. How many of those people have gotten into the United States?

Mr. TRIPP. I have no way of knowing exactly, but I would say upward of 500.

Mr. ARENS. Upward of 500 people have come back from places such as China into the displaced-persons area, into the occupied area, have been certified as eligible, and you cannot stop them, because under the practice you are not permitted to stop them from coming into the United States?

Mr. TRIPP. They are found eligible by the Commission.

Senator DONNELL. You have felt that it was obligatory for your department to accept that finding of eligibility by the Displaced Persons Commission as to that group?

Mr. TRIPP. That is right.

Senator KILGORE. Now, when we are talking of enemy action—and I am thinking of China particularly and Greece—you are basing your opinion on enemy action during World War II and not enemy action that may have arisen subsequent to that, probably as an aftermath?

Mr. TRIPP. I don't see how you can hold anything else but enemy action of World War II applies.

Senator KILGORE. I just want to get the basis of your opinion; that is all.

Senator DONNELL. Mr. Tripp, I think I should clarify my question of a moment ago. I said that you have regarded it as obligatory on you to accept the findings of the Displaced Persons Commission on this group of people. I do not mean at all that is your construction of the law, but under the practice prevailing the Displaced Persons Commission had taken that jurisdiction and by consent apparently of those in authority in the respective branches, Immigration, State, and Displaced Persons Commission, they had been permitted to say the final word. That is what you meant; is it not?

Mr. TRIPP. That is right.

Mr. ARENS. From where else have they brought them back other than China?

Mr. TRIPP. Some of them came from France.

Senator KILGORE. Did the Displaced Persons Commission bring them back from China?

Mr. TRIPP. No.

Senator KILGORE. I want to get the question straight, because the question is misleading, Mr. Arens. Who brought them back; is what I want to know.

Mr. ARENS. Who brought them back?

Mr. TRIPP. I don't know who brought them back. Most of them came apparently of their own volition, because if they were brought

back by IRO they would not be eligible for resettlement then. So, I assume they paid their own fare back.

Senator KILGORE. The Displaced Persons Commission did not bring anybody back?

Mr. TRIPP. They either paid their own fare back or they were brought back by some agency.

Mr. ARENS. Do you know whether 2,500 of them came through the United States from Shanghai on the way back?

Mr. TRIPP. I know nothing about that.

Mr. ARENS. Irrespective of how they got back, they came back from China and France. Where else did they come back from and get classified as eligible for immigration to the United States?

Mr. TRIPP. They came from England; some from Sweden. I believe some of them came from Belgium and the Netherlands, too. I can't remember them all.

Mr. ARENS. When did you first hear of this interpretation of the law, this promulgation of policy by the Displaced Persons Commission with reference to these people who had been brought back in from various parts of the world and made eligible for immigration to the United States?

Mr. TRIPP. I would say about last May. In fact, the ruling was made as result of my submitting the question to the Commission.

Mr. ARENS. You had found some cases of that kind; had you?

Mr. TRIPP. I had.

Mr. ARENS. To whom did you submit the case for a ruling by the Commission?

Mr. TRIPP. To the office of the coordinator in Frankfurt.

Mr. ARENS. That is Mr. Squadrilli?

Mr. TRIPP. That is right.

Mr. ARENS. Who wrote the opinion? Do you know?

Mr. TRIPP. No; I don't know who wrote the opinion. I can't even tell you whom it was signed by, but I think it was signed by Mr. Squadrilli.

Senator DONNELL. Do you know why these people came from Shanghai and these other places you have mentioned? Were they forced by anybody to come or did they come of their own free will and accord in order to get back there?

Mr. TRIPP. I imagine those who came from Shanghai came to avoid the uncertainties of life in China. Those who came from places like France, Sweden, and England had various reasons. Some of them said they came to look for relatives. Some of them said they had other reasons. I can't remember them all.

Senator DONNELL. You do not know of any of these people from Shanghai, France, or England that you have just been referring to who came back by reason of action taken by enemies of the United States Government against them?

Mr. TRIPP. No.

Senator KILGORE. That might apply to that bunch from Shanghai.

Senator DONNELL. What enemies sent them back?

Senator KILGORE. The present Communist invasion.

Senator DONNELL. They are not enemies legally.

Mr. TRIPP. Most of those cases were back in Austria by late 1947.

Mr. ARENS. Mr. Tripp, what is your appraisal of the German ethnics, the so-called Volksdeutsche, from the standpoint of citizenship material or general qualifications, quality of the people?

Mr. TRIPP. I have not made any great study of them, but I know that the so-called ethnics, the Volksdeutsche that were brought back, have been required to maintain themselves since VE-day. They have not been cared for, and to my mind that makes them a little bit more hardy than some of the displaced persons who have been cared for and who, I fear, a small percentage anyway, have begun to expect care. That is just a personal opinion.

Senator KILGORE. What you call the Volksdeutsche—Are those people of German ethnic origin who were living over beyond the iron curtain, most of them, and who were ousted from there by the Russians, and who probably were seized and forced back in the western area of Germany?

Mr. TRIPP. The Volksdeutsche were brought back from places where German minorities lived, such as Sudetenland, Transylvania, some of the Baltic States. Most of them came to Germany with the retreating German Army. Some of them had come before that date.

Senator KILGORE. A lot of them were ardent Nazis?

Mr. TRIPP. I believe they were.

Senator KILGORE. The Sudetenland Germans who were in there were used as an excuse by Hitler for the invasion of Czechoslovakia and its conquest and ultimate division with Russia?

Mr. TRIPP. That is right.

Mr. ARENS. Mr. Tripp, let us get on to the question of false documents. I do not believe we have discussed that with you.

Senator KILGORE. I have one other question. You said a major portion of them came back, you thought, with the German Army?

Mr. TRIPP. That is right.

Senator KILGORE. In other words, they were not people who had since the conquest of everything east of the iron curtain been ousted from their homes by the Russians and just dumped back across the border?

Mr. TRIPP. I believe most of them came back with the German Army, although a large number, who I believe were ardent Nazis, came before that date.

Mr. ARENS. Pursuant to the Potsdam agreement of August 1, 1945, some 15,000,000 of them were forcibly expelled from the countries of eastern Europe—were they not—and driven into Austria and Germany?

Mr. TRIPP. I don't believe myself those people were forced back so much after the Potsdam agreement as came in themselves with the army.

Mr. ARENS. Prior to August 1, 1945?

Mr. TRIPP. That is my own guess. I don't know.

Mr. ARENS. Now, Mr. Tripp, if you please, to start on this subject of false documents, would you first of all, on the basis of your experience and observations as Chief of the Immigration Mission in Europe, give us your over-all appraisal of the false-document situation and then be as specific as you care to be on the break-down of that appraisal?

Mr. TRIPP. We have suspected for some time that fraudulent documents were used as a basis for claiming eligibility under Public Law 774. Recent investigations by CIC seemed to indicate that the issuance of fraudulent documents is even more widespread than we suspected. Mr. Main testified yesterday of some 10 places where fraudulent documents are known to be issued or suspected. I know that there are other places that are suspected. In fact, one of my own men turned up a new source of fraudulent documents here last month in Salzburg.

In that particular case, he became a little bit suspicious of certain documents from a certain place, and finally he asked CIC to make an investigation for him of that particular source. It was a police station in Salzburg. CIC checked back, and they found that the record that he requested an investigation of was an insertion in the police register, and it was based upon an affidavit made by a woman living in Salzburg to the effect that the subject had resided in her home. The woman was interviewed, and she admitted that the man did not live there, she never had laid eyes on him until 1949, and she signed the certificate, the affidavit form in blank, for 200 shillings. She later on admitted that she had signed another one.

Now that may be the beginning of another false-document center or it may be just an isolated case. Probably, if the investigation were pursued in some other places, why there would be more false mills located.

Senator KILGORE. Along that line, was anything done to this particular woman with reference to prosecution?

Mr. TRIPP. I believe not. My man reported to me, and I am trying to arrange to get a list of all the insertions of that particular police official in that register.

Senator KILGORE. That was a German police official?

Mr. TRIPP. Austrian.

Senator KILGORE. He was not with an American agency?

Mr. TRIPP. No.

Senator DONNELL. You speak of an insertion in the register. Was there a page actually inserted?

Mr. TRIPP. I didn't see it myself. I don't know whether it was a card or a page. They said it was an insertion of a brand-new card.

Sentor KILGORE. For the benefit of the record, describe what you mean by false documents.

Mr. TRIPP. False documents I believe to mean any document which alleges something which is untrue.

Senator KILGORE. What do you mean by document?

Mr. TRIPP. A document might be a certificate of residence; it might be a police certificate certifying the character and reference, frequently used, the holder resided in a certain locality during a certain period during that time and had no police record. The false documents are almost entirely documents used to establish residence during a certain period.

Senator KILGORE. Now have you ever traced false documents to any American source?

Mr. TRIPP. To any American source?

Senator KILGORE. Our military government or anything of that kind.

Mr. TRIPP. No.

Senator KILGORE. In other words, this false-document question has been an idigenous proposition in which somebody would buy, use, or plant, or otherwise obtain affidavits or something and then procure a German official to falsify the records by false insertion or by change of date or something, and based upon that change of date and the affidavit, then certify, and usually it went to the question of residence. Is that right?

Mr. TRIPP. That is right.

Senator KILGORE. Nothing went to the question of subversive influences of anything like that?

Mr. TRIPP. No; nothing of that sort.

Senator KILGORE. Did you run into any that went into the question of occupation, whether or not the man was a farmer or mechanic or what have you?

Mr. TRIPP. No.

Senator KILGORE. It all went to that one question of residence and all based upon the question of trying to get behind the December 22, 1945, date?

Mr. TRIPP. That is correct.

Senator KILGORE. It was all local and nothing in which our own organization could in any way be implicated?

Mr. TRIPP. That is right.

Senator KILGORE. Is it not rather unfortunate that we did not have some kind of census or register for these people on which we could base the actual date of entry there?

Mr. TRIPP. It would have made the job simpler.

Senator KILGORE. It would have made it much simpler and there would have been no false documents?

Mr. TRIPP. There would have been no false documents accepted.

Senator KILGORE. What would you estimate was the percentage of cases handled, of all the cases that were processed, in which there was some record in our own records that would substantiate their claims?

Mr. TRIPP. You mean some official Army records?

Senator KILGORE. Some record of, shall I say, American occupation forces or American Government records on which these facts could be based.

Mr. TRIPP. That is difficult to answer. I understand that the Army made records of different types immediately after VE-day. The percentage of those people recorded who have gone to the United States I could not say, because many of them are still there, many of them have gone to other countries and it is just impossible almost to venture a guess.

Senator KILGORE. Was that a complete census of all of them? Did that only apply to those who were in the concentration camps who were liberated, plus those who had come in with our troops?

Mr. TRIPP. No.

Senator KILGORE. In other words, they were those who drew rations or applied for assistance?

Mr. TRIPP. I think that is it.

Senator KILGORE. In other words, if a man came into Germany and he had some money and did not have to apply for, shall we say, relief, he did not get on the list until such time as he had to apply?

Mr. TRIPP. That is right.

Senator KILGORE. So that there is no authentic list, no authentic American list except of those people who were in the concentration camps and is it not from your concentration camps that you get the hard core?

Mr. TRIPP. I would not say that. The hard-core cases, very few of them I would say were in concentration camps. The hard-core cases relate to persons with criminal records and persons who are physically handicapped, handicapped because of their age or other economic reasons.

Mr. ARENS. We appreciate very much, Mr. Tripp, your testimony before the committee.

Senator DONNELL. Mr. Tripp, you are not intending to leave to return to Germany until this committee excuses you, are you?

Mr. TRIPP. I am needed in Germany.

Senator DONNELL. I know you are. Do you not think it would be well to have Mr. Tripp remain here subject to call?

Mr. ARENS. I wonder if he would like to wait a day or so.

Senator KILGORE. I might want to ask some more questions.

Senator DONNELL. It is a whole lot closer to have you here than in Munich. If you could stay and keep in touch with Mr. Arens here, we will release you as soon as we can, but I do think we would like to ask you and I do ask you to remain here subject to subpena until we excuse you.

Mr. ARENS. Mr. Vaughan.

Senator DONNELL. Mr. Vaughan, will you be sworn?

Do you solemnly swear that the testimony you are about to give in this case is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VAUGHAN. I do.

TESTIMONY OF FRANK BENJAMIN VAUGHAN, JR., DISPLACED PERSONS COMMISSION, LUDWIGSBURG, GERMANY

Mr. ARENS. Will you give the reporter your full name?

Mr. VAUGHAN. Frank Benjamin Vaughan, Jr.

Mr. ARENS. Mr. Vaughan, you are an employee of the Displaced Persons Commission?

Mr. VAUGHAN. I am.

Mr. ARENS. Where are you presently located with the Displaced Persons Commission?

Mr. VAUGHAN. In Ludwigsburg.

Mr. ARENS. How long have you been with the Displaced Persons Commission?

Mr. VAUGHAN. Since October 1948.

Mr. ARENS. You are an American citizen?

Mr. VAUGHAN. Yes.

Mr. ARENS. You are a former resident of Texas, as I understand it?

Mr. VAUGHAN. That is correct.

Mr. ARENS. Were you formerly located at Butzbach?

Mr. VAUGHAN. Yes.

Mr. ARENS. With the Displaced Persons Commission?

Mr. VAUGHAN. That is correct.

Mr. ARENS. What was the nature of your assignment or your work with the Displaced Persons Commission at Butzbach?

Mr. VAUGHAN. Originally, I was assigned as selector, later, as an analyst, and later, as the person in charge of writing the derogatory reports.

Mr. ARENS. Who was the senior officer at Butzbach?

Mr. VAUGHAN. M. D. Bashein.[1]

Mr. ARENS. Who is the senior officer where you are at the present time?

Mr. VAUGHAN. Gertrude M. Ruskin.[2]

Mr. ARENS. Would you just identify your background prior to the time you became an employe of the Displaced Persons Commission?

Mr. VAUGHAN. I am a farmer, also a student, ex-student.

Senator KILGORE. Were you with UNRRA?

Mr. VAUGHAN. No.

Senator KILGORE. Were you with the Army?

Mr. VAUGHAN. Yes, sir; I was with the Army.

Senator KILGORE. Over there?

Mr. VAUGHAN. I was in Italy.

Mr. ARENS. In your capacity as an employee stationed there at Butzbach, did you have occasion to have presented to you for consideration 80 Polish Guard cases for consideration by you as a selector or processor or whatever you were?

Mr. VAUGHAN. Yes, I had Polish Guard cases. It turned out to be 80 in number.

Mr. ARENS. What was your decision with reference to those cases?

Mr. VAUGHAN. I decided they were not eligible because of dateline restriction.

Mr. ARENS. That they had entered the prescribed area after the time prescribed in the law; is that right?

Mr. VAUGHAN. No; they entered at the prescribed time but they were not physically in the area on January 1, 1948.

Mr. ARENS. What did you do on those cases?

Mr. VAUGHAN. I returned them to the senior officer, requested that we have more information on the cases.

Mr. ARENS. Did you pass the cases at any time?

Mr. VAUGHAN. No.

Mr. ARENS. Did you refuse to pass them?

Mr. VAUGHAN. Yes.

Mr. ARENS. What happened as a result of your refusal to pass those cases?

Mr. VAUGHAN. I was transferred.

Mr. ARENS. To where were you transferred?

Mr. VAUGHAN. Ludwigsburg.

Mr. ARENS. That is where you are now?

Mr. VAUGHAN. Yes.

Mr. ARENS. Are you permitted now to process cases?

Mr. VAUGHAN. At the present time, I am not processing cases.

Mr. ARENS. You do bookkeeping work of some kind?

Mr. VAUGHAN. More or less.

Mr. ARENS. What is the nature of your work now?

[1] For the testimony of Meyer D. Bashein, see p. 881.
[2] For the testimony of Gertrude M. Ruskin, see p. 978.

Mr. VAUGHAN. Statistical work and the general administrative work of the office.

Mr. ARENS. Who was the senior at Butzbach when you refused to pass the cases?

Mr. VAUGHAN. Mr. Bashein.

Mr. ARENS. Do you have information respecting conversations between Mr. Kaplan and Elliott Shirk with respect to cases involving alleged persecutees?

Mr. VAUGHAN. Not with Mr. Shirk, with Mr. Kaplan.

Mr. ARENS. With Mr. Kaplan?

Mr. VAUGHAN. Yes.

Mr. ARENS. Would you express yourself on that?

Mr. VAUGHAN. I took the same view that Mr. Tripp took on the return due to war circumstances on cases that we had returned from Shanghai.

Mr. ARENS. People who had come back from Shanghai and were undertaking to establish eligibility under the law?

Mr. VAUGHAN. Correct.

Mr. ARENS. What happened on those cases so far as you were concerned?

Mr. VAUGHAN. The cases were kept out of my hands as much as possible, because I refused to pass them when I found them, but they were normally routed around me.

Mr. ARENS. Who kept them out of your hands?

Mr. VAUGHAN. Well, it was, I imagine, the senior officer.

Mr. AREN. Mr. Bashein?

Mr. VAUGHAN. Yes.

Mr. ARENS. Did you have a conversation with Mr. Rosenfield of the Displaced Persons Commission with reference to those cases?

Mr. VAUGHAN. Not to those cases.

Mr. ARENS. What was the nature of the conversations or conference with Mr. Rosenfield?

Mr. VAUGHAN. The Polish Guard cases.

Mr. ARENS. What was the nature of that conversation?

Mr. VAUGHAN. Mr. Rosenfield had told me that I had later been upheld on my decision by the Washington office and that they were not aware of the policy that was being applied in Frankfurt on those cases and that they were not to be considered eligible.

Mr. ARENS. On the basis of your experience as an employee in two positions with the Displaced Persons Commission and as a present employee of the Displaced Persons Commission, is the security investigation adequate?

Mr. VAUGHAN. I do not think so.

Mr. ARENS. What do you think is wrong with it?

Mr. VAUGHAN. It doesn't afford the protection to the newcoming citizens as well as to the old citizens.

Senator KILGORE. Let us elaborate on that. That is a general statement. In what way does it not?

Mr. VAUGHAN. Well, there is insufficient time to go into the background.

Senator KILGORE. You mean allowed by the CIC?

Mr. VAUGHAN. There seems to be sufficient time allowed by CIC but there is insufficient record available to the time back that we can

investigate them. It is only since they entered the allied zone of Germany that we have any record at all.

Senator KILGORE. There is no way, if they come from behind the iron curtain, of getting the records?

Mr. VAUGHAN. No way whatsoever.

Senator KILGORE. Therefore, it is an insurmountable difficulty at the present time?

Mr. VAUGHAN. Yes.

Mr. ARENS. Mr. Vaughan, in the course of your experience as an employee of the Displaced Persons Commission, have you seen cases in which there was a notation on the case that the White House wanted that case expedited or that Mr. Rosenfield wanted that particular case expedited?

Mr. VAUGHAN. We have seen the notation come with Mr. Rosenfield's name; yes. We have been called from Frankfurt and told of the cases with White House preference which we in turn inserted on the case.

Mr. ARENS. White House preference for expeditious action?

Mr. VAUGHAN. Yes.

Mr. ARENS. What is the nature of the notation that you saw on cases by Mr. Rosenfield of the Displaced Persons Commission?

Mr. VAUGHAN. Just expedite is the only note.

Senator KILGORE. No request as to the finding you were to make?

Mr. VAUGHAN. No.

Senator KILGORE. Just as to expediting the case?

Mr. VAUGHAN. That is all.

Mr. ARENS. Did you have a particular case in which there was expeditious action requested on the case on the Czech general, Frank Dastich?

Mr. VAUGHAN. Yes.

Mr. ARENS. Tell us about that case.

Mr. VAUGHAN. I am not at liberty to tell about that case. It involves some secret files.

Mr. ARENS. Is it a security case?

Mr. VAUGHAN. I would judge that it was. The files are State Depatment files.

Mr. ARENS. Is it a case in which there was a question about security risk to this Government if Mr. Dastich was admitted?

Mr. VAUGHAN. No.

Mr. ARENS. What was the general nature of the case in which you saw a notation that Mr. Rosenfield wanted the case expedited of the Czech general by the name of Dastich?

Mr. VAUGHAN. The notation was on the case that he was interested in it and that we should expedite the case. He was found ineligible at the selection stage.

Senator KILGORE. What do you mean by that?

Mr. VAUGHAN. He did not get to first base. We didn't consider him from the very beginning.

Mr. ARENS. That is, you did not?

Mr. VAUGHAN. That is right.

Senator DONNELL. Did anybody ever overrule your determination?

Mr. VAUGHAN. I am not certain as to the outcome of that case.

Mr. ARENS. But that was the case you declined to pass the displaced person in a case on which Mr. Rosenfield had had his name put for expeditious action?

Mr. VAUGHAN. Correct.

Mr. ARENS. Do you know of any case in which the members of the Displaced Persons Commission or employees of the Displaced Persons Commission sought to obtain pardons in the case of persons who had been convicted so that they would then be eligible for immigration to the United States?

Mr. VAUGHAN. Yes.

Mr. ARENS. Were these attempts to obtain pardons made by persons in the employ of the Displaced Persons Commission or were they attempts made in the instances alluded to by Mr. Tripp, by people with the IRO?

Mr. VAUGHAN. Members of the Displaced Persons Commission.

Mr. ARENS. You heard Mr. Tripp testify about the unit set-up in IRO for the purpose of obtaining pardons for convicted displaced persons to make them eligible?

Mr. VAUGHAN. That is right.

Mr. ARENS. You are now testifying about attempts made by persons in the employ of the Displaced Persons Commission to obtain pardons for convicts who would then be eligible, if a pardon were granted, for immigration to the United States?

Mr. VAUGHAN. That is correct.

Mr. ARENS. On how many cases do you have information that employees of the Displaced Persons Commission attempted to obtain pardons for convicts so that they would then be eligible for immigration under the laws to the United States?

Mr. VAUGHAN. I only know of one.

Mr. ARENS. Who was the individual involved, if you are at liberty to disclose it?

Mr. VAUGHAN. It was at the senior officer's direction.

Mr. ARENS. Mr. Bashein?

Mr. VAUGHAN. In area 2.

Mr. ARENS. Miss Ruskin?

Mr. VAUGHAN. Correct.

Mr. ARENS. Miss Gertrude Ruskin?

Mr. VAUGHAN. Right.

Mr. ARENS. Is she the same lady identified by Mr. Tripp as the senior officer?

Mr. VAUGHAN. Yes.

Mr. ARENS. Is it your testimony that she gave a directive to try to secure a pardon, in that case?

Mr. VAUGHAN. To one of the employees.

Senator KILGORE. Was it secured?

Mr. VAUGHAN. I don't remember.

Senator KILGORE. Do you remember who the employee was?

Mr. VAUGHAN. Yes, sir, Abraham Bernstein.

Mr. ARENS. Miss Gertrude Ruskin, a senior officer employed by the Displaced Persons Commission, gave a directive to an employee of the Displaced Persons Commission to secure a pardon in the case so that individual would be eligible for immigration to the United States; is that right?

Mr. VAUGHAN. Yes.

Mr. ARENS. What was the crime?

Mr. VAUGHAN. Theft.

Mr. ARENS. He had been convicted of theft?

Mr. VAUGHAN. Theft of 14 eggs.

Senator DONNELL. Mr. Vaughan, the theft of food over there is a pretty serious thing, is it not?

Mr. VAUGHAN. I think at that time it was more serious than today.

Senator DONNELL. It was at that time. Eggs are not as plentiful over there as they are in this country?

Mr. VAUGHAN. No.

Senator DONNELL. It was Mr. Rosenfield who wanted the Dastich case expedited?

Mr. VAUGHAN. That is correct.

Mr. ARENS. He is the man who did not pass the OK of your office?

Mr. VAUGHAN. That is correct.

Mr. ARENS. You do not know what happened later on, whether he was accepted by higher officials or not?

Mr. VAUGHAN. I don't know.

Mr. ARENS. What is this about the White House requesting expeditious action on a case or cases?

Mr. VAUGHAN. It is merely a routine case coming through and asking to expedite the case.

Mr. ARENS. How many cases were there in which the White House asked for expeditious action?

Mr. VAUGHAN. I only know of one.

Mr. ARENS. What kind of case was that?

Mr. VAUGHAN. The case of a near relative.

Mr. ARENS. Of whom?

Mr. VAUGHAN. The sponsor. I don't know who the sponsor was.

Mr. ARENS. You do not know who the sponsor was?

Mr. VAUGHAN. No.

Mr. ARENS. Why was the White House interested in obtaining expeditious handling of any one case?

Mr. VAUGHAN. We don't know that the White House was. That was the information we received.

Mr. ARENS. Who gave you that information?

Mr. VAUGHAN. It came out of the Frankfurt office.

Mr. ARENS. Of the Displaced Persons Commission?

Mr. VAUGHAN. That is correct.

Senator DONNELL. Who gave that information from the Frankfurt office?

Mr. VAUGHAN. I don't remember who it was but it is on the record at the office.

Mr. ARENS. You do not remember the name of that particular person?

Mr. VAUGHAN. They have a statistical force there and it was one of those persons.

Mr. ARENS. Did you ever hear of any other cases in which the White House requested any expeditious action?

Mr. VAUGHAN. No.

Mr. ARENS. You are familiar with the present displaced persons law?

Mr. VAUGHAN. Yes.

Mr. ARENS. You studied it carefully in the course of your work. What is the legal basis for the Displaced Persons Commission's operations in Europe?

Mr. VAUGHAN. The Executive order of the President, in my estimation.

Mr. ARENS. On the basis of your study of the law and your familiarity with the program, is there anything in the law which authorizes the Displaced Persons Commission to make final determinations of eligibility under the law?

Mr. VAUGHAN. The only thing in section 10 of the law, it prescribes the establishment of the regulations of the Commission.

Mr. ARENS. On the basis of your experience, are the Displaced Persons Commission personnel necessary in Europe to consummate the program?

Mr. VAUGHAN. Not under the present system of operation.

Mr. ARENS. What do you mean by that?

Mr. VAUGHAN. As Mr. Tripp pointed out, there is no interview system used, consequently we are not seeing the people. We could very well do our work elsewhere.

Mr. ARENS. What do you mean, you could very well do your work elsewhere?

Mr. VAUGHAN. If we are not going to interview the people, it is not necessary to be in Germany to write the reports.

Mr. ARENS. You could just as well do your work here in the United States?

Mr. VAUGHAN. That is correct.

Senator KILGORE. Under Mr. Tripp's theory would there be any necessity of having anybody even in the United States?

Mr. VAUGHAN. Someone has to handle the assurances and collect the assurances and administer that part of the program.

Senator KILGORE. That a relatively small part of the program?

Mr. VAUGHAN. That is a relatively large part of the job.

Senator KILGORE. The assurances are all handled in the United States now?

Mr. VAUGHAN. Yes.

Senator KILGORE. By the present personnel?

Mr. VAUGHAN. Yes.

Senator KILGORE. So that there would be no need for augmenting that present personnel in the United States?

Mr. VAUGHAN. I see no reason. I don't know.

Mr. ARENS. Mr. Vaughan, on the basis of your observations and experience as an employee of the Displaced Persons Commission, what is your appraisal of the security risk to the United States bringing into the United States displaced persons who have relatives behind the iron curtain?

Mr. VAUGHAN. I think it is unfair to the people that they cannot afford them security that we, as natural-born Americans have.

Mr. ARENS. Is a case in which a person who is brought into the United States, who has relatives behind the iron curtain, on the basis of your experience, a case in which there is a security threat in and of itself to the United States?

Mr. VAUGHAN. It is to those people at least.

Mr. ARENS. Why?

Mr. VAUGHAN. They are subjected to the whims of the iron-curtain government on their relatives.

Senator KILGORE. In other words, what you are trying to say is that it is unfair to those people who are behind the iron curtain, because the Communist government officials behind the iron curtain will put the pressure on them to try to influence any relatives they may have in the United States?

Mr. VAUGHAN. That is the point.

Senator DONNELL. Mr. Vaughan, you referred a few minutes ago to the Executive order of the President in response to a question by Mr. Arens as to what is the legal basis on which the Displaced Persons Commission is carrying on certain activities in Europe?

Mr. VAUGHAN. Yes.

Senator DONNELL. That is Executive Order 10003 issued October 4, 1948?

Mr. VAUGHAN. Yes.

Senator DONNELL. I call your attention to the fact that that order only purports to designate the Displaced Persons Commission as the agency which—

> * * * shall, subject to the provisions of paragraph 2 hereof, make or prepare the investigations and written reports required by section 10 of the Displaced Persons Act of 1948 regarding the character, history, and eligibility under the said act of displaced persons seeking admission into the United States.

Paragraph 2 is merely an authority to the Department of State, Department of the Army, and other agencies of the Government which the Displaced Persons Commission may request to furnish the Commission assistance.

Now I want to get your idea on this. As I see it, that order does not even remotely authorize or purport to authorize the Displaced Persons Commission to make final determinations of anybody's eligibility under any other law, I mean under the displaced-persons law or any other law. This Executive Order 10003 merely designates the Displaced Persons Commission as the Commission to do what section 10 of the law says it shall do. That is correct, is it not?

Mr. VAUGHAN. Section 10 of the law, as I understand, also designates the Commission to establish its regulations.

Senator DONNELL. It can establish regulations, I have no doubt about that, but it cannot increase its own powers.

Mr. VAUGHAN. I don't understand the law enough.

Senator DONNELL. The only law under which the Displaced Persons Commission is undertaking to make these final determinations of eligibility is Executive Order 10003.

Mr. VAUGHAN. We have to operate, of course, under our regulations.

Senator DONNELL. One of your regulations does go much farther than the language of the order, I think.

Mr. VAUGHAN. That is right.

Senator DONNELL. You are operating as an employee under that regulation, I appreciate that fact, but so far as you know there is no legal foundation for the regulation to which you refer or any of the regulations other than as set forth in Public Law 774 and Executive Order 10003?

Mr. VAUGHAN. Correct.

Mr. ARENS. Mr. Vaughan, I would like to ask you at this time the same question I asked Mr. Tripp earlier today. The present law, as you know, provides a cut-off date of December 22, 1945, for eligibility. If that cut-off date were advanced, would the security risk to the United States Government be greater or less?

Mr. VAUGHAN. It would be greater.

Mr. ARENS. You are saying that on the basis of your observations and experience as an employe of the Displaced Persons Commission?

Mr. VAUGHAN. Yes.

Mr. ARENS. If you had power to set up a program as you think it ought to be set up and to write the law as you think it ought to be written, what would you do, what suggestion would you make from the standpoint of improving the situation in the administration of the law?

Mr. VAUGHAN. I think that experienced men are necessary in the operation. These experienced men, the men who have had experience in the operation of immigration laws, are necessary.

Mr. ARENS. Would you turn the operation of the program over to the Immigration Service and to the Foreign Service?

Mr. VAUGHAN. Either that or put those men in the Displaced Persons Commission.

Senator DONNELL. Now, Mr. Vaughan, you have told us that the Commission in making these determinations of eligibility is acting, so far as you know, under nothing except Public Law 774 and Executive Order No. 10003. That is correct, is it not?

Mr. VAUGHAN. That is correct.

Senator DONNELL. Then you perfectly properly told us that you—and I take it you mean as an employee of the Commission—are of course obligated to proceed under the regulations of the Commission and to act in accordance with that?

Mr. VAUGHAN. Yes.

Senator DONNELL. I call your attention to the fact that in the order of the President occurs this sentence which I read, namely:

> The Displaced Persons Commission is hereby designated as the agency which shall, subject to provisions of paragraph 2 hereof, make or prepare the investigations and written reports required by section 10 of the Displaced Persons Act of 1948 regarding the character, history, and eligibility under the said act of displaced persons seeking admission into the United States.

I call your attention to the fact that the Commission's regulation 700.8 says, first:

> (a) Upon the basis of the entire record, including the investigation and written statements, provided for in paragraph 700.7, the Commission shall make and prepare a written report as required by section 10 of the act and by Executive Order 10003, regarding the character, history, and eligibility under this act of each eligible displaced person selected for processing and preliminarily determined to be eligible for admisison under paragraph 700.6 (c).

Up to that point, I do not see any ground for criticism of the regulation, but the regulation starts in there with something that I think constitutes a lifting by its own bootstraps; it has no power whatsoever to do it. I want to read it to you and ask you if you find any authority either in the Executive Order 10003 or anywhere in the Public Law 774 authorizing this next sentence in the regulation:

> The report shall be deemed to establish, prima facie, the applicant's character, history, and eligibility under the act, and shall be deemed to establish, as conclu-

sive, the existence of all factors relating to eligibility to enter the United States except the existence of those factors required in the applicable immigration laws under the act.

Where is there any authority in Executive Order 10003 or Public Law 774 for that second sentence, the one I read you?

Mr. VAUGHAN. I see no authority for it.

Senator DONNELL. Thank you.

Senator KILGORE. You stated that if the date were changed from December 22, 1945, and brought forward to a later date, the security question would become much greater?

Mr. VAUGHAN. Yes, sir.

Senator KILGORE. It would become more hazardous?

Mr. VAUGHAN. Yes. As I explained later, even there we would have a shorter time to go back on investigation to know the background of the people. The people enter as late as January 1, 1949; that gives you 1 year or 2 years at the most to investigate their background.

Senator KILGORE. That is based upon the theory that the investigating process would be the same as is now carried on?

Mr. VAUGHAN. That is right.

Senator KILGORE. If the investigating process were made more complete and more detailed, would it be more hazardous?

Mr. VAUGHAN. Still the same problem would be there. The difficulty of obtaining information on these people before the date of entry would still exist.

Senator KILGORE. Those people who came in from behind the iron curtain?

Mr. VAUGHAN. Correct.

Senator KILGORE. On those who came in from other points there would be no additional hazard; would there?

Mr. VAUGHAN. Most of those people.

Senator KILGORE. In the actual IRO group at the present time there would be no additional hazard on those; would there?

Mr. VAUGHAN. No.

Senator KILGORE. Now, how long were you at Butzbach?

Mr. VAUGHAN. From October until August—October 1948 to August 1949.

Senator KILGORE. During that time what were you, a selector?

Mr. VAUGHAN. Selector and analyst and also handled the derogatory cases.

Senator KILGORE. There was some controversy there, was there not, about the question of people, whether or not people who were outside various zones on January 1, 1948, were eligible; was there not?

Mr. VAUGHAN. Not various zones; just outside of Germany.

Senator KILGORE. Outside of the zones in Germany?

Mr. VAUGHAN. That is correct.

Senator KILGORE. Was Mr. Cutler working there with you?

Mr. VAUGHAN. Yes.

Senator KILGORE. Did you have any argument with him about that?

Mr. VAUGHAN. No.

Senator KILGORE. On any case at all?

Mr. VAUGHAN. Not on those.

Senator KILGORE. Did you have any argument with him about a boy who was not present in the zone on January 1, 1948, whom he wanted admitted?

Mr. VAUGHAN. That is correct.

Senator KILGORE. Will you state for the benefit of the record just what occurred?

Mr. VAUGHAN. It was a young Balt. I don't remember what country he was from. He had been in Germany the prescribed time, but he had been in Holland, working in Holland, from 1946 on and returned to Germany some time after 1946.

Senator KILGORE. Some time after January 1, 1948?

Mr. VAUGHAN. Originally he had said that he returned after January 1, 1948. An assurance came through in his name and he was processed through and his statement was made that he did come or was in Germany on January 1, 1948. I challenged his statement and he was able to produce from Holland documents that stated he was in Germany, from his employers in Holland.

Senator KILGORE. You therefore approved it?

Mr. VAUGHAN. I let it go. I don't remember who wrote the approval.

Senator KILGORE. Did you have any altercation with Mr. Cutler about that before you finally wrote the approval?

Mr. VAUGHAN. None except that I insisted on stopping the case until approval came in.

Senator KILGORE. Did he object to stopping it until approval came in?

Mr. VAUGHAN. He didn't realize that the first investigation had been held and that I had interviewed the man before he got his assurance.

Senator DONNELL. Mr. Vaughan, is there anything you would like to volunteer into the record?

Mr. VAUGHAN. I have no statement.

Senator DONNELL. I want to say, by the way, on behalf of this subcommittee, that we very much appreciate you gentlemen who have come so far here to give us the benefit of this information.

The other gentleman whom we are to hear tomorrow is likewise from abroad?

Mr. ARENS. Yes.

Senator DONNELL. We appreciate very much all of you coming and giving us so patiently of your time and the information. We are very grateful for it.

We would like each of you, however, to remain under subpena of the committee until you are released. If you will keep in touch with Mr. Arens, he will notify you when the release is effective. We would hate to get you back to Munich or Ludwigsburg and find that we want you again for four or five more questions.

Tomorrow we will reconvene at 2 o'clock in the afternoon in the District of Columbia Committee room, which is over in the Capitol. So the subcommittee will stand in recess now until 2 o'clock tomorrow afternoon.

(Whereupon, at 4:45 p. m. the committee recessed to reconvene Thursday, February 16, at 2 p. m.)

DISPLACED PERSONS

THURSDAY, FEBRUARY 16, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 2:30 p. m., pursuant to recess, in the District of Columbia Committee room, the Capitol, Hon. Forrest C. Donnell (chairman of the subcommittee) presiding.

Present: Senators Donnell, Graham, and Ferguson.

Also present: Richard Arens, committee counsel.

Senator DONNELL. The committee will be in order, please.

I want to ask the generosity of the committee in excusing me for being late. There was a matter on the floor of the Senate that I thought was of such a nature that I ought to be there.

Senator GRAHAM. I will say that you are generally a minuteman. In view of that fact, I was here at 2:29.

Senator DONNELL. Well, I appreciate the compliment.

Mr. Arens, will you proceed?

Mr. ARENS. I think you wanted to hear from Mr. Vaughan again. But before Mr. Vaughan takes the stand again, I would like to have inserted in the record this document which we have received from the State Department and which the committee asked for yesterday. It is a memorandum or directive with reference to the responsibilities of the Displaced Persons Commission in making determinations of eligibility.

Senator DONNELL. It will be introduced in the record and made a part thereof.

(The document referred to is as follows:)

DEPARTMENT OF STATE

WASHINGTON

(Foreign Service Visa Circular No. 12, February 23, 1949. Unclassified)

Subject: Visa applications executed by displaced persons under the Displaced Persons Act of 1948.

1. PURPOSE

The Department has received a number of inquiries as to whether Foreign Service officers outside Austria, Germany, and Italy are expected to process visa cases of displaced persons applying under the Displaced Persons Act of 1948. This circular is being issued for the purpose of instructing Foreign Service offices regarding the action which should be taken on immigration visa applications submitted by eligible displaced persons under the act of 1948.

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2. RESPONSIBILITIES OF DISPLACED PERSONS COMMISSION

Under the Displaced Persons Act of 1948, the Displaced Persons Commission is required to initiate action in each case upon receipt of appropriate documents from the sponsor of a displaced person. The Commission has sole responsibility for determining who may be considered an "eligible displaced person" within meaning of the act of 1948. In carrying out this responsibility, the Commission must (*a*) determine the sufficiency of evidence regarding available employment and housing; (*b*) arrange for appropriate screening; and (*c*) prepare a written report.

3. PRESENT AREA OF ACTION BY COMMISSION

At present the Commission is processing only cases of eligible displaced persons who are now resident in Italy, the American, British, or French zones of Germany or Austria, or the American, British, or French sectors of Berlin or Vienna, and who were in one of these areas on January 1, 1948, and who were there on or after September 1, 1939, and on or before December 22, 1945.

4. FUTURE AREA OF ACTION BY COMMISSION

The regulations of the Displaced Persons Commission contemplate handling cases outside Austria, Germany, and Italy but no such case has been considered thus far and it is impossible at this time to state when the Commission will give consideration to such cases.

5. FOREIGN SERVICE PROCEDURE

No Foreign Service post shall process any visa application submitted by a displaced person until the Displaced Persons Commission has taken the three necessary steps outlined in paragrph 2 above to determine the eligibility of a displaced person under the Displaced Persons Act of 1948. All persons interested in sponsoring the immigration of displaced persons or displaced orphans to the United States under the act of 1948 should be advised to communicate directly with the Commission.

6. DISTRIBUTION

This circular is being distributed to all Foreign Service posts.

Senator DONNELL. Mr. Vaughan, will you step forward, please, sir? You were sworn yesterday, I believe, sir?

Mr. VAUGHAN. Yes, sir.

Senator GRAHAM. Mr. Chairman, I missed Mr. Vaughan's testimony yesterday. I do not want to delay the proceedings, but could you give me a 2-minute summary?

Senator DONNELL. Perhaps Mr. Arens can give you that from his notes better than I can.

Mr. ARENS. I will give you that summary off the record.

Senator GRAHAM. Following the synopsis of your testimony, Mr. Vaughan, I would like to ask you this: Do you have any suggestions as to how we can make the security provisions better?

TESTIMONY OF FRANK BENJAMIN VAUGHAN, JR.—Resumed

Mr. VAUGHAN. I think the provisions are there. It is a matter of strengthening the administration of the law.

Senator GRAHAM. Then you have no suggestions for amendments to the law? You indicate that there is a need for strengthening the administration of the law.

Mr. VAUGHAN. I believe the wording of the law is as definite as it could be on strengthening the security angle.

Mr. ARENS. I believe you did express yourself yesterday in the general area of the Senator's question with reference to your opinion as

to whether or not greater efficiency would be accomplished if the administration of the law were vested in the Immigration and Naturalization Service and in the Foreign Service as distinguished from the Displaced Persons Commission.

Mr. VAUGHAN. Yes; or men of experience.

Senator GRAHAM. You are not indicating by that statement that the consular service and the Immigration Service do not have to finally pass on anybody that gets into the United States?

Mr. VAUGHAN. They do.

Senator GRAHAM. Neither the International Refugee Organization nor the Displaced Persons Commission can admit anybody into the United States?

Mr. VAUGHAN. That is correct.

Mr. ARENS. But the determinations made by the Displaced Persons Commission under the present practice are binding upon the Immigration Service and the consular service?

Mr. VAUGHAN. Yes; as to eligibility under Public Law 774.

Senator GRAHAM. But not as to the eligibility to be admitted into the United States?

Mr. VAUGHAN. That is right; not as to admission under the immigration law.

Senator DONNELL. All right, Mr. Arens; will you proceed with your examination, please?

Mr. ARENS. Mr. Vaughan, I have just one area of inquiry, here. Do you have knowledge of the Bilik case which was processed by the Displaced Persons Commission?

Mr. VAUGHAN. Yes; I do.

Mr. ARENS. Will you just tell us in your own words the essence of that case?

Mr. VAUGHAN. The Bilik case is one that has been processed complete to the visa issuance before the Immigration and Naturalization Service inspection. We were able by some quirk of the man's mind to discover that he was not an eligible displaced person. It seems that he was interested in something that was in the Medical Section of the Public Health Office. While he was in there, the camp police noticed his presence at night and went after him. This man, Bilik, was able to escape, but the thought was that they might make him report to them if they took his belongings from his room and held them until he returned.

When they went into his room, they gathered up his belongings, and under the mattress in his room they found a leather pouch which they turned over to the consular service the next morning. They called me and we opened the pouch and discovered pictures of the applicant in a Russian uniform.

The entire information was turned over to the Counter Intelligence Corps and the individual was apprehended. So far as I know, he was tried for perjury and convicted.

Mr. ARENS. I believe that is the only thing I wanted to ask you about.

Senator DONNELL. Do you care to ask any questions, Senator?

Senator GRAHAM. The CIC discovered this perjury, so this Mr. Bilik was not further processed?

Mr. ARENS. He had been processed by the Displaced Persons Commission.

Mr. VAUGHAN. His papers were absolutely clear.

Senator GRAHAM. Did the Displaced Persons Commission have any knowledge of this pouch?

Mr. VAUGHAN. No.

Senator GRAHAM. Then that was new evidence?

Mr. VAUGHAN. That is right.

Senator DONNELL. Mr. Vaughan, do you know what the likelihood would have been of this information about this man having been a Russian soldier being discovered had the application been made to the Berlin document center?

Mr. VAUGHAN. The application had been made. That is done automatically in all cases.

Senator DONNELL. Perhaps I should have put it this way. Suppose that the Displaced Persons Commission had received the report on Mr. Bilik from the Berlin document center before the Commission had processed the case.

Mr. VAUGHAN. It would have made very little difference. As Mr. Tripp pointed out, the Berlin document center will only have papers on people who have Nazi affiliation.

Mr. ARENS. Had there been a thorough security investigation?

Mr. VAUGHAN. Yes; as complete as time would permit.

Mr. ARENS. I say, if there had been a thorough security investigation, on the basis of your knowledge of the facts and of the procedures over there, what is the likelihood that this situation would have been discovered before the man was actually processed by the Displaced Persons Commission?

Mr. VAUGHAN. It is very doubtful that it would have been.

Senator GRAHAM. It would have been very doubtful?

Mr. VAUGHAN. Yes; that it would have been discovered.

Senator DONNELL. Thank you, Mr. Vaughan.

We will now hear the testimony of Mr. Craig.

Mr. Craig, will you come forward, please? Will you raise your right hand, sir?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CRAIG. I do.

TESTIMONY OF LOUIS G. CRAIG, SELECTOR, DISPLACED PERSONS COMMISSION, RASTATT, GERMANY

Senator DONNELL. Will you proceed with your examination, Mr. Arens?

Mr. ARENS. Mr. Craig, will you kindly state your full name, and identify yourself by occupation and give the committee, if you please, a word of your personal background.

Mr. CRAIG. My name is Louis G. Craig. I am a selector with the United States Displaced Persons Commission at Rastatt in the French zone of Germany.

Mr. ARENS. Will you give us a word of your background, if you please.

Mr. CRAIG. Prior to coming with the Displaced Persons Commission, I was Chief of the Priority Claims Division of the War Assets Administration in West Virginia. Prior to that time, I had been in the newspaper field in West Virginia. I had been in the Army, and prior to going into the Army I was a newspaper reporter in West Virginia.

Mr. ARENS. How long have you been with the Displaced Persons Commission?

Mr. CRAIG. Since March 15, 1949.

Mr. ARENS. Where did you first serve with the Displaced Persons Commission?

Mr. CRAIG. In Washington.

Mr. ARENS. How long were you assigned in Washington?

Mr. CRAIG. Fifteen days.

Mr. ARENS. Then where did you go or what did you do?

Mr. CRAIG. I went to Frankfurt on the 1st of April, 1949.

Mr. ARENS. Just tell us the sequence of your service, if you please.

Mr. CRAIG. I was in Frankfurt until April 28, 1949. I was then transferred to Butzbach and was at Butzbach until approximately September 28, 1949. That is Butzbach, Germany, in the American zone. From that time, I have been in Rastatt in the French zone.

Mr. ARENS. Who was your senior officer at Butzbach?

Mr. CRAIG. Mr. M. D. Bashein.

Mr. ARENS. What is Mr. Bashein's background from the standpoint of former affiliations?

Mr. CRAIG. I understand that he came to the Displaced Persons Commission from the American Joint Distribution Committee.

Senator DONNELL. What is that committee? Of course, I am sure it is in the record from the testimony of other witnesses.

Mr. CRAIG. The American Joint Distribution Committee is a Jewish agency for the purpose of immigration.

Mr. ARENS. Did you have occasion to have a conversation with Mr. Bashein with respect to derogatory CIC reports?

Mr. CRAIG. On occasion Mr. Bashein held staff conferences. The only time that that matter came up was at one meeting, I think, sometime in late May or early June, in which he stated that black marketing was not to be considered a crime or derogatory information on displaced persons. He stated that he had contacted the CIC and had put the pressure on them, and that there would be no more derogatory reports issued by them. He said further that the individual who had been issuing most of the derogatory reports had been transferred.

Senator GRAHAM. Was he refering to any derogatory statements or was he referring to derogatory statements about black marketing?

Mr. CRAIG. That was his statement.

Now, in my position at Butzbach as selector, I never had occasion to check the CIC reports. The CIC reports were checked by the handlers. As a result, the contents of those reports at that post was a mystery to me; that is, unknown to me.

Speaking on black marketing, however, Mr. Bashein did say this—that he did not consider black marketing a crime, because of the fact that these individuals had been persecuted by the Nazi Government, and if they had gone into legitimate enterprises or legitimate businesses, it would have been contributing to the economy of Germany

and, therefore, that would be helping the German people who had persecuted them.

It was against their policy.

Mr. ARENS. Did Mr. Bashein indicate in this staff conference that he was the moving force which caused the transfer of the CIC man who had been giving derogatory reports?

Mr. CRAIG. He did.

Mr. ARENS. What did he say on that point specifically, as you recall?

Mr. CRAIG. He said that individual who had been giving these derogatory reports—that he had put pressure on, and that the individual who had been giving these derogatory reports had been transferred.

Senator GRAHAM. He had put the pressure on whom?

Mr. CRAIG. On the CIC.

Senator GRAHAM. Do you mean the headquarters of CIC?

Mr. CRAIG. He did not elaborate on that.

Mr. ARENS. At Butzbach, were you, as an employee of the Displaced Persons Commission, permitted to be in the file room where the files were?

Mr. CRAIG. Not after sometime in June, I think.

Mr. ARENS. Were other employees in the same category as yourself, other selectors or case analysts, permitted in the file room?

Mr. CRAIG. There were three people permitted in the file room, Mr. Bashein, Mr. Barron, and Mr. Tierney. Later Mr. Tierney[1] went into the position of analyst and his job was taken by Mr. Weiner who was permitted to go into the file rooms.

Mr. ARENS. Was the HIAS representative permitted in the file room?

Mr. CRAIG. It was stated that he was.

Mr. ARENS. Who stated that he was?

Mr. CRAIG. The HIAS representative.

Mr. ARENS. What is the HIAS?

Mr. CRAIG. That is the Hebrew Immigrant Aid Society.

Mr. ARENS. Who hired Mr. Bashein?

Mr. CRAIG. To the best of my knowledge, Mr. Rosenfield.

Senator DONNELL. What did this HIAS representative have to do in the file room? What business did he have in there?

Mr. CRAIG. I cannot answer that question.

Mr. ARENS. Generally speaking, would you say that the HIAS people and the AJDC people and the other people representing the relief agencies were given pretty much the free run of the office?

Mr. CRAIG. No. You see, the AJDC is composed of the HIAS organization and the United Service for New Americans.

Mr. ARENS. Do I understand you to say, Mr. Craig, that the representative of HIAS was given free run of the office?

Mr. CRAIG. Yes; the HIAS representative.

Senator DONNELL. By "free run of the office," you mean access to everything in the office, including the file room?

Mr. CRAIG. That is right.

Senator DONNELL. Does that mean that he could go into the files and look in the files?

[1] Bernard D. Tierney.

Mr. CRAIG. That is right. That was his statement.

Mr. ARENS. Whose statement?

Mr. CRAIG. The representative of HIAS, Mr. Lippman.

Senator DONNELL. Mr. Lippman told you that he was permitted to go into the files?

Mr. CRAIG. He discussed that. The question came up. You see, we ate at the military mess at Butzbach. The single Displaced Persons Commission employees, the representative of HIAS, and of the NCWC ate there.

Shortly after this order was issued by Mr. Bashein, the NCWC representative attempted to go down into the file room to check a report at one time and he was told that he was not permitted there.

Senator DONNELL. That was what organization's representative?

Mr. CRAIG. The representative of the National Catholic Welfare Conference.

Senator GRAHAM. Do you mean that the representative of one voluntary association was allowed access to the files and that the representative of another voluntary association was not allowed access to the files?

Mr. CRAIG. Yes, sir.

Senator GRAHAM. How could that be the case?

Mr. CRAIG. I cannot answer that question.

Senator DONNELL. Why should any of them have any access to the files?

Mr. CRAIG. That I cannot answer.

Senator DONNELL. What did Mr. Lippman say on this occasion at the dinner table?

Mr. CRAIG. He said, "That is nothing. If there is any information that you might desire, I will get it for you. I have free access and I can go in there any time I wish."

Mr. ARENS. Did you hear him say that?

Mr. CRAIG. Yes, sir.

Mr. ARENS. Is he still over there with the HIAS?

Mr. CRAIG. That I cannot answer.

Senator DONNELL. Now, this was in Butzbach?

Mr. CRAIG. Yes, sir.

Senator DONNELL. Did you ever see him in the file room?

Mr. CRAIG. No, sir.

Senator DONNELL. You did not get in there yourself?

Mr. CRAIG. No, sir.

Senator DONNELL. Did you ever ask to go into the file room?

Mr. CRAIG. After the order came out, I never attempted to do so.

Senator DONNELL. Do you mean after the order that you could not go in there?

Mr. CRAIG. That is right.

Senator DONNELL. It was after that order was issued that Mr. Lippman said to this other representative of another organization that he, meaning Mr. Lippman, could go in and get whatever information was wanted. Is that right?

Mr. CRAIG. That is right, sir.

Senator DONNELL. You heard him say that?

Mr. CRAIG. Yes, sir.

Senator DONNELL. Who else was present when that was said?

Mr. CRAIG. He was talking to a Mr. Tucci.

Senator DONNELL. Who is Mr. Tucci?

Mr. CRAIG. He was the NCWC representative at that time.

Senator DONNELL. Who else was present and heard that remark, if you know, or was sufficiently close to hear it?

Mr. CRAIG. I would not be able to definitely say, because the others may not possibly have been paying much attention to the conversation. It was at this table. There were usually eating together at that time Miss Kennedy and Mr. Wolfe,[1] I believe.

Senator DONNELL. Now, that conversation took place at a dinner table in what dining room?

Mr. CRAIG. In the military mess at Butzbach.

Senator DONNELL. Do you know the date of that statement by Mr. Lippman?

Mr. CRAIG. It was shortly after the order by Mr. Bashein.

Senator DONNELL. About when was that order issued?

Mr. CRAIG. The order was issued on June 14, 1949.

Senator DONNELL. What did the order say?

Mr. CRAIG. The order said:

Effective immediately the only members of the staff allowed to consult the records are Mr. Samuel Barron, Mr. Carey, and the senior officer.

Senator DONNELL. Are you reading from the copy of the order that was delivered to you?

Mr. CRAIG. Yes, sir.

Senator DONNELL. You are sure that it was shortly after the date of that order that Mr. Lippman said to this representative of the NCWC just what you have narrated?

Mr. CRAIG. Yes, sir.

Mr. ARENS. Mr. Craig, will you kindly find Memorandum No. 51, dated April 11, 1949, from Mr. Bashein to his staff and voluntary agencies, with reference to the correction of false statements, and will you please just read that.

Mr. CRAIG. Memorandum 51 is dated April 11, 1949. It is from Mr. M. D. Bashein, senior officer of area 1, and is addressed to "all members of the staff and voluntary agencies."

The subject of the memorandum is: "False statements and falsification of documents by applicants." The text of the memorandum is as follows:

1. The following is quoted from a memorandum from United States Displaced Persons Commission, headquarters Frankfurt, dated April 1, 1949, for your information and you are urged to implement this directly in any case that comes to your personal attention.

"1. You will be interested to know that the consular service has for some time liberalized its policy toward those persons who may have misrepresented facts prior to or in the course of making application for immigration to the United States. Consular officers have been instructed to advise each candidate as he appears for interview that should he wish to make any correction of previous statements or falsification of documents, he may do so without necessarily prejudicing his case up to the time he gives sworn testimony which results in the issuing of the visa. This principle does not apply, of course, where the falsification involves perjury. The reasoning behind this position is well understood. Innumerable displaced persons once made misrepresentations in the sincere effort to protect themselves against retaliation from authorities representing governments from which they have taken refuge.

[1] Margaret Kennedy and William C. Wolfe.

"2. It is unlikely, however, in the tense moments which surround the consular interview, that a candidate would alter the position which he has previously taken and which is on record. It is stressed, consequently, that every effort should be made during the early period of documentation to encourage applicants to alter any falsely presented facts in the registration forms or elsewhere and thus protect themselves against conflicting evidence that may adversely affect their later immigration status. It has been suggested in this connection that posters in appropriate languages be utilized through resident camps suggesting this as an advisable authoritative course."

A copy of this memorandum was sent to Mr. T. Burke, vice consul.

Mr. ARENS. Now, was that implemented by oral instructions from Mr. Bashein?

Mr. CRAIG. I do not understand your question.

Mr. ARENS. Did Mr. Bashein give general policy directives with reference to implementing or supplementing that document which you have just read into the record?

Mr. CRAIG. Mr. Bashein constantly gave us memorandums.

Senator DONNELL. What did Mr. Bashein say about this Memorandum No. 51?

Mr. ARENS. What I wanted to know is this: What did Mr. Bashein tell you and what policy did he establish in running that office with reference to conferences by the staff members with people who had previously given false statements?

Mr. CRAIG. Well, we were not permitted to talk to individuals ourselves. He at times conversed with the applicants for immigration. There were also times when Mr. Vaughan [1] talked to them. That was the case until he was transferred, or, until he went on his vacation. After he came back from his vacation, he was transferred.

Mr. ARENS. What was the general policy with reference to cases in which a man had previously been turned down because of falsification, where his case was now before the Displaced Persons Commission employees—I understand that you did not get to talk to them—but what was the policy with reference to turning a man down who had made previous false statements and had been rejected because of his false statements?

Mr. CRAIG. Those cases bypassed me. I did not have anything to do with them.

Mr. ARENS. May I invite your attention to the Bakst case.

Mr. CRAIG. The Bakst case was an agency case in which IRO had certified the individual to have entered Germany some time in June 1946.

Mr. ARENS. Therefore, under that date line, he would be clearly ineligible, would he not?

Mr. CRAIG. Yes. He was from Poland. I disqualified him. Also in that case was a strong statement from the IRO certification officer in which Army authorities had declared that he had not entered until 1946. His work records showed that he did not register with the IRO or with, I believe, UNRRA, until 1946. I disqualified him upon that basis.

The case was then turned over to Mr. Bashein who called me in and asked how I came to my conclusions. I said that I had from the records of the case.

He said, "Well, can't they be wrong?"

[1] For the testimony of Frank B. Vaughan, see p. 722.

I said, "I do not know. They were substantial to me."

He said, "Do you not think we should call that individual in for an interview?"

I said, "Well, that is within your scope. You are the senior officer."

So he did call the individual in for an interview later and, in my presence, he asked him some questions.

Mr. ARENS. What language did Mr. Bashein use in talking to him?

Mr. CRAIG. The Yiddish.

Mr. ARENS. Did you understand the Yiddish language?

Mr. CRAIG. No, sir.

Mr. ARENS. Will you go ahead, please.

Mr. CRAIG. Mr. Bashein explained to this man that to be eligible under the act he must have entered Germany prior to December 22, 1945. The individual was more or less in a state of tears and so forth. Then Bashein asked him directly if he had entered prior to that time and he replied that he had. Mr. Bashein then turned to me and told me his answer. He said, "Do you see, that is another example of where the IRO has made an error."

I said, "Well, if he entered, where did he come to?"

Mr. Bashein asked this man, and he stated that he came in with a trainload of possibly 150 others to Frankfurt some time in December 1945, before December 22. Mr. Bashein interpreted the answers to his questions to me.

Senator DONNELL. How do you know that Mr. Bashein told this man the proper date before he asked him the question?

Mr. CRAIG. Mr. Bashein was interpreting the answers to me.

Senator DONNELL. In other words, what Mr. Bashein was asking this man in Yiddish, he was repeating to you in English; is that right?

Mr. CRAIG. That is right.

Senator DONNELL. Did Mr. Bashein or did he not give this date of December 22, 1945, to this man before the man said when he came in?

Mr. CRAIG. Mr. Bashein did not give him the date.

Senator DONNELL. What did he say?

Mr. CRAIG. Mr. Bashein said that he must have entered in December of 1945.

Mr. ARENS. In other words, Mr. Bashein told the man that to be eligible, he must have come in there in December 1945, and at the same time, told him that in the file on the case the IRO had declared him to be ineligible?

Mr. CRAIG. IRO had not declared him ineligible.

Mr. ARENS. But the IRO had declared that he had come in after the date?

Mr. CRAIG. That is right.

Mr. ARENS. Other security information also indicated that, but after Mr. Bashein had this conference with the man in a tongue which you did not understand, Mr. Bashein ordered the man to be approved. Is that right?

Mr. CRAIG. That is right.

Senator DONNELL. Mr. Bashein interpreted to you what this man said to him?

Mr. CRAIG. That is right.

Senator DONNELL. Now, I want to be clear about this. It is important, I think. Tell us again, without my interruption in any

way, what Mr. Bashein said and what he did in the way of talking with this man, and then tell us what Mr. Bashein said to you.

Mr. CRAIG. Mr. Bashein talked to this man.

Senator DONNELL. Was that in Yiddish?

Mr. CRAIG. Yes.

Mr. ARENS. Were you there when that was going on?

Mr. CRAIG. Yes.

Mr. ARENS. What did he do?

Mr. CRAIG. Mr. Bashein explained to me what he told this man.

Mr. ARENS. What did he say?

Mr. CRAIG. Mr. Bashein said that he had explained to this man that, in order for him to be eligible, he must have entered prior to December 1945. He gave him no date.

Senator DONNELL. What else did Mr. Bashein tell you?

Mr. CRAIG. He said, "Now, what question would you like me to ask him?" Before saying that, he said, "You see, the IRO makes plenty of mistakes."

I said, "Ask him, then, where he came to."

Senator DONNELL. Up to this point, had Mr. Bashein gotten the information from this man that he had come in before December 1945?

Mr. CRAIG. Yes, sir.

Senator DONNELL. Well, you left that out. Now, let us start over again.

Mr. Bashein talked to this man in Yiddish and you did not understand a word of what was going on?

Mr. CRAIG. That is right.

Senator DONNELL. Then Mr. Bashein turned around to you and told you that he had said something to this man, Mr. Bakst.

Mr. CRAIG. That is right.

Senator DONNELL. What did Mr. Bashein tell you he had said to Mr. Bakst?

Mr. CRAIG. He told me that he had explained to this man that his case file was being investigated, and that in order for him to be eligible, he must have entered Germany prior to December 1945.

Senator DONNELL. Now, what else, if anything, did Mr. Bashein tell you transpired in the conversation between him and Mr. Bakst?

Mr. CRAIG. Mr. Bashein said that Mr. Bakst had replied that he had entered prior to that time.

Senator DONNELL. Mr. Bakst had replied that he had entered prior to that time?

Mr. CRAIG. Yes, sir.

Senator DONNELL. Are you sure that is what Mr. Basheim told you?

Mr. CRAIG. Yes, sir.

Senator DONNELL. Is there any doubt in your mind about that?

Mr. CRAIG. No, sir.

Senator DONNELL. If you are in doubt at all, just tell us about it. The question I am trying to bring out is whether Mr. Basheim had in advance given this man that date or whether the man thought of the date himself first.

Mr. CRAIG. Mr. Basheim did not give him the date of December 22.

Senator DONNELL. I do not mean the exact date. Did Mr. Bashein tell this man that he must have been there before December 1945,

before Mr. Bakst said that he got there before December 1945, or did Mr. Bakst say that he got there before December 1945 and did Mr. Basheim then tell Mr. Bakst that that was the time he must have gotten there to be eligible?

Mr. CRAIG. No. Mr. Basheim told him that he must have arrived before December 1945, before Mr. Bakst told him that he had gotten there before December 1945.

Senator DONNELL. Then Mr. Basheim told Mr. Bakst that he must have been there before December 1945, prior to the time that Mr. Bakst told him when he arrived?

Mr. CRAIG. Yes, sir.

Senator DONNELL. What did Mr. Bakst say?

Mr. CRAIG. Mr. Bakst replied that he had gotten in Germany before December 1945. Then Mr. Basheim told me, "You see, the IRO often makes mistakes."

I then said, "Well, ask him where he came to."

Mr. Bashein said, that was a fair question. Mr. Bakst said that he came to Frankfurt, Germany.

I then asked Mr. Bashein to ask Mr. Bakst if there was anyone with him and he said that there were approximately 150 people. I then asked Mr. Bashein to ask Mr. Bakst whether he could get any of those individuals and could name them, persons who could substantiate that he had entered then, and Mr. Bashein said that Mr. Bakst could not remember. I then asked Mr. Bashein to ask Mr. Bakst whether he had stayed at the Bahnhof,[1] the synagogue, or the hotel, and he could not remember that. But Mr. Bashein said that that was immaterial because of the fact that Mr. Bakst had said that he had arrived in Germany prior to the cut-off date.

Mr. ARENS. Did Mr. Bashein order the case to be passed?

Mr. CRAIG. He said that I should, therefore, pass it. I told him that I would have to take the statement of IRO officials and of the Army and refuse to pass the case, whereby he said he would send the case back to the IRO in view of this evidence, but instead of that, he passed the case himself.

Senator DONNELL. Do you mean he passed the case himself without sending it back to the IRO?

Mr. CRAIG. Yes, sir.

Senator DONNELL. Are you sure of that?

Mr. CRAIG. Yes, sir.

Mr. ARENS. Now, Mr. Craig, may I invite your attention to the Rosenberg case. Does that name mean anything to you?

Mr. CRAIG. It is Rosenberg or Rosenfeld. I am not positive which it is.

Mr. ARENS. Tell us about the case.

Mr. CRAIG. That is a case that I got which was a very large dossier. Apparently, it had been before the consulate, but I do not know whether under the Truman directive or under the immigration, but it had been refused. The case contained several passports. I rejected the case upon section 10 and turned it over to Mr. Vaughan.

Mr. ARENS. What is section 10, in general?

Mr. CRAIG. It deals with false documents. I turned it down upon the ground that the individual could not have several different pass-

[1] Railroad station.

ports without one of them being false. The individual had traveled in Europe and had a financial statement which was very lucrative.

Mr. ARENS. What do you mean by "lucrative"? Could you express yourself more specifically on that?

Mr. CRAIG. His monetary returns from the years 1936 to the current time, which was in 1948, were much above the highest salaries that predominated in those areas during that time.

Mr. ARENS. What would be your estimate of the amount?

Mr. CRAIG. More than $10,000 a year.

Mr. ARENS. Will you proceed?

Mr. CRAIG. I would like to amend that statement and say instead 10,000 marks, better than that, sir.

Now, he had been in France, he had been in Hungary, and he had been in Germany. He had used these various passports to get by during the war period. He had been captured by the Army and had been discharged through the presentation of the French passport. That was also in the file.

Later on, I got the case back and, I think, I turned it over to Mr. Vaughan, and it rested in his desk for some time. I got the case back and called the individual in for interviews. He wondered how some of those documents were still in the case. But they were there.

Later on, Mr. Bashein took the case. The last I know of it, the case was turned over to other members of the staff to process the case.

Senator DONNELL. Did they approve it?

Mr. CRAIG. He was approved.

Senator DONNELL. Do you mean he was approved for entry to the United States?

Mr. CRAIG. That is my understanding. I did not see it.

Senator GRAHAM. Who was it that approved it?

Mr. CRAIG. I do not know exactly, but I think it was Mr. Ryan.

Mr. ARENS. Do you have any information as to whether or not Mr. Bashein went to the American consulate to get the case processed through the American consulate?

Mr. CRAIG. I know that the American consulate was interested in the case.

Mr. ARENS. Do you know whether or not Mr. Bashein made approaches to the American consulate on the case?

Mr. CRAIG. I cannot say.

Mr. ARENS. You are not sure of that?

Mr. CRAIG. That is right.

Senator GRAHAM. Are you sure that it was Mr. Ryan?

Mr. CRAIG. I am not actually positive as to that, but I am quite certain it was Mr. Ryan.

Mr. ARENS. What percentage of the cases which you turned down because, in your judgment, the applicants were ineligible, were overruled?

Mr. CRAIG. I would say better than 50 percent.

Mr. ARENS. More than 50 percent of the cases which you rejected——

Mr. CRAIG. Not rejected.

Mr. ARENS. I should say overturned.

Mr. CRAIG. They were disqualified.

Senator GRAHAM. How many of those got into the United States?

Mr. CRAIG. That would be a difficult question to answer, because when they finally went through, they went through other hands.

Senator GRAHAM. But the consular service of the State Department and the Immigration and Naturalization Service would still have to judge whether that person was admissible to the United States?

Mr. CRAIG. That is right. They got through the Displaced Persons Commission, but whether they got through the consular service and Immigration Service, I cannot say.

Mr. ARENS. But the consular service and the Immigration Service do not, under the present practice, make any determination with reference to a man's eligibility as a displaced person or whether or not he came into the zone at the proper time or whether or not he complies with any of the provisions of the displaced-persons law? Is that so?

Mr. CRAIG. Now, early——

Mr. ARENS. Is that true or not?

Mr. CRAIG. At the present time, yes, but during that period of time, and this was along in May or June, the consular service did inquire into the date of entry.

Mr. ARENS. That was before this directive went out telling them in effect, and a similar directive went to the Immigration people telling them the same thing, that the determinations by the Displaced Persons Commission on the eligibility of the applicant under the law would be the exclusive province of the Displaced Persons Commission. Is that so?

Mr. CRAIG. That is right.

Senator DONNELL. Will you identify what you have just referred to?

Mr. ARENS. I have referred to the document which we have introduced into the record and which has been received from the Department.

Senator DONNELL. Will you give the date or the number of it, please?

Mr. ARENS. It is Visa Circular 12 of the Foreign Service.

Senator GRAHAM. After this directive and after any changes in regulations of any kind, it still was true, as far as you know, that the consular service of the United States Department of State, and the Naturalization and Immigration Service had complete and final authority to determine whether anybody should be admitted into the United States under any interpretation of the law?

Mr. CRAIG. That is right. However, in talking to some of the vice consuls, I found that their interpretation was that the Displaced Persons Commission made the complete reports as to eligibility. The only thing that they checked was the Public Health record, I mean the health record of the applicant. They also gave him his literacy test and swore him in for the visa.

Senator GRAHAM. We have had other witnesses here who have stated categorically that the consular service and the Immigration and Naturalization Service had the complete and final authority with regard to whether a person was qualified to be admitted into the United States, but not with regard to whether a person was a displaced person or not.

Mr. CRAIG. I thought you were talking about the eligibility of the displaced person.

Senator GRAHAM. I was not. I was very distinct in saying that I was talking about the admissibility of the displaced person into the United States.

Mr. CRAIG. Then I misunderstood you.

Senator GRAHAM. Admissibility into the United States is determined by Americans in the Immigration and Naturalization Service and in the consular service; is that right?

Mr. CRAIG. That is right, sir.

Senator GRAHAM. That is true regardless of any regulations, processings, or mistakes made previous to their consideration of the case?

Mr. CRAIG. That is right.

Mr. ARENS. What do you know about people working in the Russian legations or Russian soldiers coming to the United States as displaced persons?

Mr. CRAIG. I have processed cases where these individuals had been certified by the IRO and have received assurances from the United States. I questioned their eligibility but, under the law and under the IRO constitution, in the preselection stage, there is no way of stopping them because they do meet the requirements of our law. They do meet the requirements of the IRO. I did ask, however, that definite checks be made by the security officials as to whether they were a definite security risk or not and I asked that they be checked by the analyst.

Senator GRAHAM. Could not the consular service and the Immigration Service, if they had the slightest suspicion that a person was subversive, stop him?

Mr. CRAIG. They could. But this was before or rather as the individual began his processing for immigration.

Senator GRAHAM. I thought you said that Russian soldiers were getting into the United States. That would mean that they were getting by the Immigration Service.

Mr. CRAIG. Some of them possibly may have.

Senator GRAHAM. Do you know of any such cases?

Mr. CRAIG. I cannot name them; no, sir.

Senator GRAHAM. Can you find out in any way and let the Immigration Service know about such cases so that the individuals involved can be subject to deportation proceedings?

Mr. CRAIG. Well, the question would be this: These soldiers were taken prisoners by the Germans. Their last employment was as soldiers and then prisoners of war and residents of displaced persons camps. Unless you can get a security check that will declare them of Communist faith, it would be hard for the Immigration Service to stop them.

Mr. ARENS. Do you know of people who have worked in the Russian legations who have gotten through?

Mr. CRAIG. When I say "gotten through"——

Mr. ARENS. I assume you then mean getting through the Displaced Persons Commission?

Mr. CRAIG. That is right. I cannot say that they have gotten through.

Senator GRAHAM. What we are after here is all the information that we can get with regard to violations of security. When you said "gotten through," the impression that was made on me was that you meant that they had gotten into the United States.

Mr. CRAIG. No. I meant that they had gotten through our office.

Senator GRAHAM. But they still had to be processed by the consular service and by the Immigration Service?

Mr. CRAIG. Yes. When I said "gotten through," I was going only so far as I know, which is the Displaced Persons Commission.

Senator DONNELL. In determining, though, whether they could get into the United States, the consular service and the Immigration Service accepted the findings of the Displaced Persons Commission, as ultimately made, on whether or not the person had entered the zone prior to December 22, 1945, and whether he was there on January 1, 1948. Is that right?

Mr. CRAIG. That is right. With respect to those cases, I question very seriously whether there would be any doubt as to the individuals being in the zone, I mean in Germany, at the proper time.

Senator DONNELL. Senator Graham was bringing out, and perfectly properly, of course, that the Immigration Service and the consular service, one of them—I have forgotten which one he said——

Senator GRAHAM. Both of them.

Senator DONNELL. Both of them had the final determination as to whether or not the individual could get into the United States.

Mr. CRAIG. They do have that determination.

Senator DONNELL. But, as I understand it, it has been the practice over there for the consular service and the Immigration Service to accept, perhaps after going back and forth once or twice, to find out whether there has been any mistake, as final the decision of the Displaced Persons Commission as to whether or not any individual had come into the area prior to December 22, 1945, and as to whether he was there on January 1, 1948. Is that right?

Mr. CRAIG. That is right.

Senator DONNELL. So that the consular service and the Immigration Service did not determine for itself independently of what the Displaced Persons Commission had said, whether a person had gotten into the area by December 22, 1945, or whether he was there on January 1, 1948. Am I right on that?

Mr. CRAIG. You are right.

Senator DONNELL. Very well; thank you.

Mr. CRAIG. With regard to these Russian soldiers the twist of fate there is that they were entitled to a top priority because of the fact that they had fought against Axis forces.

Mr. ARENS. That was under the constitution of the IRO?

Mr. CRAIG. No, under the Displaced Persons Act or under regulations.

Mr. ARENS. Under the regulations of the Displaced Persons Commission, which stem from the law and the constitution of the IRO, persons who fought against the enemies of the United States are entitled to a priority; is that right?

Mr. CRAIG. That is right.

Senator GRAHAM. Let me ask this question at this point; I want to get this clear: Suppose the Displaced Persons Commission, on the

basis of the IRO findings, found that the person was in the camp prior to a certain date.

Senator DONNELL. That date would be December 22, 1945.

Senator GRAHAM. Yes, December 22, 1945. Suppose further that this person was a subversive. The law then puts upon the Immigration Service the duty to deny that person admission into the United States.

Mr. CRAIG. Well, Senator——

Senator GRAHAM. Let me finish the question. However clear his qualifications might be about the cutoff date, that puts no obligation on the Immigration Service to admit that person into the United States. Is that not correct?

Mr. CRAIG. You are right. Insofar as your statement is concerned, where the individual is known to be a subversive, the Displaced Persons Commission will stop him.

Senator GRAHAM. But what I am saying is that even though the case got by the Displaced Persons Commission, the consular service and the Immigration Service, not only have a moral obligation as Americans but have a legal compulsion, based on their oath of office, to deny that person admission to the United States.

Mr. CRAIG. I think you are right, there; yes, sir.

Mr. ARENS. In making their determination, of course, they have the file which is prepared by the IRO and by the Displaced Persons Commission to examine, do they not?

Mr. CRAIG. That is right.

Senator GRAHAM. Those files do not relieve them of the responsibility of obeying the law and the law gives five grounds, at least, for denying them admission into the United States. It names crime, disease, subversion, and one or two others.

Mr. ARENS. But in order for them to make a determination that the individual applicant is a subversive—and by "them" I mean the consular service and the Immigration Service—they first have to have something upon which they can make a determination, do they not?

Mr. CRAIG. I would think so.

Mr. ARENS. You heard the testimony yesterday of Mr. Tripp [1] to the effect that the Displaced Persons Commission has decided that they can take the calculated risk and not secure first information from the Berlin document center or from the provost marshal as to the security checks on these individuals, did you not?

Mr. CRAIG. I heard him make that statement.

Mr. ARENS. Do you have any information along that line?

Mr. CRAIG. As I say, the CIC reports at Butzbach I have no knowledge of. Now, at Rastatt, we do not send an individual through until we have the CIC report.

Mr. ARENS. How much time is the CIC normally allowed in checking its cases?

Mr. CRAIG. In the French zone, we have a different set-up. The check is made by the French Sureté. Immediately when the applicant is called for processing, we notify the Berlin document center and request a report. By the time the report is received from the French Sureté and the case is processed, we have received the report from the Berlin document center.

[1] See p. 647.

Mr. ARENS. Is that true in the American zone?

Mr. CRAIG. I cannot answer that question.

Mr. ARENS. Is the CIC permitted to investigate the date line and black-market activities under the present practice?

Mr. CRAIG. There again, I can only answer for the French zone.

Mr. ARENS. Will you tell as to the French zone?

Mr. CRAIG. The French Sureté will make a report. They have their own method of investigation. Now, if a case looks doubtful, we have our investigating group in the French zone that makes a double investigation. But our group is not permitted to make an investigation upon the date-line entry. The IRO certification is carte blanche.

Mr. ARENS. Then you are bound by the IRO certification?

Mr. CRAIG. We are.

Mr. ARENS. Was the Bashein directive effective in the French zone?

Mr. CRAIG. No; it was in the American zone.

Mr. ARENS. Under the Bashein directive, was the CIC ordered not to investigate the date line and to not investigate black-market activities?

Mr. CRAIG. The only thing I know on that is the statement which Mr. Bashein made at this meeting I have referred to that there would be no more derogatory reports given.

Mr. ARENS. Now, under section 13 of the act, no visa shall be issued to any person who is or who has been a member of or has participated in any movement which is or has been hostile to the United States or the form of government of the United States. What was Mr. Bashein's interpretation or directive to you in interpreting that section?

Mr. CRAIG. Well, when I first went to Butzbach, quite a number of Hungarian soldiers and other soldiers of the Axis forces came before me. I disqualified them under section 13, but I was informed that that did not apply to mere soldiers in military forces but rather to the political forces or to individuals holding ranks of field grades such as major, colonel, and general, and so forth.

Mr. ARENS. If a person was not in the political forces, and was not of the military rank of field grade, but had been a member of or had participated in a form of government or movement which was hostile to the United States or to the form of government of the United States, were you permitted to disqualify him?

Mr. CRAIG. Not for military service. Not until after a bulletin, instruction II, came out some time in September, I believe, August or September. Then we were told to refer the soldier cases to Frankfurt.

Mr. ARENS. Did you have a conversation——

Senator GRAHAM. You were to refer them to Frankfurt?

Mr. CRAIG. Yes; we were to refer them to the Frankfurt headquarters.

Mr. ARENS. Now, did you have a conference or a conversation with Mr. Rosenfield, one of the Displaced Persons Commissioners, with reference to the question of persecutees?

Mr. CRAIG. I had a conference, more or less of an elucidation, of the persecutee status in Rastatt on or about November 27, I believe. Mr. Rosenfield came to Europe some time in November and he sent a memorandum out to all individuals asking for observations and recom-

mendations. Throughout the period over there, the interpretation of "persecutee" was varied. Now, the IRO constitution declares that every individual of Jewish faith in a persecutee. I had taken the position that under the act an individual must show persecution under the Nazi regime.

Mr. ARENS. Now, the law says, does it not, that—let me read the law and see if this is the section to which you are referring.

Mr. CRAIG. May I continue for a moment before you do that?

Mr. ARENS. Go ahead.

Mr. CRAIG. I never was able to uphold a disqualification on one of those cases. Upon the occasion of Mr. Rosenfield's visit, I did ask him for clarification of the act, that is, section 2 (b) and section 2 (c) in writing, rather than verbally. I also asked him for the exact meaning of section 6 and section 7 in writing, rather than verbally. Further, I asked him for the exact meaning of section 13 of the act, the exact meaning of section 702 (g), (h), and (i) of the regulations in writing. I also asked him for the exact meaning of section 6 and 7 in writing, the clarification of "entry date" and "resettlement."

I further asked him for a clarification of what is a persecutee and of the terms "fled from" and "returned to" and "detained therein." I asked him to clarify the term "war circumstances" in writing and to explain what dates are applicable. I asked him for clarification of whether it is the displaced person's duty to prove himself eligible or whether it is the burden of the Displaced Persons Commission to determine to what extent documents submitted by the agencies should be accepted.

Senator DONNELL. What is that paper you are reading from?

Mr. CRAIG. This is a memorandum that I prepared and directed to Mr. Rosenfield, which was the subject of our conference.

Senator DONNELL. In other words, that is a memorandum containing questions that you were asking Mr. Rosenfield?

Mr. CRAIG. I was replying in this memorandum to his memorandum and listing questions I wanted to ask Mr. Rosenfield.

Senator GRAHAM. Mr. Chairman, may I interrupt, not with regard to this but with regard to my situation which causes me to have to leave. Now, I assume that what I miss here will be made available to me in the record?

Senator DONNELL. Certainly.

Senator GRAHAM. Since there have been many observations here about the Displaced Persons Commission itself, some being practically charges, do you not think it would be a good thing to call the Commission in here and let us quiz them about these charges?

Senator DONNELL. That would be perfectly proper and very advisable.

Senator GRAHAM. I feel that if people are under charges the only thing we can do is to at least give them a hearing.

Senator DONNELL. I think that is a very excellent suggestion.

Senator GRAHAM. So I make the suggestion to you that we have the Displaced Persons Commissioners here and that we confront them with these statements.

Senator DONNELL. That suggestion will be conveyed to the subcommittee. Personally, I am in favor of it. However, I am only one mem-

ber of the subcommittee, and I can only speak for myself, but I surmise that the other members will be in favor of it, too.

Senator GRAHAM. We want to get all of the information that we can in the interest of security and also in the interest of what is the accurate siuation and also in the interest of fairness to all concerned.

Senator DONNELL. That is exactly right.

Are there any questions you would like to ask Mr. Craig, which occur to you now, before you go.

Senator GRAHAM. I would like to confirm the impression that I have or have Mr. Craig indicate to me that it is not correct. Mr. Craig, how many Americans in various capacities have to pass on persons—and I am not talking about their eligibility as displaced persons, but rather about their admissibility into the United States. Can you tell me about that?

Mr. CRAIG. Now, will you elucidate a little further as to whether you mean by documentation or actually see the individual.

Senator GRAHAM. Well, in any situation whatever.

Mr. CRAIG. The Displaced Persons Commission passes upon the individual—the eligibility of the individual.

Senator DONNELL. What do you mean by "eligibility"? In what sense are you using that word?

Mr. CRAIG. Whether or not, within the meaning of Public Law 774, the displaced person is eligible.

Senator DONNELL. That is, eligible for immigration to the United States, providing he can pass the consular service and the Immigration Service.

Do you mean now whether or not the individual comes under the definition of a displaced person?

Mr. CRAIG. Either a displaced person or a refugee.

Senator DONNELL. Just a minute. First, whether he comes under the definition of eligibility as a displaced person under the terms of the Public Law 774?

Mr. CRAIG. Yes, sir.

Senator DONNELL. The Displaced Persons Commission passes on that; is that right?

Mr. CRAIG. Yes.

Senator DONNELL. Some of the information, however, that they get on that matter comes from the IRO; is that right?

Mr. CRAIG. I would not term the IRO an American organization.

Senator DONNELL. But I say that the Displaced Persons Commission gets the information from the IRO and accepts that information; is that right?

Mr. CRAIG. Yes.

Senaor DONNELL. And you use its finding as to whether or not a person is an eligible displaced person; is that right?

Mr. CRAIG. Yes.

Senator DONNELL. Now, does the Displaced Persons Commission also make any finding as to the character and history of the applicant?

Mr. CRAIG. They do from the information furnished by the IRO and by the Security agency, whether it be the CIC, the French Sureté in the French zone, or the British Intelligence in the English zone.

Senator DONNELL. Before the individual gets up to the Immigra-

tion Service or consular service for examination, what else, if anything, has the Displaced Persons Commission made a finding on?

Mr. CRAIG. First, the selector checks the IRO eligibility and makes a preselection. When the individual has been preselected, then he goes for the security check which may go to an American agency or may go to the French or the English. Then the case comes back to the Displaced Persons Commission and goes through an analysis report which involves an American. From there the consular service is notified.

Senator DONNELL. So when the case leaves the Displaced Persons Commission and goes over to the consular service, the Displaced Persons Commission has already made a finding as to whether the applicant was in the area on or before December 22, 1945, and as to whether he was there on December 1, 1948, and as to whether or not his history and character are good?

Mr. CRAIG. That is right.

Senator DONNELL. Without for the moment discussing where they get all of that information and upon whom they rely, that is what the Displaced Persons Commission will have determined before the applicant, his subject matter, comes before the consular service and the Immigration Service; is that right?

Mr. CRAIG. Yes.

Senator DONNELL. Is there anything else now that the Displaced Persons Commission passes on before the matter comes before the consular service or the Immigration Service?

Mr. CRAIG. Of course, the senior officer reviews it and analyzes his report.

Senator DONNELL. I understand he reviews it and all that.

Is there any other subject on which the Displaced Persons Commission makes a finding as to the applicant before the case of the applicant goes over to the consular service and Immigration Service?

Mr. CRAIG. No.

Senator DONNELL. Very well. Senator Graham, do you care to take it up from that point?

Senator GRAHAM. Yes, Mr. Chairman.

Senator DONNELL. Let the record show the presence of Senator Ferguson.

Senator GRAHAM. I want to be sure that Americans have some responsibility and have, in fact, the legal responsibility of determining whether a person is admissible to the United States.

Mr. CRAIG. That is right.

Senator GRAHAM. That is the consular service and the Immigration and Naturalization Service.

Mr. CRAIG. After the case goes to the consular service and before he checks him, the case is sent to the Public Health Service.

Senator GRAHAM. There an American doctor examines him; is that right?

Mr. CRAIG. In most cases the doctor is not an American doctor; the doctor is under the jurisdiction of the Public Health Service, but he is usually a displaced-persons doctor. Some of the larger installations, I understand, to have American doctors. In our installation, the doctor is a displaced-persons doctor.

Senator FERGUSON. Who is the displaced-persons doctor?

Mr. CRAIG. He represents the American Public Health Service.

Senator FERGUSON. But what is his nationality?

Mr. CRAIG. He may be a Latvian, a Lithuanian, or he may be Polish.

Senator FERGUSON. Will he himself be a displaced person?

Mr. CRAIG. He may even be a German.

Senator GRAHAM. Does he pass on the health of the applicant?

Mr. CRAIG. Yes, sir.

Senator DONNELL. The doctor may himself be a displaced person?

Mr. CRAIG. Yes.

Senator DONNELL. In fact, they have hospitals in these displaced persons camps, do they not, that are operated very largely by displaced persons. That is correct, is it not? That, at least, was the situation in October 1947.

Mr. CRAIG. That is right.

Senator DONNELL. And they are very proud of them and deserve a lot of credit.

Mr. CRAIG. I think they do a good job.

Senator GRAHAM. What we are trying to do is to be sure that whatever law is written now guarantees as full security as human language and procedures can guarantee.

You understand what I mean, do you not?

Mr. CRAIG. I understand what you mean.

Senator GRAHAM. We want all of the help that we can get from you to see what gaps there may exist and we would like to know what guaranties of security there are now.

Now, the Counter Intelligence Corps is an American service?

Mr. CRAIG. It is an American service; yes, sir.

Senator GRAHAM. That is a part of the Army?

Mr. CRAIG. Yes, sir.

Senator GRAHAM. And they investigate the man, do they not?

Mr. CRAIG. Yes, sir. As I understand it, they interview the individual and possibly interview three or four other people concerning him.

Senator GRAHAM. Then this doctor, under the Public Health Service, although he is not necessarily an American, takes a look at the man.

Mr. CRAIG. He takes a look at him; yes, sir.

Senator FERGUSON. At least the person at the top of that service is an American, is he not?

Mr. CRAIG. Wherever the head of that is, I presume that is so. The American Public Health Service prepares the regulations which provide more or less for a physical examination, you see.

Senator DONNELL. Mr. Craig, the actual doctors are in some instances Americans; is not that right?

Mr. CRAIG. That is right.

Senator DONNELL. The hospitals in the displaced-persons camps are, in numerous instances, staffed with displaced-persons doctors, are they not?

Mr. CRAIG. That is right.

Senator DONNELL. And those doctors make examinations of these displaced-persons applicants in some instances. That is correct, is it not?

Mr. CRAIG. Yes, sir.

Senator DONNELL. Very well.

Senator GRAHAM. But under the responsibility of the American Public Health Service, the American Public Health Service chooses these doctors, does it not? That is what I am trying to get at here.

Mr. CRAIG. I am not fully acquainted with who does that, but I do think that possibly that arrangement in some areas, particularly in the French zone, has been worked out so that the Department of State possibly hires the doctor.

Senator DONNELL. Have you observed any of those hospitals in the displaced-persons camps where there were not any Americans at all?

Mr. CRAIG. There are no Americans at all in the Health Service at Rastatt.

Senator DONNELL. That is, the actual personnel are foreigners; is that right?

Mr. CRAIG. Yes.

Senator DONNELL. Well, now, is it not true of the displaced persons camps other than Rastatt that the actual personnel of the staff are foreigners, even though the work may be under direction of the United States authorities? Is not that correct, or do you know?

Mr. CRAIG. No; I do not know.

Senator FERGUSON. Does the Public Health Service take care of anything else besides the displaced persons examinations?

Mr. CRAIG. Not at Rastatt, not the so-called American doctor. They list him as an American doctor at Rastatt, but actually he is a Latvian.

Senator FERGUSON. What do you mean when you say they list him as an American doctor?

Mr. CRAIG. As I describe it, after a displaced person has passed the Displaced Persons Commission and has been found eligible under the Displaced Persons Act, he is notified and called in to these resettlement centers. Of course, he is given an examination by the IRO Health Service. Then he is sent to the American doctor; that is, they call him an American doctor, but actually he is a displaced person at Rastatt.

Senator FERGUSON. And he does not take care of any Americans? He just does this one job?

Mr. CRAIG. He does this one job, examining the displaced persons. He sends his findings to the consulate.

Senator FERGUSON. How would he be paid or who would pay him?

Mr. CRAIG. I think he is paid through the German Labor Office.

Senator DONNELL. Whose money pays him, United States money or German money or what?

Mr. CRAIG. They are paid in German money.

Senator DONNELL. I did not mean whether the payment is in marks, but rather whose money goes to him?

Mr. CRAIG. It comes out of the reparations.

Senator DONNELL. Out of the reparations?

Mr. CRAIG. Yes.

Senator GRAHAM. Even though the American public service is the responsible agent, the doctor who makes the examination may not be an American?

Mr. CRAIG. Yes.

Senator GRAHAM. Or probably is not an American?

Mr. CRAIG. That is right.

Senator GRAHAM. Then the American checks are Counter Intelligence Corps, the consular service—I will say the vice consul, for example—and then immigration inspector, so you have three American checks. Is that right?

Mr. CRAIG. Actually there are four.

Senator GRAHAM. What is the fourth one?

Mr. CRAIG. You have the Displaced Persons Commission.

Senator GRAHAM. Which is American, too?

Mr. CRAIG. Yes, sir.

Senator GRAHAM. I regret, Mr. Chairman, that I have to go. Mr. Craig, for our benefit, I wish you would make any suggestions on the basis of your observations and experience which would indicate in what ways we can tighten up the security on a reasonable and fair basis.

Mr. ARENS. Before the Senator leaves, may I ask Mr. Craig one question which bears on the security matter?

Mr. Craig, the present law provides a cut-off date of December 22, 1945. In your opinion, on the basis of your experience as an employee of the Displaced Persons Commission, if that cut-off date were advanced, would the security risk to this Government and to the people of the United States be increased or decreased?

Senator DONNELL. By being advanced, you mean brought nearer to the present time?

Mr. ARENS. That is right.

Mr. CRAIG. I would have to reply to that that the security risk would be increased, because of the vast number of individuals coming in from behind the iron curtain into Germany and into Austria.

Mr. ARENS. Since when?

Mr. CRAIG. In the past year or longer. It is reasonable to assume that during that wholesale migration, there would be a fertile field for subversive agents to work in if the idea was to infiltrate into the United States.

Senator GRAHAM. What is the basis of that migration? Do they want to get out from behind the iron curtain? I refer to this large migration. I can understand how individuals would want to take advantage of the migration for infiltration purposes and they must be taken account of. But why is this large migration taking place from behind the iron curtain?

Mr. CRAIG. The only thing I can say by way of answer to that, Senator, is more or less hearsay. I have talked to some individuals who have come. That is on account of the food situation, the lack of labor. They think that in western Germany and in Austria they will have better opportunities for employment. However, principally, the reason is food.

Senator FERGUSON. Is that a fact?

Mr. CRAIG. From all indications, apparently it is.

Mr. ARENS. Now, Mr. Craig, to get back to the question of the persecutees, did you have a conference with Mr. Rosenfield with reference to persecutees?

Senator DONNELL. Pardon me just a minute. I am not quite clear whether Senator Ferguson and the witness understood each other.

Senator FERGUSON. I asked Mr. Craig whether or not it was a fact

that opportunities were better and the food was more plentiful in the American zone.

Mr. CRAIG. Yes, sir. In my opinion, they are.

Senator FERGUSON. You understood my question, did you not?

Mr. CRAIG. Yes.

Senator DONNELL. The question was whether that was true, and I did not know whether Mr. Craig thought you meant, Senator, that the labor and food opportunities were better or whether you meant he was telling the truth in making that statement.

Senator FERGUSON. I believe Mr. Craig understood what I meant.

Mr. CRAIG. I understood the question.

Mr. ARENS. May I ask another question of you?

Mr. CRAIG. Yes, sir.

Senator FERGUSON. May I interrupt to ask whether there is any question but that people do leave what is known as the iron-curtain countries to get to other countries that do not lie behind the iron curtain?

Mr. CRAIG. That is a fact and it is also a fact that there are people who just roam. They will come into western Germany, and sooner or later, they will just go back into the other sections.

Senator FERGUSON. In your opinion, do you think there are any false hopes held out to the people who would come into these displaced persons camps that they can come to America and not have to work any more and that they will be supported and that America is the land of milk and honey and that no work is essential to get it?

Mr. CRAIG. The general impression has been, since World War II, since we landed over there, that money in the United States grows on trees and everybody here is a millionaire. Now, I think that many of them think that it will not be long after they get here before they have a fortune, and so forth.

Then there are others, however, who are sincere and believe they will have to work hard and will have to make their "notch."

Senator FERGUSON. Is there any attempt on the part of the Displaced Persons Commission to advise these people honestly as to what they may expect in America?

Mr. CRAIG. There is now being instituted an orientation program.

Senator FERGUSON. Do you mean that up to date there has not been a statement to these people as to what they may expect and the real truth about their position when they come to America?

Mr. CRAIG. Not until—and I would like to give you the date of that memorandum—some time within the past month an orientation course has been started.

Senator DONNELL. An orientation program has been instituted within the last month?

Mr. CRAIG. Within the past month; yes, sir. A Miss Rausch,[1] I believe, is in charge of the program. She visited our camp or our post about 3 weeks ago. We have three individuals who contact the displaced persons at specified times as the IRO brings them into the resettlement centers.

You see, in the French zone practically all of the displaced persons are free living. The French compel all of them to work.

[1] Evelyn Rausch.

Mr. ARENS. Do you mean that they are not in camps?

Mr. CRAIG. We do not have camps in the French zone. There may be one or two, but the major portion of the displaced persons are free living.

Senator FERGUSON. Go ahead and tell us about that.

Mr. CRAIG. These individuals I have just mentioned go into the camps and explain American life. They show American movies in Germany.

Senator FERGUSON. What movies do they show?

Mr. CRAIG. They show movies of American agricultural life and American urban life in factory work and such things as that.

Senator FERGUSON. Do you think these movies accurately display American life?

Mr. CRAIG. In some instances, yes; and in some instances, of course, they do not give a clear picture, naturally.

Senator FERGUSON. I remember that when I was over there recently, I saw in one place a movie that displayed the bathing beauties at Atlantic City and I was wondering whether they show that kind of movie there.

Mr. CRAIG. That is the Army. But these are movies that have, I think, been prepared by agricultural institutions or trade schools.

Mr. ARENS. At this point, am I to understand that in the French zone the displaced persons are not permitted to be in the displaced persons camps but are out in the economy?

Mr. CRAIG. They are out working.

Mr. ARENS. But in the American zone they are at camps and centers; is that right?

Mr. CRAIG. Some of them are free living also there.

Mr. ARENS. What percentage of the displaced persons in the American zone are in camps and what percentage are in the centers?

Mr. CRAIG. I cannot answer that question.

Mr. ARENS. Well, now, let us get to this question of the persecutees again. Did you have a conversation with Mr. Rosenfield of the Displaced Persons Commission in which he told you that all Jews in Europe are to be regarded as persecutees, and that you could not question whether or not a Jew was a persecutee under the law?

Mr. CRAIG. Mr. Rosenfield said that they were persecutees under the law, because of the fact that whether or not their records showed persecution, nevertheless back in their minds was the fear of persecution.

Senator FERGUSON. Now, wait just a moment. Are you talking about those in Germany or elsewhere in Europe?

Mr. CRAIG. We catch them from everywhere. The only individuals that the IRO has been certifying as persecutees are those who claim to be German citizens, or rather, citizens of Germany, Austria, and Italy. Otherwise, they come under the classification directly of displaced persons.

Mr. ARENS. Do you have a case or cases to illustrate the issue here with reference to people of Jewish faith who, in your judgment, are not persecutees within the meaning of the law which says that they must have been persecuted by the Nazi government and so forth, but who are, nevertheless, under the policy of the Displaced Persons Com-

mission, which policy, as I understand you to say, was promulgated by Mr. Rosenfield, declared eligible?

Mr. CRAIG. The difficulty there is what is the meaning of "war circumstances."

Senator FERGUSON. Will you read the appropriate portion of the law into the record.

Mr. ARENS. I started to do that several times, but I have not finished. Under the definition of a displaced person in the law, the second category is a person who, having resided in Germany or Austria, was a victim of persecution by the Nazi government and was detained in or was obliged to flee from such persecution and was subsequently returned to one of these countries as a result of enemy action or of war circumstances, and, on January 1, 1948, had not been firmly resettled therein.

Now, is it not a fact that people have come back from China, from Great Britain, from Spain, and from France—people who had left Germany or Austria during the war period and who have come back voluntarily long subsequent to the conclusion of the war—and have been declared eligible under this law and brought to the United States?

Mr. CRAIG. There are quite a few that have been. Now, of course, the January 1, 1948, date line is not considered a part of the persecutee status by Mr. Rosenfield. The only date line that concerns persecutees, as explained by Mr. Rosenfield, is the date of the Act, that is, June 25, 1948.

Mr. ARENS. In other words, it is the conclusion, as enunciated to you, that in the category of persecutees the only cut-off date is the date——

Mr. CRAIG. There is no cut-off date.

Mr. ARENS. There is no cut-off date?

Mr. CRAIG. Not on the persecutees.

Mr. ARENS. How can that conclusion be arrived at under the law?

Mr. CRAIG. I will say this, that Mr. Bornstein, the legal adviser in Frankfurt at the present time, had the opinion that there was a cut-off date.

Mr. ARENS. Did Mr. Rosenfield take issue with that position of Mr. Bornstein?

Mr. CRAIG. Yes, sir.

Mr. ARENS. Well now, tell us precisely what happened on these cases and what your conversation was with Mr. Rosenfield.

Mr. CRAIG. At the particular time there was being considered the case of Henry Wolfe. I had disqualified the individual. He was born in Switzerland, but claimed German nationality. He left Germany at the outbreak of the war or maybe prior to the outbreak of the war. I did not think Mr. Wolfe had failed to prove his case as to possibly having fled. I thought there was evidence in his file which clearly showed that he had fled from Germany in fear of persecution.

Mr. ARENS. You say that there was or was not evidence of that?

Mr. CRAIG. I said that there was evidence in his file which showed that he had fled from Germany in fear of persecution.

Mr. ARENS. All right, go ahead.

Mr. CRAIG. The question came up as to his return. During the time that he was gone, I believe he had served in the French Army and

had then finally gone into Switzerland, and there he declared he had been interned in a labor camp. It was recognized that he had been cleared by 1946. He was in Basle, which is on the border of France and Germany and Switzerland, in Switzerland, for some time I think after 1946 or 1947. I am not positive about the date. After that time he returned to Freiburg and married a German girl, and then applied for immigration.

Mr. ARENS. As a displaced person?

Mr. CRAIG. No, as a persecutee.

Mr. ARENS. Under the displaced persons law?

Mr. CRAIG. That is right.

Mr. ARENS. What did you do?

Mr. CRAIG. I questioned his reentry as the result of war circumstances. Apparently there was no question but he could not claim that he had been returned to the country in the course. The IRO certification in that case stated that he had been returned as a result of war circumstances.

Now, Mr. Rosenfield said that if it could be proven that he had intended to stop there, that the chain of thought and the chain of persecution had stopped, then we could disqualify him under war circumstances. But if the individual had in the back of his mind a fear to return, then the war circumstances still continued. As a result, he did return because of war circumstances and the date lines were not applicable.

Mr. ARENS. What happened in the case?

Mr. CRAIG. The case was passed.

Mr. ARENS. What did Mr. Rosenfield say to you when you told him or expressed to him your view, on these cases, that they were not eligible?

Mr. CRAIG. We debated the issue for some 2 or 3 hours, during which time we attempted to bring out all of the questions.

Mr. ARENS. What did he tell you about your job?

Mr. CRAIG. Finally he told me that if I could not reconcile myself to their opinion, I should leave the service.

Mr. ARENS. Did you ever have occasion to be in a conversation with Mr. Bashein when the question of disqualifying people with black-market records was brought up?

Mr. CRAIG. That was at a staff meeting.

Mr. ARENS. What did Mr. Bashein say when the question of disqualifying people who had been convicted of black-marketing activities was brought up?

Mr. CRAIG. Mr. Bashein said that that was not a criminal act and that it should not be considered derogatory.

Senator FERGUSON. Why did he say black marketing was not criminal?

Mr. CRAIG. He stated that these individuals had been persecuted by the Nazi government, and that if they went out and worked in legitimate industry and so forth, they would be contributing to the economy of the German government, and that since they had been persecutees, they should not be compelled to contribute to the German economy.

Senator FERGUSON. Therefore, they could commit crime?

Mr. CRAIG. Well, they did not consider black marketing as a crime.

Senator FERGUSON. Were there not laws and did not the United States have regulations that they were violating?

Mr. CRAIG. That is right.

Senator FERGUSON. Was not black marketing a crime against the whole French law?

Mr. CRAIG. It is a crime against the French law. This was while I was at Butzbach, sir.

Senator FERGUSON. Was it not a crime against German law, law that we had authorized?

Mr. CRAIG. It was a crime against the American military law there and against the high commission, I think. At that time, it was the American Military Government.

Now, insofar as German law is concerned, the German Government is not permitted to prosecute or to have anything to do with allied personel and displaced persons.

Senator FERGUSON. Then the Government of the United States had a military law?

Mr. CRAIG. Yes, sir.

Senator FERGUSON. And they violated the military law; is that right?

Mr. CRAIG. That is right.

Mr. ARENS. Just to get to the simple point: Were you permitted to disqualify people who had been tried and convicted of black marketing?

Mr. CRAIG. At Butzbach, that information came out in the CIC reports and I did not receive those. My cases were the selectees.

Mr. ARENS. Were the people who did the processing at Butzbach under Mr. Bashein permitted to disqualify people who were black marketeers?

Mr. CRAIG. No, sir.

Senator FERGUSON. Did our Government ever sentence these people for black-marketing activities if they found them out?

Mr. CRAIG. The military government had sentenced them.

Senator FERGUSON. Then we treated black marketing as such a crime that the military government would try them under military law and sentence them; is that right?

Mr. CRAIG. That is right.

Senator FERGUSON. And we did treat those activities as a crime?

Mr. CRAIG. Yes; and it is treated as a crime in the French zone.

Senator FERGUSON. In the French zone?

Mr. CRAIG. Yes; by the French military courts.

Mr. ARENS. While we are on the subject of black marketing, will you tell the committee about the black-market activities of Mr. Bashein, the senior officer who was in charge of an entire area of Germany?

Mr. CRAIG. I cannot answer that question.

Mr. ARENS. What information do you have?

Mr. CRAIG. All that I have would be hearsay and I would not like to make any allegations.

Mr. ARENS. Do you know the general reputation in the community in which you were in, Mr. Bashein's district, respecting black-market activities by employees of the Displaced Persons Commission?

Mr. CRAIG. There again anything I would say would have to be hearsay.

Mr. ARENS. Do you have information respecting black-marketing activities by Displaced Persons Commission personnel in Europe?

Mr. CRAIG. Only hearsay.

Mr. ARENS. Did you have a conversation with me when I interviewed you initially with reference to the factual material which you would submit to this committee?

Mr. CRAIG. As I recall, I told you that it was more or less hearsay. I cannot substantiate it.

Mr. ARENS. Did you tell me that it was common knowledge in the area in which Mr. Bashein was the area director that there were black-marketing activities engaged in by Displaced Persons Commission employees in that area?

Mr. CRAIG. I do not recall making that statement, sir?

Mr. ARENS. Well, is it common knowledge?

Mr. CRAIG. That again is hearsay.

Mr. ARENS. Is it common knowledge?

Senator FERGUSON. Common knowledge would be hearsay.

Mr. ARENS. Is it common knowledge in the area in which you served with Mr. Bashein that the Displaced Persons Commission personnel engaged extensively in black-marketing activities?

Mr. CRAIG. Well, if hearsay is common knowledge.

Senator DONNELL. Is it generally so rumored?

Mr. CRAIG. It is more or less a joke in some instances.

Mr. ARENS. What do you mean by "more or less a joke"?

Mr. CRAIG. It is hearsay that if you need anything, you get it.

Mr. ARENS. Is that generally understood?

Mr. CRAIG. You must realize, too, that it has been several months since I was there. I do not know what the circumstances are now.

Mr. ARENS. Did you suggest to me in our conversation that if a check could be made of the Army commissary records in the area in which Mr. Bashein is the area director of the Displaced Persons Commission operations, there would be an indication of the black-marketing activities of Mr. Bashein?

Mr. CRAIG. I said that that would answer the question, that that would give you the information whether or not there were any.

Mr. ARENS. Are you testifying now that a check of Army commissary records in the area in which Mr. Bashein is the senior officer would disclose whether or not Mr. Bashein has engaged extensively in black-marketing activities?

Mr. CRAIG. That would answer your question.

Mr. ARENS. Are you now testifying that a check of the Army commissary records in the area in which Mr. Bashein is the Displaced Persons Commission senior officer would disclose whether or not Mr. Bashein engaged extensively in black-market activities?

Mr. CRAIG. That would answer your question, sir, because of the fact that if he did not engage in black-market activities, his purchases would be low. If his purchases were out of proportion, the records would so show. After all, the commissary is not available to all individuals.

Mr. ARENS. Did Mr. Bashein make any reference to the conscience of his associates in the area in which he was area director with reference to black-market activities of displaced persons who were applying for eligibility?

Mr. CRAIG. What was that question again?

Mr. ARENS. Did Mr. Bashein make any reference to the conscience of his associates, his fellow employees, in the area in which he was area director of the Displaced Persons Commisison with reference to disqualifying people who had been convicted of black-market activities?

Mr. CRAIG. I think that I answered that previously when I stated that in a staff meeting it was stated that black marketing was not to be considered derogatory.

Mr. ARENS. Did he make any reference to the conscience of his fellow employees?

Mr. CRAIG. Well, that would have come up in an analysis meeting, at which I would not be present.

Mr. ARENS. Now, tell us about the false documents situation at Butzbach when you were there.

Mr. CRAIG. I cannot say definitely that there were false documents. I do know of many instances where I disqualified people for late entry and then, later, upon disqualification for entry, the IRO was notified and the case was held for a period of time. The agency would then immediately come down with a photostatic copy showing the applicant to have been in Breslau, Germany, prior to the cut-off date.

Now, the thing that I question and which is not questionable, however, is how the agency could obtain those documents in that short a time when Breslau was in the eastern zone of Germany, and further, if they had that evidence, why was it not in the dossier when I first made the preliminary selection.

Senator FERGUSON. How often did that happen?

Mr. CRAIG. It happened in numerous cases.

Senator FERGUSON. Do you mean in dozens of cases or what?

Mr. CRAIG. I would say that there were two or three dozen cases.

Senator FERGUSON. What do you think happened? What is your analysis?

Mr. CRAIG. I did consider it and this is, of course, my opinion: Since then I have considered it more or less a false document.

Senator FERGUSON. What did you do about it?

Mr. CRAIG. I could not do anything about it. The individual was submitted to other selectors and passed.

Senator FERGUSON. Do you mean to say that if you had a suspicion that several dozen of these documents were false, you could not do anything about it and you passed them through?

Mr. CRAIG. I did not pass them.

Senator FERGUSON. What did you do about it?

Mr. CRAIG. I disqualified the individuals, but then these documents were presented.

Senator FERGUSON. When these false documents came in, what did you do about it?

Mr. CRAIG. The case was never returned to me for action. The case went to others for action.

Senator FERGUSON. Why did you not go to others? Why did you allow false documents to be used?

Mr. CRAIG. Because the senior officer was of the opinion that they were not false documents. Since that time, however, that is, since I left Butzbach, some of those documents have been sent to Frankfurt,

and there is considerable question about them and they are being held.

Mr. ARENS. To what extent were you under pressure by senior officers upon cases of that nature?

Mr. CRAIG. Any time I disqualified an individual, it usually meant that I had to make an explanation as to why I did it and that was the case even though I had put it in writing.

Senator FERGUSON. What do you mean by that?

Mr. CRAIG. We formerly had what was called a routing slip, plus the assurance. On this routing slip, when the case came to the selector and if he passed it, he would mark it "Pass," and then would enter remarks in a place that was reserved for remarks. If the case was a little doubtful, but perhaps the CIC could clear it, I would enter in the remarks section some of the things I would want the CIC to check for.

Senator FERGUSON. When the false document came in, what you thought was a false document, from an agency, you had turned down a person because of date?

Mr. CRAIG. When I had turned the case down, this document was not then there.

Senator FERGUSON. I appreciate that. When you received this document that you were suspicious of, would you not send it to the CIC for investigation?

Mr. CRAIG. At that time, there was a requirement that all remarks be removed from the file. You were not permitted to make any remarks on the dossier. The remarks were made on a "buck slip."

Senator FERGUSON. Where was the "buck slip" in the file?

Mr. CRAIG. The "buck slip" was placed on the outside of the file.

Senator FERGUSON. Now, let us assume that you then received this false document.

Mr. CRAIG. Yes, sir.

Senator FERGUSON. Now, why did you not hold that up and have the CIC investigate it?

Mr. CRAIG. I sent that back to the individual who handled them, and then the case went to another selector and he passed it. The case then went through the CIC, I think, and I do not believe there were any questions.

Senator FERGUSON. Did any of these cases ever come back to you?

Mr. CRAIG. One or two of them came back to me and, because I did not accept them, I did not get any more.

Mr. ARENS. You were not even permitted to go behind the IRO's certification on the date, were you?

Mr. CRAIG. No.

Senator FERGUSON. Do you mean that if the IRO certified a man and gave you a date on him that that was conclusive and that you could not do a thing about it?

Mr. CRAIG. That was conclusive.

Senator FERGUSON. Who ever told you that?

Mr. CRAIG. Those were the instructions we received from the senior officer.

Mr. ARENS. You were not even permitted to look at the file, were you?

Mr. CRAIG. We got that instruction from Mr. Bashein and also from my present senior officer.

Senator FERGUSON. Who is he?

Mr. CRAIG. Mr. Cardinaux.[1]

Senator FERGUSON. Mr. Chairman, may I ask whether it is the intention of the committee to call the Commissioners on these matters?

Senator DONNELL. Do you mean the three Commissioners?

Senator FERGUSON. Yes.

Senator DONNELL. That was suggested by Senator Graham. I expressed my individual concurrence with that suggestion.

Senator FERGUSON. I would like to urge that that be done, because these are the kinds of matters that ought to be taken up with the Commissioners.

Senator DONNELL. I think so. In my judgment, the subcommittee will heartily concur in that suggestion, but I have no authority to speak for anyone but myself.

Mr. CRAIG. I believe that order came from the Frankfurt headquarters.

Mr. ARENS. You were not even permitted to go into the file room, were you?

Mr. CRAIG. That was the case at Butzbach.

Mr. ARENS. But the representative of HIAS, the voluntary agency, was permitted in the file room, was he not?

Mr. CRAIG. That was his statement.

Mr. ARENS. What was the general attitude that you gathered as to the Displaced Persons Commission's operations with reference to the speed of processing as counterbalanced by the care in selection and processing?

Mr. CRAIG. The general impression I received was that they had a mandate to get 205,000 people into the United States and that as assurances were given it was our job to get them out as fast as possible. The thing that I thought was that as there were plenty of displaced persons that were eligible, where there were individuals of questionable character or questionable eligibility—and I do not mean character, because I do not like to reflect upon some individuals—but where there were rather individuals who may not have been eligible because of date line, those cases should have been set aside.

Mr. ARENS. The law says that the burden of proof shall be upon the person who seeks to establish his eligibility under this act. What is your appraisal of that? How was that carried out?

Mr. CRAIG. At Butzbach the burden of proof was more or less upon the Displaced Persons Commission.

Senator FERGUSON. What do you mean by that, to prove that he was not eligible?

Mr. CRAIG. Yes; to prove that he was not eligible. At Rastatt, with the exception of the persecutee cases, the senior officer is very cooperative in placing the burden of proof upon the displaced person. In other words, the displaced person must prove his case.

Mr. ARENS. After your conversation with Mr. Rosenfield, did you disqualify any persecutees because they were not persecutees?

Mr. CRAIG. No, sir.

Mr. ARENS. Then after that conversation you passed every Jewish person who applied and whose case you handled? Is that right?

Mr. CRAIG. That is right.

[1] Alfred Cardinaux, senior officer in charge, Rastatt.

Mr. ARENS. That was irrespective of the fact that you may have thought in some cases that the individuals were not persecutees?

Mr. CRAIG. That is right.

Mr. ARENS. After your conference with Mr. Rosenfield, how many cases of persecutees did you pass as to which he told you you could either do that or get out? In other words, how many persons did you pass who were, in your opinion, not persecutees?

Mr. CRAIG. That would be a difficult question to answer, because of the fact that I did not make the serious study of their cases that I ordinarily make on cases. However, it would not be too many because in the French zone of Germany the persecutees are very rare.

Mr. ARENS. Do you know of any instances in which the Displaced Persons Commission employees went to the consulates to put pressure on them to have them pass cases that the consuls wanted to hold up?

Mr. CRAIG. Only by hearsay.

Mr. ARENS. What is your information and what is your general understanding with respect to the activities of the Displaced Persons Commission employees with the consulates in connection with putting pressure on them?

Mr. CRAIG. I do not understand just what you mean by that question, Mr. Arens.

Mr. ARENS. Did you tell me just this morning in the subcommittee office that at Butzbach and at Rastatt the Displaced Persons Commission people ran the consular offices?

Mr. CRAIG. That is right.

Mr. ARENS. What did you mean by that?

Mr. CRAIG. I mean that the Displaced Persons Commission has charge of all the facilities there. I also mean that more or less by instruction, the consulate is limited only to the determination of the individual's health record, that is, that his health record is adequate or sufficient for immigration purposes. They also make a check as to the person's literacy and swear him to his visa.

Senator FERGUSON. How about criminal activities?

Mr. CRAIG. They take the Displaced Persons Commission findings on that, sir.

Mr. ARENS. Then the American consul officers, representing the United States Government, take the findings of the Displaced Persons Commission as conclusive evidence with reference to criminal activities of the displaced persons?

Mr. CRAIG. Yes; if they have been cleared by the Displaced Persons Commission.

Senator FERGUSON. Is there any rule on that?

Mr. CRAIG. The consular officer at Rastatt states that his authority is extremely limited, that he is more or less just a figurehead in the picture. Now, I understand, however, that lately they were being given more authority, but he had not received those instructions. That was prior to my leaving Rastatt last week.

Mr. ARENS. Who is your present senior officer?

Mr. CRAIG. Mr. Alfred Cardinaux.

Mr. ARENS. Do you know whether or not Mr. Alfred Cardinaux was naturalized in this country in July 1948, and that 2 months thereafter he took over the position of senior officer in the area in which you are now serving?

Mr. CRAIG. I do not know that.

Mr. ARENS. Do you know whether or not he is a naturalized citizen?

Mr. CRAIG. I presume that he is. I cannot definitely state.

Mr. ARENS. Do you know where he was born?

Mr. CRAIG. He was born in Switzerland.

Mr. ARENS. What language does he speak?

Mr. CRAIG. He speaks several languages. He speaks French fluently, and he speaks German and English.

Mr. ARENS. Do you know how much time he spent in the United States prior to assuming duties as senior officer in the area in which you now serve?

Mr. CRAIG. I do not.

Senator FERGUSON. Mr. Craig, do you want to leave the impression here or the fact that it is your opinion that people came into this country under the Displaced Persons legislation in violation of the law?

Mr. CRAIG. My opinion is that it is a question of interpretation. Now, if my interpretation is correct, then there have been many; if my interpretation is wrong and if the Commission's interpretation is correct, then there have not been any.

Senator FERGUSON. Tell us what interpretation you rely on when you say that if you are right, they came in illegally, and that if the Commission is right, they did not.

Mr. CRAIG. It is the question of the date line.

Senator FERGUSON. There is no question about that. How can you argue about that?

Mr. CRAIG. I am talking about these cases in which the IRO certified that the individual did not enter the area prior to the cut-off date, where these certificates came forward saying that they had.

Mr. ARENS. If you were not permitted to even question the IRO certifications, how do you know of any case where the individual was not in the area prior to the date line?

Mr. CRAIG. There were many cases where the IRO certified that the individual had not entered the area before December 22, 1945, and that he had rather entered in 1946, 1947, and 1949.

Senator FERGUSON. What happened in those cases?

Mr. CRAIG. Those cases were referred back. Many of them were upheld. Many of these photostatic copies of entry into Germany were presented by the agencies.

Senator FERGUSON. Those are the ones that you thought were fraudulent?

Mr. CRAIG. Yes, sir.

Senator FERGUSON. And you were not allowed to question those?

Mr. CRAIG. No, sir.

Senator FERGUSON. Is that right?

Mr. CRAIG. Yes.

Senator FERGUSON. What is the second point?

Mr. CRAIG. The second one is the matter of the interpretation of section 10.

Senator FERGUSON. What is that?

Mr. CRAIG. That has to do with good conduct and moral character.

Senator FERGUSON. What can you tell us about moral character and good conduct?

Mr. CRAIG. I consider that conviction for black marketing is a crime that bars the individual.

Senator FERGUSON. Yet the officials said "No?"

Mr. CRAIG. That is right.

Senator FERGUSON. That is another point. What is still another one?

Mr. CRAIG. There again, if I am wrong and the Commission is right, they are in legally.

Senator FERGUSON. That is right.

Mr. CRAIG. The third point is the interpretation of section 13.

Senator FERGUSON. What is that?

Mr. CRAIG. That has to do with hostile forces.

Senator FERGUSON. And also Communists and those against the United States or its form of government.

Mr. CRAIG. That section has to do with those who participated in hostile acts against the United States. I considered or deemed that individuals who served in armed forces against allied forces, such as members of the Hungarian Army, the Latvian Legion, et cetera, were not eligible.

Senator FERGUSON. You claimed that they had actually borne arms against the United States?

Mr. CRAIG. Yes, sir.

Senator FERGUSON. And you felt that, therefore, they should not come in as displaced persons?

Mr. CRAIG. Yes, sir.

Mr. ARENS. What did Mr. Bashein tell you about that?

Mr. CRAIG. I could not say anything about Mr. Bashein with reference to that. I think the directive came from Frankfurt that those persons were eligible, but later their cases were held up.

Mr. ARENS. Who was it in Frankfurt?

Mr. CRAIG. That I cannot answer.

Senator FERGUSON. You have given us three items. Now what else is there?

Mr. CRAIG. Then there is the question as to persecution.

Senator FERGUSON. You have already related that.

Mr. CRAIG. Yes, sir. I think that if an individual did not suffer persecution and if an individual spent most of his time attending colleges in other countries during the war, and then had reentered Germany and claimed persecution, and if they had continued their profession during the war without any hindrance, certainly they were not subjected to persecution.

Mr. ARENS. But after Mr. Rosenfield's directive to you, you did not stop a single one of those cases?

Mr. CRAIG. That is right.

Mr. ARENS. But Mr. Bornstein, the legal adviser, agreed with you on this interpretation of persecutees, did he not?

Mr. CRAIG. Yes, sir.

Mr. ARENS. But since Mr. Rosenfield gave you the directive to pass them, you did so?

Mr. CRAIG. Mr. Rosenfield gave me what he said was the Commission's interpretation.

Senator FERGUSON. Have you ever seen that in writing?

Mr. CRAIG. No, sir.

Senator FERGUSON. Were any of these things put in writing?

Mr. CRAIG. No, sir.

Another thing that I considered was that if those individuals were not in the American, British, and French zones of Germany, or in Austria or in Italy on January 1, 1948—that is, physically there—they were not eligible.

Mr. FERGUSON. And somebody ruled that they were?

Mr. CRAIG. The date of January 1, 1948, as to persecutees does not apply.

Senator FERGUSON. That date does not apply to the persecutees?

Mr. CRAIG. That is right.

Mr. ARENS. What did you think about this directive telling people, in effect, that displaced persons who had been disqualified for making fraudulent statements in certain categories were to be, in essence, told to change their stories? Will you allude to that directive again in Senator Ferguson's presence. I think it bears on this matter.

Senator FERGUSON. Do you have a directive on that matter?

Mr. CRAIG. Yes, sir; I have.

Mr. ARENS. I think Mr. Craig ought to read that again.

Senator FERGUSON. Before Mr. Craig reads that paper, I would like to say that I think it would be well to have these particular things that have been pointed out sent to the Commissioners so that they can supply an answer to them.

Mr. CRAIG. On April 11, 1949, Mr. Bashein issued a memorandum, Memorandum No. 51, to all members of the staff and voluntary agencies. It is from Mr. M. D. Bashein, senior officer, area 1, and reads as follows:

MEMORANDUM 51

APRIL 11, 1949.

To: All members of the staff and voluntary agencies.
From: M. D. Bashein, senior officer, area 1.
Subject: False statements and falsification of documents by applicants.

1. The following is quoted from a memorandum from United States Displaced Persons Commission headquarters, Frankfurt, dated April 1, 1949, for your information; and you are urged to implement this directly in any case that comes to your personal attention.

"1. You will be interested to know that the consular service has for some time liberalized its policy toward those persons who may have misrepresented facts prior to or in the course of making application for immigration to the United States. Consular officers have been instructed to advise each candidate as he appears for interview that should he wish to make any correction of previous statements or falsification of documents, he may do so without necessarily prejudicing his case up to the time he gives sworn testimony which results in the issuing of the visa. This principle does not apply, of course, where the falsification involves perjury. The reasoning behind this position is well understood. Innumerable displaced persons once made misrepresentations in the sincere effort to protect themselves against retaliation from authorities representing governments from which they have taken refuge.

"2. It is unlikely, however, in the tense moments which surround the consular interview, that a candidate would alter the position which he has previously taken and which is on record. It is stressed, consequently, that every effort should be made during the early period of documentation to encourage applicants to alter any falsely presented facts in the registration forms or elsewhere and thus protect themselves against conflicting evidence that may adversely affect their later immigration status. It has been suggested in this connection that

posters in appropriate languages be utilized throughout resident camps suggesting this is an advisable authoritative course."

Cc: Mr. T. Burke, vice consul.

Senator FERGUSON. You were in the consular service, were you not?

Mr. CRAIG. No, sir.

Senator FERGUSON. You were in the Displaced Persons Commission?

Mr. CRAIG. Yes, sir.

Senator FERGUSON. How did this come to your attention?

Mr. CRAIG. That was issued by the senior officer.

Senator FERGUSON. Was it given to you?

Mr. CRAIG. Yes, sir.

Senator FERGUSON. Did you obey it?

Mr. CRAIG. In my position at Butzbach, it seldom came up and only on disqualification because of the date line.

Senator FERGUSON. What is the date of that document?

Mr. CRAIG. April 11, 1949.

Senator FERGUSON. I note that the document from which you have been reading, Mr. Craig, has the pencil notation "Mr. Craig" on it.

Mr. CRAIG. Yes, sir.

Senator FERGUSON. That is you, is it not?

Mr. CRAIG. Yes, sir.

Senator FERGUSON. Did you write that on there?

Mr. CRAIG. No, sir.

Senator FERGUSON. Does that indicate that the document was handed to you?

Mr. CRAIG. That is right.

Senator FERGUSON. This is memorandum 51?

Mr. CRAIG. Yes, sir.

Senator FERGUSON. This directive was addressed to the staff of the Displaced Persons Commission and all voluntary agencies?

Mr. CRAIG. That is right. The voluntary agencies at Butzbach were HIAS, NCWC, United Service for New Americans, and Church World Services.

Senator FERGUSON. Were you ever told what perjury is?

Mr. CRAIG. No; I was never told. I know that.

Senator FERGUSON. What is it? It says, "This principle does not apply, of course, when the falsification involves perjury." What does that mean?

Mr. CRAIG. Perjury means false statements under oath.

Senator FERGUSON. If these people came in and handed you this information that was not sworn to——

Mr. CRAIG. Then it would not be perjury.

Senator FERGUSON. If it was sworn to it would be perjury?

Mr. CRAIG. You see, those documents were not handed to me. They were given to the officer and then the case came back.

Senator FERGUSON. All right. Now, would they be sworn to?

Mr. CRAIG. They were photostatic copies that were highly illegible.

Senator FERGUSON. That does not answer my question.

Mr. CRAIG. It is a difficult thing to answer your question, because the only thing that was plain on them, more or less, was the name and the date that they entered and the name of the city.

Senator FERGUSON. Would they be sworn to?

Mr. CRAIG. I would be unable to answer that question.

Senator FERGUSON. Well, then, how can you tell that there was perjury present or not?

Mr. CRAIG. I just said that there were false statements declaring their entry. I did not say that they constituted perjury.

Senator FERGUSON. Here is what I am trying to get at. This statement says, "This principle does not apply where falsification implies perjury." Now, you told me that that involved a sworn statement, and I wanted to know whether these statements were sworn statements.

Mr. CRAIG. As I say, it has been so long since I have seen them that I do not know.

Senator FERGUSON. What did the rules require with respect to these statements that came in that you have been telling us about?

Mr. CRAIG. The rules on many papers that came in did not require them to be sworn to.

Senator FERGUSON. What was the situation on these certificates?

Mr. CRAIG. I never handled that. You asked me to read the memorandum that had been issued. In my job at Butzbach, the only time I ever received any of those statements which I considered false statements——

Senator FERGUSON. Now, you are talking about the consular service, not the displaced-persons service. Let us get the record right.

Mr. ARENS. Mr. Craig is talking about the displaced-persons service.

Senator FERGUSON. This document starts off by saying:

> You will be interested to note that the consular service has for some time liberalized its policy—

and so on.

Mr. CRAIG. I merely read the memorandum. I did not make any comments upon the memorandum, sir.

Senator FERGUSON. When a man appeared before the consular service were the facts in his file sworn to?

Mr. CRAIG. Some of them were and some of them were not.

Senator FERGUSON. What did the rules require to be sworn?

Mr. CRAIG. There were no rules. Do you mean any rules requiring certain documents to be sworn to?

Senator FERGUSON. In other words, every document up to the time of the action of the consular service was unsworn?

Mr. CRAIG. Yes, sir.

Senator FERGUSON. Did the rules require them to be sworn?

Mr. CRAIG. I do not think you will find anything in the act requiring that.

Senator FERGUSON. All right. The only thing, then, that the man would swear to would be what he told the consular service?

Mr. CRAIG. Except that in some instances a statement of the IRO would be a sworn statement. Many of the statements were sworn to.

Mr. TRIPP.[1] May I straighten that out?

Senator DONNELL. Supposing, Mr. Tripp, you straighten us out for the record.

Mr. TRIPP. This directive was issued primarily, I believe, to take care of rejections or refusals to issue visas to displaced persons under the Truman directive. Those persons subsequently came forward,

[1] Almanza Tripp, senior immigration officer, Europe, whose testimony appears on p. 647.

that is, some of them, and filed applications under Public Law 774.

Mr. ARENS. Those were people who had been rejected under the Truman directive?

Mr. TRIPP. That is right. Now, under the Truman directive, an oath was taken to the application if the application got to the consular officer. In other cases, documents only were submitted to support a preliminary application. If an oath was taken and it was proven that the oath was false, then perjury had been committed. If, on the other hand, no oath was taken to the application, perjury was not involved, and those cases were to be processed under Public Law 774 if the person—that is, the applicant—now told a truthful story and was within the terms of eligibility.

Mr. ARENS. I believe the essence of that is this: That the people had been disqualified under the Truman directive because of false statements?

Mr. TRIPP. Usually, yes.

Mr. ARENS. And now they are to disregard the false statements that they made and accept different statements at variance with the statements previously made?

Mr. TRIPP. If there was no oath taken in connection with the prior statements.

Senator FERGUSON. Where does this document say anything about the Truman directive?

Mr. TRIPP. It says nothing about that, but that is the point on which the instructions turn.

Senator FERGUSON. Well, now, can you understand how Mr. Craig, who did not know anything about that, would interpret this instruction?

Mr. TRIPP. Well, he probably would not know as much about it as I do.

Senator FERGUSON. Do you think all members of the consular service understood what this was?

Mr. TRIPP. I think the members of the consular service did.

Mr. ARENS. The effect of that was that the consular service was instructed that a man who had lied, if he had not lied under oath, was to nevertheless be accepted on the basis of subsequent statements. Is that right?

Mr. TRIPP. I cannot tell you what the consular service was instructed to do.

Senator FERGUSON. Well, you were in it; were you not?

Mr. TRIPP. No, sir. I am in the Immigration Service. I can tell you this: If the application came to the Immigration Service and visa had been issued and there had been no perjury in connection with the application under the Truman directive, we would be powerless to exclude the individual under immigration.

Mr. ARENS. Did you, as a matter of fact, or do you now, as a matter of fact, know of cases where people lied and were disqualified or rejected under the Truman directive because of misrepresentation or false statements, but who subsequently were processed by the Displaced Persons Commission by the consular office and have immigrated to the United States?

Mr. TRIPP. Yes; I do.

Mr. ARENS. And you, under the practice over there, as chief of the mission of the Immigration Service, were powerless to stop that; is that right?

Mr. TRIPP. We could not exclude under the immigration law if there was no oath taken.

Senator FERGUSON. Well, now, what does the act say?

Mr. ARENS. Section 10 says that any person who shall willfully make a misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person shall thereafter not be admissible to the United States, but under the practice you were not permitted to exclude anybody under that; were you?

Mr. TRIPP. I think we had authority to do it under that particular section; but, after giving the matter considerable thought, I concluded that the word "shall" meant that the misrepresentation must have occurred subsequent to the enactment of Public Law 774. In other words, misrepresentation under Truman directive did not bring the applicant within section 10 of the present act.

Mr. ARENS. If a man were disqualified under the Truman directive, which uses the same date as the present law, because he was lying and had made misrepresentations, would there not be a question in your mind as to whether or not he should be disqualified on the same facts under the present law?

Mr. TRIPP. Yes, sir.

Mr. ARENS. But they were not?

Mr. TRIPP. In many cases, no.

Mr. ARENS. How many cases had been processed by the Displaced Persons Commission, by the consular service, and by the Immigration Service and brought to the United States where the man lied and was disqualified for lying under the Truman directive but was nevertheless brought to the United States under the present law?

Mr. TRIPP. Probably several hundred with their families.

Senator DONNELL. Is there anything further?

Mr. ARENS. I wanted to be sure we covered that one point. We had covered it only in a cursory manner.

Mr. CRAIG. May I call your attention to the fact that on January 11 we received a memorandum from Mr. Squadrilli in which we were told that we were not permitted to give our documents or anything else.

Mr. ARENS. You are not permitted to talk to people, not even congressional committees, under that directive that was issued; are you?

Mr. CRAIG. Disciplinary action may follow.

Senator FERGUSON. Am I to understand that you are not allowed to talk to a Senator or a Congressman?

Mr. CRAIG. A strict interpretation of this instruction, I would say not.

Senator DONNELL. What is the date of that?

Mr. CRAIG. It is dated January 11, 1950, and reads as follows:

Paragraph 2 of the Commission's regulations governing the general organization, dissemination, and availability of records reads as follows:

"All official files and documents, records and information in the Office of the Commission or in the custody or control of any officer or employee of the Commission shall be regarded as confidential. No such officer or employee may permit the disclosure or use of the same for any purpose other than for the performance of official duties except in the discretion of the Commission. Such

official files, documents, and records and information shall not be published, opened to public inspection, or made available to the public in any other way except where the Commission permits disclosure."

Senator FERGUSON. Did you ever get consent to come here and testify?

Mr. CRAIG. I was ordered to come here. I reported to Mr. Carusi and he instructed us to come down here and answer all questions to the best of our ability.

Senator FERGUSON. Then he has permitted you to come?

Mr. CRAIG. This instruction is from Mr. Squadrilli.

Senator DONNELL. Mr. Carusi is the Chairman of the Commission.

Senator FERGUSON. Did he permit you to bring any files?

Mr. CRAIG. That was not discussed.

Senator FERGUSON. Then you brought these files here voluntarily?

Mr. CRAIG. That is right.

Senator FERGUSON. And you feel that you have violated this order by so doing?

Mr. CRAIG. I do not think that I have.

Senator FERGUSON. You think that, where Congress has asked you to come in and where he said that you could come in, you had a right to bring these files?

Mr. CRAIG. That is right. These are more or less memorandums.

Senator FERGUSON. Is there anything else that you have that you can bring before this committee?

Mr. ARENS. I wanted to ask Mr. Craig about one matter which we did not quite clear up. That was the point we started to discuss, but got off to something else.

Senator DONNELL. Pardon me just a minute, Mr. Arens. I think it would be well if Mr. Craig would answer Senator Ferguson's question.

Senator FERGUSON. Is there anything else you have brought here?

Mr. CRAIG. No, sir; that is all. The only thing I would like to say is this: In practically every instance where some question has come up where Mr. Carusi has been available, he has been extremely helpful and has attempted, I think in a sincere manner, to conduct the service to the best interests of the American people. He has been in Europe twice.

Senator FERGUSON. When he learned about this, he told you to come here. Do you know whether he ever knew about this order, the one you have just read from?

Mr. CRAIG. No, sir.

Mr. ARENS. As a matter of fact, you know that Mr. Carusi and Mr. Rosenfield have a difference of opinion on the employment of Mr. Bashein; do you not?

Mr. CRAIG. That is only hearsay.

Senator DONNELL. I notice one rather interesting sentence in this first paper that was introduced by Mr. Craig. It says, "Innumerable displaced persons have made misrepresentations in the sincere effort * * *." There is some question in my mind as to whether you can have the utmost sincerity when you make a deliberate misrepresentation.

Senator FERGUSON. Do you not think they wanted to get in?

Senator DONNELL. All right.

Mr. ARENS. We started a little while ago to ask you, Mr. Craig, about people who had affiliated themselves with the Russian Legation in Germany and who came to this country. Then we got off on to another subject. What is your information respecting people who were employed by or who were affiliated with, in some capacity, the Russian Legation, and who have been processed by the Displaced Persons Commission?

Mr. CRAIG. We have had some cases in which, from all indications, they comply with the law but where, in their work history, they show that they have been affiliated. You see, the IRO——

Mr. ARENS. They have been affiliated with what?

Mr. CRAIG. With some of these countries that are behind the iron curtain in official capacities.

Mr. ARENS. They have shown such affiliations?

Mr. CRAIG. Yes, during the war years. However, their records and so forth, for preselection purposes, show no discrepancy and no reason to hold them up. I have made notes on the dossier, however, after preselection, requesting the French Sureté to check specifically and I have requested our investigating officers to check specifically for subversive agents.

Senator DONNELL. Mr. Arens, how long do you expect this examination to proceed?

Mr. ARENS. Can we just go for another 5 minutes?

Senator DONNELL. You can run as long as you wish, but the committee is not going to remain more than 5 minutes more. If there is anything else you want from this gentleman, we will meet at 9:30 tomorrow morning, but we cannot stay on indefinitely this evening.

You spoke to me about another matter that you wanted to take up. I do not see how you can take up this matter related to the wtihdrawal of rejections.

Mr. ARENS. That is what I was going to ask Mr. Craig about.

Senator DONNELL. The committee will be in session until 5:20.

Mr. ARENS. All right, sir.

Mr. Craig, could you very succinctly and briefly express yourself as to whether or not you were directed when you were with Mr. Bashein or knew of directions to remove from the files unfavorable information?

Mr. CRAIG. No. That would come before the analysts.

Mr. ARENS. Do you know whether or not that directive was given?

Mr. CRAIG. I do not.

Mr. ARENS. Do you know whether or not unfavorable information was removed from the files?

Mr. CRAIG. I cannot answer that question.

Mr. ARENS. That is all.

Senator DONNELL. Did you want to ask about the Russians?

Mr. ARENS. I just did.

Senator DONNELL. Senator Ferguson, do you want to explore?

Senator FERGUSON. These were not the Russians I was talking about.

Mr. CRAIG. No. Not the last group. I made a notation with respect to the Russian Embassy that they should be checked as to possible subversive activities. Our investigators made a special check of that. However, I did not consider that the investigation was sufficient.

Senator FERGUSON. But, notwithstanding that, they went through?

Mr. CRAIG. After they went into the hands of the analysts, which was past my stage.

Mr. ARENS. When you were with Mr. Bashein, did he make the Berlin Document Center checks or the provost marshal checks?

Mr. CRAIG. I cannot answer that.

Senator DONNELL. Mr. Craig, is there anything that you think you have which you would like to present this afternoon further and which you think would be of help and which would enable us to know of either the regular or the irregular method of proceeding over there?

Mr. CRAIG. Offhand, I do not.

Senator DONNELL. Now, the subcommittee will resume session tomorrow morning at 9:30 to give you, Mr. Craig, a further opportunity if you think there is anything further you would like to be heard on.

Mr. CRAIG. I have nothing further.

Senator FERGUSON. That would include the documents?

Mr. CRAIG. Yes, sir.

Senator DONNELL. Yes; that would include anything else.

Mr. Arens, I know that you are busy tomorrow—and we all are, for that matter—but do you not think it would be a very good idea to have all of these gentlemen, that is, Mr. Tripp, Mr. Main, Mr. Vaughan, and Mr. Craig, reflect on these matters tonight, as they are a long way from Germany right now, and if they have anything any one of them wishes to present, they can appear before the subcommittee tomorrow morning.

Senator FERGUSON. Mr. Chairman, should not these gentlemen remain here so that if the Commission is called, these men will be here at the same time?

Senator DONNELL. I think that would be very proper.

Mr. ARENS. I would like to make an observation insofar as I can speak for these gentlemen. I believe almost every one or at least some of them have expressed to me their strong desire to return for not only family reasons, but, Mr. Tripp in particular, because of the burden of his work over there. He is the chief of the immigration mission in Europe. One of the gentlemen expressed to me his concern that he is anxious to return speedily, because his wife and infant are over there and he feels that his wife cannot speak German and is having a difficult time getting along over there.

I would suggest that for the benefit of the committee these men be given the opportunity to express themselves on their own particular situation.

Senator FERGUSON. Notwithstanding that, I think there should be an opportunity for the Commission to hear what these men have to say.

Mr. TRIPP. May I make a suggestion as far as my own case is concerned?

Senator DONNELL. Yes, sir.

Mr. TRIPP. I believe that it is highly desirable that I be available after the Commissioners have been interviewed. However, I feel that I should get back to Germany as soon as possible.

But before I go I have a brand new granddaughter that I must spend a couple of days with and I must visit my mother. May I ask that I

be released, say, until next Monday or next Tuesday and then I could come back.

Senator DONNELL. We shall be glad to accommodate you, Mr. Tripp, and anyone else that has particular circumstances.

Mr. ARENS. Does anyone know whether all of the members of the Commission are in the United States?

Mr. MAIN. They were on last Friday, sir.

Mr. ARENS. Could the chairman decide on each one of these gentlemen individually? Mr. Tripp has now asked that he be excused until next Monday or Tuesday.

Mr. TRIPP. Whichever is desirable.

Senator DONNELL. Are there any other gentlemen who would like to be excused until next week?

Mr. CUTLER. I have been over here 2 weeks and I have been waiting over a week. My wife is sick and I have a baby that is a year old, and they are both alone in a house. I get a cable from my wife every day. When I came, I thought I would be only a couple of days. I am perfectly willing to resign and they can send me back again, because I just want to get over there and take my wife and my baby back with me. That is the way I feel.

Senator DONNELL. Mr. Cutler, has your testimony been taken?

Mr. CUTLER. Yes, 2 weeks ago.

Senator DONNELL. Do we need Mr. Cutler here?

Mr. ARENS. May I just make a suggestion?

Senator DONNELL. Very well.

Mr. ARENS. Could Mr. Tripp be excused from his subpena between now and next Tuesday? In view of the exigencies of the situation Mr. Cutler is faced with, I would suggest that he be excused to go home and then we can communicate with him.

Senator FERGUSON. I think we ought to confer with the Commission and see whether they want him to go back before they testify.

Mr. ARENS. After he is released from our subpena, he is beyond the control of our committee.

Senator DONNELL. Could not then Mr. Arens cause communication to be had with Mr. Carusi, the Chairman of the Commission, and find out when the members of the Commission can be heard?

Mr. ARENS. I think that, of course, can be determined, and then the subcommittee can indicate whether or not they desire to hear the Commissioners then.

Senator DONNELL. I think it would be well to confer with Mr. Carusi so the subcommittee will know whether Mr. Carusi, Mr. Rosenfield, and Mr. O'Connor can be here to testify. I think you could get in touch with Mr. Carusi by noon of tomorrow.

Mr. ARENS. Yes, if he is in town.

Mr. CUTLER. Could we not call him now?

Senator DONNELL. Well, now, Mr. Cutler, we cannot do all of these things at once. We will do the best we can, but just cannot do them all at once. We must communicate with the subcommittee to find out just what it wants done.

Do you think you could communicate with Mr. Carusi by tomorrow noon, and then we could have the subcommittee meet at 1:30 tomorrow afternoon?

Mr. Cutler, can you wait until tomorrow all right? You were not going back this evening, were you?

Mr. CUTLER. I have cabled that I was going back tomorrow, and I have a reservation. You see, I was told that I would have to wait a day and I have been waiting for 10 days.

Senator DONNELL. I did not bear Mr. Cutler's presentation.

Mr. ARENS. Personally, I would suggest, because of the peculiar circumstances of Mr. Cutler's case and in view of the fact that, as I understand it, he can be back over there in a day or so and can then fly back again, and because he has a sick wife or a sick baby, we might permit him to return.

Senator FERGUSON. I think we ought to confer and see what Mr. Carusi wants with respect to Mr. Cutler.

Senator DONNELL. Mr. Cutler, you are with the Displaced Persons Commission?

Mr. CUTLER. Yes, sir.

Senator DONNELL. I think so, too.

Mr. CUTLER. May I call Mr. Carusi now?

Senator DONNELL. Mr. Cutler, we cannot do all of these things instantaneously. But we will do it as quickly as we reasonably can. We are aware of your situation and we want to accommodate you, of course. I think the suggestion of Senator Ferguson is sound, and it would be well for you to get in touch with Mr. Carusi, if Mr. Carusi can still be reached this evening. That is perfectly all right with me.

Mr. Arens, our subcommittee will be called to meet tomorrow morning at 9:30, to accommodate Mr. Cutler, so that he can get off tomorrow, if Mr. Carusi thinks that it is proper for him to go.

Mr. ARENS. What would you think of just carrying this whole matter over to 9:30 tomorrow morning and between 9 o'clock and 9:30, we can probably ascertain through the Displaced Persons Commission just what the situation is.

Senator DONNELL. It was my thought to call the subcommittee together for 9:30 tomorrow morning, and in the meantime we would try to reach Mr. Carusi. It was my thought that you could report to the subcommittee at 9:30 as to when Mr. Carusi and the other two gentlemen can be here.

Mr. ARENS. Can you make that at 10:30?

Senator DONNELL. I have to make that 9:30, because there is another subcommittee that is meeting at 10:30.

Mr. ARENS. How about 10 o'clock?

Senator DONNELL. That might be all right.

Mr. ARENS. On second thought, that would not be satisfactory as there is one other Senator that is generally committed in his office until about 10 o'clock.

Senator DONNELL. Ten o'clock would be all right.

Now, Mr. Cutler, we want to accommodate you in any way that we can. We are aware of your situation and we are not without some spark of humanity yet, but we just cannot run all of these proceedings on the basis of each man just departing and going thence according to his own personal position.

Mr. CUTLER. Yes, sir.

Senator DONNELL. Mr. Arens, then, will be kind enough, on behalf of the subcommittee, to get in touch with Mr. Carusi and find out

when the members of the Commission can meet with us to be interrogated.

Mr. ARENS. Should we not first discuss the matter with the subcommittee so as to ascertain whether the subcommittee wants to interrogate Mr. Carusi?

Senator DONNELL. I suggest that you have Mr. Davis call the subcommittee together at 10 o'clock tomorrow morning at which time the subcommittee can be informed of the situation and can determine that. I would suggest that you gentlemen be near at hand. The subcommittee may go into an executive session, but we would like to have you close at hand.

Now, Mr. Tripp has the particular situation and he wants to get up to see his mother. When do you want to leave, Mr. Tripp?

Mr. TRIPP. I would like to take tonight's train and will be back here Tuesday morning, so you can plan on that, if that will be satisfactory with the subcommittee.

Senator DONNELL. I see no special reason why Mr. Tripp should not be permitted to leave.

Mr. ARENS. If the Displaced Persons Commission is to be called, Mr. Tripp's presence would be as desirable here as that of any of the other men.

Senator DONNELL. Where does your mother live, Mr. Tripp?

Mr. TRIPP. Massachusetts, but there will hardly be any hearings before Tuesday, will there? I would think that if I were here by Tuesday morning, that would be all right.

Senator DONNELL. Are you planning on flying, Mr. Tripp?

Mr. TRIPP. Yes, sir. I could get here on 6 hours' notice.

Senator DONNELL. I suggest that you give Mr. Arens your address as to where you will be with your mother. We would like to see you be able to visit her. But keep the way open so that Mr. Arens can reach you.

Mr. TRIPP. I will keep in touch with him.

Senator DONNELL. You are to understand that if you are needed, you can get back here in 6 hours' time?

Mr. TRIPP. That will be fine.

Senator DONNELL. Now, gentlemen, with that understanding, the subcommittee will be in recess until tomorrow morning at 10 o'clock. I think we had better convene in room 424 of the Senate Office Building.

That will be an executive session, but I suggest that you gentlemen be available in the corridor near the hearing room.

(Whereupon, at 5:25 p. m., the committee recessed to reconvene at 10 a. m., Friday, February 17, 1950.)

DISPLACED PERSONS

FRIDAY, FEBRUARY 17, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, at 10 a. m., pursuant to recess, in room 424, Senate Office Building, Hon. Pat McCarran, chairman of the committee, presiding.

Present: Senator McCarran.

The CHAIRMAN. The Subcommittee on Immigration was to meet here at this hour. The Senators are all pretty well tied up with other meetings. The chairman must go from here now to Appropriations.

Another subcommittee with reference to S. 2912, of which Senator Eastland is chairman, is to meet here very shortly. Senator Eastland will be here in a moment. The subcommittee having the immigration matter in hand stands at recess until the call of the chairman, which we hope will be prompt, so that the other committee can come in and hold their hearing.

I might say that at the meeting of the Subcommitte on Immigration, we will want to have present Mr. Meyer D. Bashein, senior officer at Butzbach; Mr. Alex E. Squadrilli, European coordinator; Gertrude Ruskin, senior officer at Ludwigsburg; and Ben Kaplan, executive assistant at Frankfurt.

We will also want to have present the members of the Displaced Persons Commission.

We will have to arrange with the Displaced Persons Commission as to when the other witnesses can be here so that they may all be here at once. When the clerk has arranged that, he will let me know and we will then fix the date of the hearing.

The witnesses now under subpena will be excused for 1 week.

The committee is adjourned.

(Whereupon, at 10:05 a. m., the committee recessed, to reconvene upon the call of the chairman.)

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DISPLACED PERSONS

FRIDAY, FEBRUARY 24, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, in the District Committee room, the Capitol, at 2 p. m., Senator William E. Jenner, presiding.

Present: Senators Jenner (presiding) and Ferguson.

Also present: Messrs. Frank W. Schroeder and Thomas Davis, of the professional staff, and Edward M. O'Connor, Commissioner, Displaced Persons Commission.

Senator JENNER. We will proceed, gentlemen. We will hear Mr. R. B. Hudgins first. Will you come up and be sworn, Mr. Hudgins?

Do you solemnly swear that the testimony you are about to give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HUDGINS. I do.

TESTIMONY OF R. B. HUDGINS, COUNTY AGENT, APPOMATTOX, VA.

Senator JENNER. You may state your name.

Mr. HUDGINS. R. B. Hudgins, county agent, Appomattox, Va.

Senator JENNER. How long have you been county agent at Appomattox?

Mr. HUDGINS. Twenty-five years.

Senator JENNER. Apparently, you have had experience in agricultural work practically all your life?

Mr. HUDGINS. Yes.

Senator JENNER. And you have had wide experience with actual farming in addition to your county agent work; is that correct?

Mr. HUDGINS. Yes, sir.

Senator JENNER. I understand you have a prepared statement, Mr. Hudgins.

Mr. HUDGINS. Yes.

Senator JENNER. Will you proceed to read it, please?

Mr. HUDGINS. Yes, sir.

From experience I have had dealing with the farmers and DP families, it is evident that something needs to be done regarding the present system of placing displaced persons on farms. Under our present tenant system, when a landlord makes a year's agreement with a tenant, which is usually about July, he is satisfied that the tenant will remain during that crop year. If he is to remain the sec-

ond year, another agreement is made about July of the following year.

It is quite different with the DP families. They are sent to this country as farm laborers. The farmer goes to considerable expense in preparing for them, such as furnishing a home, electric lights, heat, food including milk, grain for so many chickens, and grain for so many hogs; a good garden, with the understanding that they can sell as many vegetables as they do not need for family use; furnishing them transportation to grocery stores and church on Sunday; the school bus picks them up near the door and, in addition, paying them $25 to $50 a week. Taking everything into consideration, it amounts to about $200 or more per month.

Under these circumstances, our experience has been that of the 11 DP families in my county, 7 of them have left in 2 weeks' notice. The four farmers who have DP's apparently at present satisfied are very uneasy for fear that they will leave any time during the summer after the crop is started, which will leave the landlord in very bad circumstances in regard to completing his crop year. Our observation of practically all of them is that they are unappreciative; do not take into consideration what is being done for them; only think of the money that is being paid them. It's money, money to get to the city, or some large center.

Every one of our farmers leans over backward to keep things pleasant for them. It is my understanding that each farmer has to report to the State office every 6 months the DP's standing and progress he makes. No other check is made on these people at all. They can leave any time they get ready. No State or National officials have any idea where they are or what they are doing when they leave, and it's my opinion that as soon as they gravitate to some large center, they go on relief.

Senator FERGUSON. Why do you say that?

Mr. HUDGINS. Because so many people try and get on relief and get out of work.

Senator FERGUSON. Have you any particular incident that you have first-hand knowledge of as to that?

Mr. HUDGINS. I say I fear that. When we secured our first DP family I had great hopes for the program, believing that our farmers would have permanent, intelligent help; families not afraid of work, and that would appreciate things done for them.

Now I am very much disappointed in this type of farm labor. I seriously question the wisdom of these families being admitted to America as farm labor or any other kind of labor. I have no proof, but knowing and reading what's going on in this country, I am very suspicious that many of these foreign people admitted to this country have been carefully schooled as spies. I do not wish to infer that all of them are spies, but certainly the most intelligent. As in my county we have had a few not only disagreeable, but intelligent with it.

Senator FERGUSON. Would you mind being interrupted there?

Mr. HUDGINS. All right.

Senator FERGUSON. Could you state to the committee the basis of your belief that there are spies among these people?

Mr. HUDGINS. Well, in one or two instances up there with us, everything they say about America is condemning America and praising Europe. And some of them want to get back to Russia.

Senator FERGUSON. Did they say they wanted to get back to Russia?

Mr. HUDGINS. Yes, sir.

Senator FERGUSON. How many of these people came from Russia?

Mr. HUDGINS. I don't know that any of them did.

Senator FERGUSON. They stated they wanted to get back into Russia, did they?

Mr. HUDGINS. Yes, and they left.

Senator JENNER. You mean they left the farm; is that right?

Mr. HUDGINS. Yes; they left the farm. Nobody knew where. I tried to get them to get a ticket to go to Richmond and report to the Richmond office, but they wouldn't even buy a ticket to Richmond.

Senator JENNER. They did not report to the Richmond office, which is the State office; is that right?

Mr. HUDGINS. They did not. This family wanted a ticket to Philadelphia. The agent at Concord wouldn't sell them a ticket to Philadelphia. Then he said, "I will sell you a ticket to Petersburg and you will have to get a ticket from there to where you want to go." And that's what he did.

Senator JENNER. Why would he not sell them ticket to Philadelphia, but would sell them one to Petersburg? That is still in the State, is it not?

Mr. HUDGINS. Right.

Senator JENNER. He did not want to sell them a ticket across the State line, knowing they were displaced persons and they were supposed to report to the State office; is that correct?

Mr. HUDGINS. That is right.

Mr. SCHROEDER. Do you know the names of those persons?

Mr. HUDGINS. No, I don't, but I could get them.

Senator FERGUSON. What nationality were those people?

Mr. HUDGINS. Ukrainians, I think.

Senator FERGUSON. Then their native land today is under Russian domination, is it not?

Mr. HUDGINS. Yes. During the war, with a large majority of our farm boys in the service, the age of the average farm laborer was 60 years in Virginia. With the aid of improved farm machinery we increased the production during those years greater than at any period in the history of this country. At present we have billions of dollars of certain surplus foods now in storage, and this country does not know how to dispose of it. The Department of Agriculture is of the opinion that a greater surplus will increase in the next year or two. We have plenty of labor in this country. Certainly we do not need any foreign farm labor to swell the surplus we already have and expect to have.

As I have stated before, in a few months these DP families migrate to the industrial center, swelling the relief load which is increasing the taxation of our people. Gentlemen, I have a letter here which I wish to read into the record. I wish to state that this letter was prepared by my boss, who serves about 16 counties in Virginia.

Senator JENNER. What is his name?

Mr. HUDGINS. Elmer W. Carson.

Senator JENNER. What is his job?

Mr. HUDGINS. He is district agent. He is over about 16 counties.

Senator JENNER. Where does he live, if you know?

Mr. HUDGINS. Appomattox.

Senator JENNER. That is Appomattox, Va., is it not?

Mr. HUDGINS. Yes. He put this letter on my desk the other day, and I brought it with me. He sent this letter to the Displaced Persons Commission, care of the Statistical Section, Immigration and Naturalization Service, Washington, D. C.

Senator JENNER. What is the date of the letter?

Mr. HUDGINS. February 21, 1950.

The letter is:

This is to report to you that the displaced persons family for which we assumed the responsibility in September——

Senator FERGUSON. Did he personally take a displaced family?

Mr. HUDGINS. Yes, sir.

This is to report to you that the displaced persons family for which we assumed the responsibility in September has followed the pattern of most of the other DP's in this area; that is, they are leaving farm employment and going to the city. Our displaced persons family, Waysal Seifel and family, will leave Friday, February 24, for Philadelphia, Pa.

It is certainly evident that something needs to be done regarding the present system of placing displaced persons on farms. I have had an opportunity to observe between 30 and 40 DP families and with the exception of one or two instances, the DP families are not staying with the farmers sufficiently long to take care of more than a very small fraction of the expense which the farmers go to in order to set up a home for these families who are supposedly in dire need of a home.

From all indications, there seems to be a concerted effort on the part of the DP families to get to cities as rapidly as possible and when the family leaves, they apparently keep in close touch with any DP families in the area from which they move and within a few weeks, other DP families follow.

I might add that I have also observed that most of the DP families are very unappreciative of what the American farmer has done or may be trying to do for them.

I had great hopes for this program and was, in the beginning, very sympathetic toward the whole set-up. At the present time, I seriously question the wisdom of these families being admitted to America as farm labor. It is my observation that those that are paid salaries equal to or above the local prevailing wage do not stay with the farmer any longer than those receiving less.

I am passing this information on to you for what it might be worth, and I feel that I am one of many who have been forced to change our opinion of the displaced persons program.

Very truly yours,

E. W. CARSON, *District Agent.*

Senator JENNER. Mr. Hudgins, in the county where you are county agent, you state that of the 11 displaced persons' families that came in there as farm laborers, that out of the 11, 7 have left; is that right?

Mr. HUDGINS. That is right. The seventh one is leaving today.

Senator JENNER. According to this letter here of the district agent, apparently it follows a pattern that when one family leaves, that family communicates with the other families and it is not long until they pull out and they all go to the same place, which is Philadelphia in this particular case.

Mr. HUDGINS. Yes, Philadelphia. Most of them go to Philadelphia. One or two, I think, went farther west, toward Chicago.

Senator FERGUSON. A farmer would be compelled to pay the transportation of the family from New York when they got here, would he not?

Mr. HUDGINS. That is usually the case, but they don't always have to do that.

Senator FERGUSON. Who pays the transportation? He talked in his letter about the cost of bringing them here.

Mr. HUDGINS. From New York?

Senator FERGUSON. New York to the farm. That is what I meant.

Mr. HUDGINS. Yes.

Senator FERGUSON. He got them in September and they are leaving today; is that right?

Mr. HUDGINS. That is right. Here is the situation that they are leaving him in: Mr. Carson is away from home most of the time, having charge of 16 counties. He is at home mostly during the week end. He is milking about 15 or 18 cows or feeding about 30. How he is going to get anybody to milk those cows right away, I don't know. That is the situation they leave him in on a week's notice.

Senator JENNER. In other words, the farmer pays this cost from the port when they arrive to the farm, does he?

Mr. HUDGINS. I think so.

Senator JENNER. What would it cost the average farmer, in your county, where you are acquainted with the cost, to set up a home and equipment, to provide the transportation and the lights and the heat and so forth, for a displaced person's family. What would the average cost be in your county?

Mr. HUDGINS. I asked that question the other day, and the answer to me was a hundred to two hundred dollars to set them up.

Senator JENNER. To get a home ready?

Mr. HUDGINS. He has the house already and it is ready for them. They don't have to build it. It is already there, but to furnish it.

Senator JENNER. And it is customary in your county that they furnish transportation to the market; also transportation to church; is that right?

Mr. HUDGINS. Yes, sir. And furnish transportation to these fellows because they have to visit the other DP's in the neighborhood.

Mr. SCHROEDER. Mr. Chairman, would it be in order for Mr. O'Connor, representing the Displaced Persons Commission on resettlement, to ask the witnesses a few questions?

Senator JENNER. Go right ahead, sir.

Mr. O'CONNOR. If you don't mind, Senator, I have several things that might help us. One of the things that Mr. Hudgins brought up was the inability under the program for the farmer to have a contract with the displaced person. Well, that is true prior to their admission or entry into the United States. But there is nothing that bars the farmer from making a contract. As you say, Mr. Hudgins, it is made generally around the first of July. There is nothing to bar him from making a contract binding for a year on both sides. He can do that after they arrive. The relationship between the displaced person and the sponsor is the same as between an employer and employee in any case. You can do that after they arrive. The law specifically prohibits doing that prior to their admission.

Senator FERGUSON. Mr. O'Connor, I want to ask you a question now. Under the law, this man that wrote this letter becomes responsible that these people shall not become public charges, does he not?

Mr. O'CONNOR. That is right.

Senator FERGUSON. He has agreed with the United States Government that these people would not become public charges, and then they pull up and leave his farm and he is still liable; is he not?

Mr. O'CONNOR. The interpretation that has been given to that by the Immigration authorities is that his liability in presenting the assurance is one that is a moral responsibility.

Senator FERGUSON. Is that all that liability here is? The statute has written in the words that they will not become public charges, and you say that the public officials are going to interpret that to mean there is nothing more than a moral obligation.

Mr. O'CONNOR. On the sponsor. However, if the immigrant becomes a public charge, he is deportable.

Senator JENNER. They are deportable, but nobody has ever deported them.

Senator FERGUSON. Yes. Can you tell us of anybody that has ever been deported because he became a public charge, among the displaced persons?

Senator JENNER. There has not been a displaced person that has been deported for that.

Mr. O'CONNOR. They would have to do this: They would have to apply, Senator, for public assistance, and they would have to establish that the reason for their receiving public assistance was for reasons that were present prior to their arrival in the United States. In other words, the most difficult case along that line would be someone who a mental sickness, or might have had a disease, let us say cancer, as an example, or tuberculosis, which they proved was present before the arrival. They can be deported.

Senator FERGUSON. They can be deported because they were not admissible into this country.

Mr. SCHROEDER. That is a violation of the immigration law, not the Displaced Persons Act.

Senator FERGUSON. What I am talking about now is the statute that says these people are not to become public charges. Does not the law say that you guarantee when you bring these people in that you will keep them from becoming public charges?

Mr. O'CONNOR. Yes.

Senator FERGUSON. And there is nothing in it about them having to work for you, is there?

Mr. O'CONNOR. That is right.

Senator FERGUSON. Then these people come in one day and the next day they leave you and then you are bound to see they never become public charges; is that not correct?

Mr. O'CONNOR. There is nothing in the statute which would permit the Commission to do anything about keeping them on the farm, Senator.

Senator FERGUSON. I want to get this straight so the public will understand what we have here. We have an agreement upon the part of this farmer that he will keep this man from becoming a public charges as long as he lives. Then the fellow comes here and works

less than 6 months and leaves the farmer and goes to Philadelphia. This farmer is obligated to the United States Government, at least morally—and to a lot of people that is even a big obligation—to forever see that this man is supported.

Mr. O'CONNOR. But not forever, if you will excuse me, Senator.

Senator FERGUSON. What does the act say?

Mr. O'CONNOR. It isn't in the act, Senator. As soon as they gain citizenship, presumably in 5 years, you see, then that is removed.

Senator FERGUSON. Does it say so in the act?

Mr. O'CONNOR. No, but that is the regular immigration law.

Senator FERGUSON. I am talking about the Displaced Persons Act.

Mr. O'CONNOR. It does not say that.

Senator FERGUSON. Will you read the terms of the act? I do not think there is anything in it on that.

Senator JENNER. Mr. O'Connor, may I ask this question along that line: You have organizations, for example, that try to place these people and they say they are going to work in hotels, for example, right in New York; is that right?

Mr. DAVIS. Not the Commission, but these agencies.

Senator JENNER. That is what I am talking about, these agencies that are bringing these people over, supposedly sponsoring them. They bring them up there and then after they take them out to the farm, does not this agency have any more interest in looking after them?

Suppose that gentleman, Mr. Carson, reports that on February 24 these people left him; suppose he reports that to the authorities in Richmond, Va., the central office. Then do these agencies that drum up the business of getting these people in, do they have anybody check on them, or do they just become wanderers?

Mr. O'CONNOR. Yes.

Senator FERGUSON. How are they going to check on them?

Mr. O'CONNOR. In a good many cases lately they have left without letting anybody know.

Senator FERGUSON. That is what the witness said.

Mr. O'CONNOR. I did not deny that, Senator. However, when we have a case leave such as that, and it is reported to us through our files, we can determine, if it is a voluntary agency, which one it was through which the sponsor presented his assurances. We write them and say that we are informed thus and so an, "Will you kindly let us know where this displaced person is at the present time, why he left, et cetera?"

If they come in, as some have, without going through a State commission or a committee, or a voluntary agency, and they up and take off, then we have no immediate needs of finding them, except they are referred to the Immigration authorities. I mean the notice of the letter is referred to them, that they have moved from their original sponsor. Of course, they are required semiannually to make reports, as you know, and they make those reports. In that way they are caught up with. That is, the new residence is found.

Senator JENNER. But from the evidence we have heard at various times before this subcommittee, these people are masters at fraud and deception. A great percentage of them are in this country on fraudulent papers right now. So it is pretty hopeless to catch these

people who are known crooks before they get here. In other words, it would be a great burden upon any agency of government to run them down because they are masters of fraud. That is a fact. The evidence before our subcommittee has proved that time and again. A great preponderance of them have come in on forged papers, through lies and deceit. So how are you going to have an organization running that kind of people down?

Mr. O'Connor. Senator, I think the regular force of the agencies of the Government, the Immigration Service, keeps track of them. They are required to make semiannual reports. In addition to that, the Immigration district office keeps in touch with them. If there are any who willfully hide their residence, they will eventually be caught up with.

Senator Ferguson. Can you tell us in percentage or in number how many people have left their original sponsors? You see, they guarantee them a home that does not displace a present citizen. They guarantee them a job that does not displace a present citizen. In effect they, under your interpretation, have a moral obligation to support that man for an unlimited length of time to see that he does not become a public charge. How many of them have left their originial sponsors? Here is a man that writes a letter and says that out of 40 cases he knows, only 7 of them are remaining, and the witness says 7 out of 11 have left.

Mr. Hudgins. That is right.

Senator Ferguson. That is a big percentage, and those people could all be displacing other people out of homes. They could all be displacing other people out of jobs. They could, as a matter of fact, all be welfare charges, and that is the obligation of the man who sponsored them. I know how the man would feel if he has a tenant house there already for the displaced person, and then he leaves with only a 2 weeks' notice. He would not feel very kindly about supporting that man the rest of his life, and his family.

Mr. O'Connor. Before I answer your question, I would like to preface it by saying that I understand and I am much concerned about the problem of those presented here today, of those who do not remain with their sponsor. We see the bad-faith question involved here, and we try to do our best to try to correct it.

Senator Ferguson. I am not criticizing the Commission. I want to get the facts, because we are going to meet this on the floor, and I want to know what the answers are.

Mr. O'Connor. Our best judgment within the Commission is that between 80 and 85 percent of the people who have come in have made a success of their first place. That is our estimate.

Senator Jenner. Is that of the farm section, or of all the people?

Mr. O'Connor. That is everybody.

Senator Jenner. You do not have any break-down on that as to farm people, do you?

Mr. O'Connor. I am sorry, we don't.

Senator Jenner. I do not want to rush you, but if you have any questions to ask, I would suggest that you ask them as briefly as possible because some of these people who have promised to testify want to get back and take care of their herds. We can ask you our questions later.

Mr. O'CONNOR. I would appreciate it if we could get the names of the people who are supposed to have said that they like Europe better than they like the United States, and want to go back. We would like to have those names very much. Just give us the names, if you possibly can, Mr. Hudgins.

Senator JENNER. Do you have those names, sir?

Mr. HUDGINS. I think I can get them. Senator, may I make a statement before I leave the witness stand?

Senator JENNER. Yes.

Mr. HUDGINS. I want to say here also now that those DP's that left, the landlords were very well pleased with them, especially Mr. Carson. He liked his. He was in hopes that he would stay on indefinitely with him because he had no trouble in making his work at all. Now, here is the weakness of your program. These people sign up over there, as I understand it, as farm labor. They get here. They haven't had any experience in farming. The weakness in this program is: If it could be understood with the DP's before they come that they are to stay on a farm or farms, or in agriculture, from 3 to 5 years, if they did not like this farmer, that is all right, they could go, but if they left one farm they must go to another farm and not to the large centers, that would help.

Senator JENNER. Thank you very much, Mr. Hudgins. We will now hear Mr. L. M. Walker.

Mr. Walker, will you raise your right hand, please, and be sworn?

Do you solemnly swear that the testimony you are about to give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WALKER. I do.

TESTIMONY OF L. M. WALKER, COMMISSIONER, STATE DEPARTMENT OF AGRICULTURE, RICHMOND, VA.

Senator JENNER. Your name is L. M. Walker, is it not?

Mr. WALKER. Yes.

Senator JENNER. You are commissioner of the Virginia State Department of Agriculture at Richmond; is that right?

Mr. WALKER. That is right.

Senator JENNER. How long have you been commissioner of the department of agriculture, Mr. Walker?

Mr. WALKER. I have been commissioner of agriculture since 1939. Prior to that time, from 1917 to 1938, I was county agricultural agent of two counties, working with farmers all of my adult life and was reared on a farm in Virginia.

Senator JENNER. Mr. Walker, do you have a prepared statement to present before this committee?

Mr. WALKER. No, sir; I do not have a prepared statement.

Senator JENNER. Then, will you, as briefly as you possibly can, just state your story to the committee?

Mr. WALKER. Yes, sir. About December 1948, the Governor of Virginia, Governor Tuck, asked me to serve as chairman of a committee to aid farmers in getting displaced people. After several conferences with him, we talked about who might be put on the other committee, with the result that the director of agricultural station work, L. B.

Dietrich; the commissioner of labor, director of welfare, and the judge of the industrial commission in Richmond, and M. B. Rowe, who is my administrative assistant, was made secretary. And we proceeded to get the information through Mr. O'Connor's office. I want to say that we found him and his office most cooperative.

A good many things about this program, like Mr. Hudgins has described, are very unsatisfactory to farmers. We feel they are unfair to this country. But we believe they are a result of laws of inadequate screening, which Mr. O'Connor and his people can't do anything about. To date we have placed—Mr. Rowe has the exact figures—but I believe 118 families on Virginia farms. I would like you to check this figure with him because he does most of the leg work in the program. I think to date, that we know of, 18 of the families have gone.

The biggest objection the farmers find is that everyone we have heard from, when he locates on a farm, begins to write a good many letters, usually to large cities of this country, to fellow DP's who might have come in the same shipment or might have come in an earlier shipment, and to his foreign kin, who might already be in this country. They all seem to compare wages, how much they are making in Chicago or Milwaukee, Philadelphia, New York, and they do not seem to appreciate the fact that from $60 to $75 on a farm, with house, garden, milk, firewood, and those regular things furnished, is often more than $125 in the city.

Mr. SCHROEDER. Pardon me, sir, but is that per week?

Mr. WALKER. Per month. As Mr. Hudgins has told you, they get up and leave on short notice. We get phone calls practically everyday in our office in Richmond that people are about to leave or are already gone. One family told us the family left them on an hour's notice. An uncle from Chicago drove in in a high-powered car and loaded them in and drove away.

As Mr. Hudgins has told you, it is very unsatisfactory for a farmer to farm when he can't tell how long he will have his help. People are still asking us about the program, and we have to be frank with them, like we do about all other agricultural matters in working with farmers, and tell them that, to us, the whole thing is a pig-in-the-basket process and that if they want these people we can help them get them, but they should be prepared to know that they sometimes leave on short notice.

We have never heard of their stealing, or doing anything that is dishonestly immoral. The majority of them seem to have a fair inclination to work, but very few of them have an indication about knowing how to take hold of farm work. You know farmers. You know the way people who have been on a farm all the time will handle things. You can generally tell the way a man handles himself whether he knows anything about farming, or not. But that hasn't always made too much difference. If the people are young enough and willing, they can usually learn.

But some farmers have become dependent on them and have had them for 4 or 5 months and feel they have some reason for security and reasonably good help, and the next thing they know they pull up and leave. The farmers who have them now, of course, don't know whether they are going to be there next week or next month, or how long.

Through Mr. O'Connor I got a Polish family on my farm last August, and they are proving to be excellent people. I have a farm in Virginia where I have three other families of native people. The farm is only about 70 miles from here, in King George County. That family is working out fine. They are proving to be good people. They have two boys in school. While the father is green about farmwork, he seems to be a high-class man, and I like him, and up to now they are doing a very good job.

But in that community we had another request for people some months ago, and we usually have these people arrive at Richmond, Va., with an interpreter from the Ukrainian group in Philadelphia. Mr. Rowe, who works with me, notifies the farmers by letter or by telephone to come in to the railroad station in Richmond and meet the people and have some exchange of words between the interpreter and the farmer. They load the people in a car and go along. They usually have considerable baggage, usually one or two boxes about the size of an ordinary casket, that is shipped by express, by freight, and that is sent a few days later. These people come and get them and take them to the farm. This neighbor of mine came and met his people sometime in the forenoon, and we had a call in the early afternoon that they couldn't do anything with the people. That happened to be before the interpreter left town. We didn't have any doubt but what the interpreter could get this family straightened out, overcome any fears they might have, and get them to go into this farmer's house.

So Mr. Rowe and I went to the farm with the interpreter, a man named Dudas, who is with the Ukrainian group in Philadelphia, and after he talked in his language—this man and wife and two children all looked fat and well fed—he turned to me and said he believed the deal was hopeless; the people couldn't be persuaded to go into the house; they didn't want farmwork, and he didn't believe they were fitted for farmers. So without entering the house, the farmer agreed to take them to the railroad station in Fredericksburg and ship them to Philadelphia. So we were coming to Washington that night on some other matters and went to Mr. O'Connor's office the next morning in his department and called Philadelphia. And Dr. Galvin, in charge of the Ukrainian group, advised us that this man had arrived in his office by 8 o'clock, that he was waiting at his office there when he went in.

I told him that I hoped very much he would send him back to Russia and let Joe Stalin see if he could get anything out of him because it looked like he wasn't any good to us. So we talked to the attorney in Mr. O'Connor's department and learned for the first time that these people would not be sent back to Europe regardless of their behavior in this country. So that weakened us very much because we felt that if we didn't have much to hold over these people if they didn't want to work, we couldn't do anything with them.

We then proceeded to get this farmer another family, who was a good man. It wasn't his fault that this family turned out so poorly. Mr. Rowe made arrangements with Mr. O'Connor to have another man shipped to his station, which was Fredericksburg, Va. He met him there in due time. That man was reasonably young, I believe on the sunny side of 30, and his wife was about the same age. They had

one child old enough to go to school, who had been entered in the local high school and is making fair progress.

While they knew a little about farming, they seemed to be willing to work and this farmer thought he had somebody that was doing some good. The farmer happened to be of the Baptist faith, and there is a Baptist Church in that community and he took the family to church every Sunday and they seemed to be pleased at going to church. The good people in the church one Sunday afternoon gave this family what we call in the country a pound party. A good many different people came in and brought in a pound of butter, a pound of meat, and a pound of something else, and they did everything to make the people feel at home and feel like they were welcome in America. They seemed to continue to work with fair success, until the family, before—I was on my farm and that farmer called me on telephone to know if I could come over there, that after getting back from church that day he learned that his people were leaving and he needed them mighty bad, and he wondered if there was any way to straighten them out. I told him I was afraid that I couldn't do him any good, judging from the way some of the others had turned out, but that I was going over.

I went over and talked to the farmer. He had gotten from them—he could understand their language some better than I could—that they were going to Chicago, man and wife and boy, that they had been to the local bus station and checked the cost of bus transportation from that section to Chicago, which was $43 for the group. They had money enough to reach there, but they owed the farmer about $50, which they promised to send him when they occupied their new work in Chicago. He asked me if I thought they would send him that money. I told him that if he found them to be honest I rather thought they would. At any rate, I didn't see any way of getting money out of them at that time if the wanted to leave, and it looked like it would be the best chance he had.

This family had plowed the garden and bought the seed, but they had heard from some of their fellow DP's or other kin in Chicago and had been offered a job of working in a bakery at $50 a week, and the wife was promised work. Now, $50 a week, along beside what this man was getting, which was about $60 a month, with house and milk and so on furnished, looked to him to be considerably more money after the child had entered the school and was making fair progress.

I asked this farmer before leaving if he thought he wanted another one. He said, "I don't know whether I ought to have one, or not." But I said if he wanted to try one I think it would be possible for us to get him one. But I said I wanted him to decide. Then we had another case prior to that. The Governor of Virginia, Governor Tuck, whose term expired last night, has a tobacco farm down in the south side of Virginia, very close to North Carolina. He had a neighbor living on an adjoining farm who was looking after his farm. He knew about our work in the Displaced Persons Committee, and he asked us if we could select some truly worth-while people that he could give a good opportunity to on his farm.

So we took this up with Dr. Galvin, of the Ukrainian group in Philadelphia, and they promised us that they would select some highly worth-while people, who arrived at Richmond in a shipment, I be-

lieve, of 16 families. While we didn't do this in other cases, but there is only one Governor of Virginia, they rode in one car and I got in another, and we drove to the Governor's farm and delivered these people. It happened to be Saturday and the Governor had a big pot of stew, had on his old clothes, and a good many of his neighbors had come to see these people and make them feel at home. We took them to the tenant house, which he had fixed up some for them. He provided running water, and a short time later he bought a cow, not having a cow farm, bought a cow and got some hands, bought them a radio. The Governor has no children, and there was a pair of twin girls in this family and the Governor took a great fancy to them and gave them a great many more things than other people would have ordinarily gotten.

Well, his first impression was that these people were working very well. But he decided later on, after the gentleman who is here with us this afternoon, who is a farmer, and is a native of Russia and can talk their language, he was good enough to go down with Mr. Rowe, in my office, on two occasions, or one occasion, I believe, and ask if he couldn't straighten these people out because the Governor felt there must be some kink somewhere which could be ironed out, which would enable these people to do a better job and get a better start in life.

It appeared that one family was not too much good, and we advised them to leave, which they did. They left, and I believe went to Philadelphia and began to write to the family on the farm, which was considered to be the better family, and telling them how much money they were making in Philadelphia. It wasn't but a short time before they were dissatisfied and ready to go, and the Governor became rather impatient with them. I don't think he ever saw them any more, but his attitude was, to hell with them: "I have done all I can with them and I am not going to work with them in this country. I don't feel that program is even worth while." So those are some of the high spots and disappointments we have run into, and there have been many. But the people seemed to come in this country with the attitude that everybody over here is rich and this is a land of milk and honey, and all they have to do is get in here and they will be all right. But it does seem to us now that when they once get in here they are as independent as you and I to do anything they want to do and nobody can handle them otherwise.

It has been most discouraging to farmers who started out with sincere motives of trying to help these people and help themselves. While there may, under conditions up to date, be enough people for most jobs in this country, under my observation the farm is about the last place people want to work today. And it is one of the best places people can raise children and send children to school and get milk and eggs and some necessary food. We were most hopeful that it would be a good deal for both farmer and displaced person.

In the case of one of these families the Governor had, that he got a cow for and some hens, they complained about the amount of money they were getting. I think they were getting $40 or $45 a month, and certain furnishings. They made the remark to Mr. Rowe and Mr. Varkentine, who is here, that if the Governor kept that cow and just gave them $5 a month more, they would have been better off.

Now, Mr. Mister, who is here also and who is a prominent Guernsey cattle raiser around Richmond, has had some very unsatisfactory experience with them. His first people were Latvians, who Mr. O'Connor knows we helped to move on a farm in Fairfax County here this last June. While they didn't know farming, they were willing workers and appeared to be making a good start. Mr. Mister called us one day a short time before Christmas—he lives only a few miles from Richmond—and he wanted to know if Mr. Rowe and I could come and straighten out his people; he said they wanted to go and were dissatisfied. Of course, we couldn't talk his language, but it so happened there is a boy 17 years old in that family, a good interpreter, who appeared to be very smart, and he could act as interpreter for us. Mr. Mister told us that they were inclined to question some bills he paid for them, for some boxes that came from New York to Richmond. I think he temporarily mislaid the bills and couldn't tell them exactly what the amount was. He also charged them an electric bill and they wanted to see it and see if that was the amount.

Mind you, all farmers in Virginia, or any region, don't pay those kind of wages, but Mr. Mister was paying, I believe, the father $110 and the son $100. That was for working on a dairy farm, milking and doing other work on the farm, which we considered to be very good wages. Well, he shopped around and answered ads from private people who had certain household and kitchen furnishings for sale, and he bought what I would take to be an extra fine bargain in household and kitchen equipment, which amounted to $240.

We went in the house. One complaint was that their furniture and household equipment cost $240 and that was too much for them to pay because they are poor people.

While we were talking to them, the boy, who was an interpreter, said, "We don't have to have costly furniture like this. We could sleep on the floor".

And Mister replied, "You won't work on my farm and sleep on the floor because people here don't do that."

It seemed to us that the household and kitchen furnishings which cost $240—and he had all the receipts—it seemed that that was very conservative for people who were making, in the same family, one making $100 and another making $110 per month. So a short time after that we made arrangements with Mister to let the women continue on in the house and the men would go to New York and look around and see what they could do. I think they were gone something like 10 days or 2 weeks and they came back and got the women. As far as we know, they are in New York now.

You gentlemen who know the country will, I believe, understand that $100 or $110 a month, which is more money than the average farmer pays for wages, might be equivalent to $200 or $250 in a city like New York, unless you live under the worst kind of slum conditions. Briefly, those are some of the high spots of the flaws in this program under the experience we have had.

Mr. Rowe has the figures on the number of families and the ages of families and the families' names and the farmers' names. But I realize you have right many people here, and if you have any questions to ask, I will be glad to try to answer them.

Senator JENNER. Would you have any questions, Mr. O'Connor?

Mr. O'CONNOR. Not of Commissioner Walker, no; except I would like to say that the Virginia State committee has done a remarkable job in cooperation with the United States Commission, and has done many fine things for the families that have gone there, particularly in the school program that they have for the children and the special jobs they have done in that one instance of adjusting families, who, unfortunately, went to a bad place, when I believe there were seven families and the State commission stepped in and corrected the whole matter. I think they have done a very fine job.

Mr. WALKER. We appreciate that very much. There is one matter I didn't bring out, that under the set-up that we have, applications usually come to us from the county agricultural agent, who we believe knows farmers better than any other individual in the county. If he certifies to us that the farmer has the proper kind of house and has ability to pay and will treat the people about right, we feel that that is the best kind of information we can get on a farmer out in the county, whom we might not happen to know.

Mr. Hudgins told you he was a county agent twenty-odd years. He didn't tell you this, but I will: He is a brother of the chief justice of the Virginia Supreme Court. That gives you some idea about the kind of people some of them are. The farmers who came with me are up and doing farmers who can pay their bills and work hard and who have made a success of what they are doing. These farmers are not the flashy kind who made money at something else and are spending it in town, but they know what a day's work is, and know how to treat people.

Senator JENNER. Thank you, sir, for your statement. We will now hear Mr. Benjamin Watkins, of Davidsonville, Md.

Will you raise your right hand and be sworn, please, sir?

Do you solemnly swear the testimony you are about to give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WATKINS. I do.

TESTIMONY OF BENJAMIN WATKINS III, FARMER, DAVIDSONVILLE, MD.

Senator JENNER. You are Mr. Benjamin Watkins, are you not?

Mr. WATKINS. Yes, sir.

Senator JENNER. What is your business, sir?

Mr. WATKINS. I am a farmer, sir.

Senator JENNER. Where is your farm located?

Mr. WATKINS. Davidsonville.

Senator JENNER. What county is that?

Mr. WATKINS. Anne Arundel.

Senator JENNER. What is your experience with the displaced persons, if you have had any?

Mr. WATKINS. Well, sir, I happened to be on the committee for the county as appointed by the Governor, by Governor Lane, of Maryland. We were appointed in September 1948, and we resigned late in January, this past January.

Senator JENNER. Why did you resign, Mr. Watkins?

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Mr. WATKINS. We resigned, sir, because we just felt that we could not go along with the program as set up. These people were leaving. We couldn't give the people satisfaction. We could not give these farmers satisfaction that we were bringing the families to.

There were so many agencies bringing in people that we knew nothing about and couldn't keep tab on that we thought the best way to bring it to a head was to resign, which we did.

Senator JENNER. Did somebody take your place?

Mr. WATKINS. Not that I know of, sir.

Senator JENNER. In other words, there is no committee in your county that you know of, looking after this problem; is that right?

Mr. WATKINS. That is right.

Senator JENNER. Would you mind telling this committee some of the things that happened that disgusted you so that you decided you would have to resign rather than put up with those things?

Mr. WATKINS. I personally had gotten four displaced families. Three of them are still with me. Our organization processed about 50 applications. About 30 families arrived in Anne Arundel County through our organization. Some came in through others.

Senator JENNER. What other organizations?

Mr. WATKINS. I couldn't name them. They are church organizations, Catholic charities, Baptists, and some I couldn't name. I couldn't name them all.

Senator JENNER. Is that in your county?

Mr. WATKINS. Those were in my county, yes.

Of the 30 families that have come, 12 have left. Some left under very distasteful circumstances.

Senator JENNER. Could you take one case, for example, and tell us exactly what happened?

Mr. WATKINS. There are men in this group who can tell; they can tell their own, but I will tell one. In one case a man had a couple of displaced persons. I think there were two in the family living in the house with him. They told him, I think, one night, that "We have to leave tomorrow," which was the next morning. He was a doctor. He came out to go to a hospital and perform an emergency operation. He found the couple standing on his porch. He offered to take them to Baltimore. They said, "No, bus." He got in his car and drove off. They went back in his house. Now, this was not stealing. They went back in his house, cooked a big meal, ate it, slopped food over the table, coffee over the table, and left all the dirty dishes for his wife to wash up.

Senator JENNER. And they just gave overnight notice that they were leaving; is that it?

Mr. WATKINS. Yes, sir.

Senator JENNER. What was your experience with them? Are they qualified farmers, and so forth?

Mr. WATKINS. Not by any means, all of them. They are tailors, storekeepers, beekeepers, gardeners, orchardmen, all sorts. I can't think of all of them that are mixed up in the lot.

Of four families that I got, I would say only one was really a bona fide farmer. But three are still with me and they are doing well, but only one was a bona fide farmer. In one case I kept a house open for a year for a man.

Senator JENNER. Then, from your experience there in Anne Arundel County, you would say there must be something radically wrong with the screening of these people some place in the administration of this law, would you?

Mr. WATKINS. Absolutely.

May I state one thing? In one of my families, I applied the fourth day of January 1949. He arrived between Christmas and New Year's 1949, which was but for 1 week a year after I had applied. During the time intervening I received any number of papers. I applied for a particular family. It so happened that this woman in this family had children by two husbands. Her first husband was dead. So there was a legal tieup as to names.

I got so disgusted at the last lot of papers coming from Mr. O'Connor's office that I never signed them. They are still lying on my desk, but the family arrived.

Senator JENNER. Do you have any questions, Mr. O'Connor?

Mr. O'CONNOR. No questions. I would like to make a suggestion on the placing of names on the assurance. When we get a named assurance we have no other alternative. Whether the principal applicant is qualified for the appointment, or not, we must process him. We assume that the person who makes the assurance by one means or another knows the qualifications of this displaced person.

Senator JENNER. Of course, Mr. O'Connor, the complete breakdown, the weakness of this whole thing is that somebody is not doing his job on the screening of these people.

Mr. O'CONNOR. Senator, the selection, I think, is the word, selecting according to the employment qualifications in the United States of America as against their experience background. I think that is the crux of the whole problem.

Senator JENNER. Thank you very much, Mr. Watkins. We will now call Mr. Rowe.

Will you raise your right hand and be sworn, please, sir?

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROWE. I do.

TESTIMONY OF M. B. ROWE, ADMINISTRATIVE ASSISTANT, STATE DEPARTMENT OF AGRICULTURE, RICHMOND, VA.

Senator JENNER. Your name is M. B. Rowe, is it not?

Mr. ROWE. Yes, sir.

Senator JENNER. You are the administrative assistant for the Department of Agriculture at Richmond, Va., are you not?

Mr. ROWE. Yes, sir.

Senator JENNER. How long have you held that position?

Mr. ROWE. Three years.

Senator JENNER. Do you have a prepared statement, sir?

Mr. ROWE. No, I do not.

Senator JENNER. Then will you please tell the committee in your own words the experience you have had with the operation of the displaced persons law in your State?

Mr. ROWE. Well, sir, I could only emphasize some of the statements which have been made by Mr. Walker, the commission of agriculture. I would like to say that we have, as a State committee, settled about 118 families on farms in Virginia. Of that total, about 29, according to my records—and there may be 5 or 6 others—have departed from the State to seek employment elsewhere.

We feel that about two-thirds of the total number of DP's settled by our committee are proving fairly satisfactory so far, but the entire difficulty is that we never know what to expect from one day to the next. While very few of the DP people who have been settled on farms have actually had any experience at farming, our farmers have taken a lot of patience and have worked with the people and tried to teach them our methods of farming. Some farmers are very pleased with the people, but they may be pleased today and tomorrow the people may pick up and leave. I think, in my experience in settling these families and working with other people in the State, that the basic difficulty in the whole program is selection. I believe that evidently the people who are doing the selecting are not qualified to select farm people. I believe that is all, unless you would like to have me state some specific cases I know about, or just emphasize some of the statements made by Mr. Walker.

Senator JENNER. Can you take one specific case and give the committee the benefit of your experience with one case?

Mr. ROWE. There have been right many cases. I could go a little bit further in regard to Mr. Mister's case, where he has employed about eight families of displaced persons on his farm. He has not yet received a family which he would consider qualified to work on his farm. He has taken great pains with the people and tried to work with them, but they have as yet not proved satisfactory.

Senator JENNER. What is your general impression of these people? Are they unappreciative of what the people of Virginia are offering them in the way of a home?

Mr. ROWE. I feel that evidently there is no orientation being provided to the people, and no instruction being provided them as to what the conditions are in this country, that is, a comparison between living conditions in rural areas and living conditions in urban areas. I find that the majority of the people just have no knowledge at all about conditions in this country, and they feel no responsibility or obligation toward their sponsors.

Senator JENNER. In any of your experiences, have you run into any subversion, or anything like that, among these people?

Mr. ROWE. I have heard of a few cases like that; yes, sir. I have had several people call me, people who can speak the languages of the DP's, who have been requested by various sponsors to come out on their farms and interpret. Several different times already I have been told that the people have expressed the fact that the farmers in this country should divide up their property and give them half of it, and such as that.

Senator JENNER. Thank you, Mr. Rowe.

Do you have any questions, Mr. O'Connor?

Mr. O'CONNOR. I wonder, Mr. Rowe, if you feel it would be helpful if, say, a very qualified farmer from the State of Virginia was to go to Europe and pick some of these people who are actually going to go to Virginia. What do you think of that?

Mr. ROWE. I think that would be a very fine idea. I was for that at the very beginning.

Mr. O'CONNOR. That is why I asked you the question.

Mr. ROWE. I am quite interested in seeing that something along that line could be done. I would also like to say that there are a number of voluntary agencies which are operating in the State of Virginia, settling DP's.

Senator JENNER. Is that in addition to those that have been settled through the State commission?

Mr. ROWE. Yes, sir. According to information provided by Mr. O'Connor's office, there have been settled in Virginia 2,435 DP's. Of that total, about 375 have been settled by the Displaced Persons Commission. So you see we only have a small part of it.

Senator JENNER. In other words, you settled 118; is that right?

Mr. ROWE. Yes. It is usually three per family.

Senator JENNER. From your information from what the other voluntary organizations are doing, is the same experience run into by the other organizations that has been run into by you folks?

Mr. ROWE. A lot of them are coming to that conclusion now. They have been slow to admit it, but a great many of them are coming to realize that these problems are as we saw them some time back.

Senator JENNER. In other words, the people seem to be unappreciative, they leave without notice, they all want to go to the big cities for high wages, and they have not been properly selected in the first place; is that right?

Mr. ROWE. Yes, sir.

Senator JENNER. They are not competent farm workers for our country, would you say?

Mr. ROWE. Yes, sir.

Senator JENNER. Thank you very much, Mr. Rowe.

Mr. ROWE. Thank you, sir.

Senator JENNER. Mr. J. Irving King.

Will you be sworn, Mr. King?

Do you solemnly swear that the testimony you are about to give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KING. I do.

TESTIMONY OF J. IRVING KING, FARMER, DAVIDSONVILLE, MD.

Senator JENNER. Your name is J. Irving King; is that right, sir?

Mr. KING. Yes, sir.

Senator JENNER. Where do you reside?

Mr. KING. Davidsonville, Md.

Senator JENNER. What is your business, or occupation, Mr. King?

Mr. KING. Farmer.

Senator JENNER. How long have you been a farmer?

Mr. KING. I was born and raised on a farm.

Senator JENNER. Where is your farm located at present?

Mr. KING. Davidsonville.

Senator JENNER. What county is that?

Mr. KING. Anne Arundel County, Md.

Senator JENNER. Have you had some experience with the displaced persons?

Mr. KING. No. I never had any displaced persons myself. I was only on the committee.

Senator JENNER. Is that the committee of Anne Arundel County?

Mr. KING. Yes.

Senator JENNER. Would you tell the committee here your experience with this operation of the displaced persons law, how it is working in your county?

Mr. KING. As a committeeman, on the committee, I find that the people who have come here were not very well selected as farmers.

Senator JENNER. If you will pardon the interruption, can you tell us how the committee was selected?

Mr. KING. We were selected through the county agent. That is, we had a meeting of these people and then we were selected through the county agent and recommended to be on the committee by the county agent and appointed by the Governor.

Senator JENNER. The Governor appointed you on the committee for Anne Arundel County; is that right?

Mr. KING. Yes, sir.

Senator JENNER. All right, proceed with your statement, sir.

Mr. KING. So we find that we have a duplication of what the Virginia people have said, that the people who came to the country and on the farms were not suitable for farm work. We feel that the committee resigned because we felt that there were too many organizations bringing in people that there wasn't any check on. We couldn't do anything about it. If the organizations were bringing in people and they were leaving, and the county committe was bringing in people and they were leaving, of course, if one organization allowed the people to leave, the other one had the right to do the same thing and there wasn't any law to prevent them from leaving.

When we first started into this we expected it to apply as the law said, which we were led to believe the law said that the man had to stay on the farm 2 years. That is what we told the farmer when he made his application, that this man would have to work for him for 2 years. If he was not satisfied to work for the one individual farmer that he came to and the farmer was dissatisfied and he was dissatisfied, we said that we would put him into another place, on another farm, which we felt would try to satisfy him. But we found later on that the law didn't have any teeth in it or it wasn't a law at all; I don't know which.

Senator JENNER. To whom do you make an appeal in that case?

Mr. KING. I think Mr. Watkins made an appeal to the Senators, and also he wrote a letter to the Governor and to Mr. Lakitis, I think, of the State of Maryland. But we didn't seem to get anywhere. When they came down they said, "Well, there isn't anything we can do about it."

Senator JENNER. What percentage of these people that you and your committee had experience in placing left the farmers right away, that you know of?

Mr. KING. I think somewhere about 33 percent.

Senator JENNER. What did you find was the reason for leaving, or did they have a reason?

Mr. KING. Some of them wanted more money. That is, just as the people have just said, they had friends somewhere else when they

came here. They came here with the idea that they had relatives or friends in some city, and as soon as they were landed, these friends began to write them. They wrote the friends that they were here, and the friends would write them back and tell them where they lived and what they were doing, and it wouldn't be over 2 or 3 months that they would say, "Well, we are going to leave tomorrow."

Senator JENNER. So it left the impression with your committee that they were taking the assignment with the farmer merely as a stop-over until they got connections in some city; is that the idea?

Mr. KING. That is exactly what they were doing, and that is what they come here for.

Senator JENNER. Were they competent farmers? What has been your experience along that line?

Mr. KING. I haven't been to all the farms, but I have been to about 10 of them. In the 10 I haven't found 1 farmer. I found a college professor; I found a man who was a mayor of a town; I found a man who was a justice of the peace; I found a man who was a butcher; I think one of them told me that he was a bookkeeper and the other was an accountant.

Senator JENNER. What is your opinion, if you have any, from your experience in dealing with these people, as to whether or not they will become integrated into our society and make good Americans?

Mr. KING. The class that we have had here has been right high people. I don't think they were actually intended for farm labor. I think that they—pardon me for saying this, maybe I am wrong—I think the fellows who first got here and who came here on the first shipment, were people who had a lot of political pull and were able to tell the people that they wanted to get out of the country they were in.

Senator JENNER. In other words, this was just an excuse to get here; is that right?

Mr. KING. That is all.

I believe that the people that you are going to get from now on might be better, because you might get a class that has been used to farming. But you can't expect a doctor or lawyer or college man to come down and grub trees or plow.

Senator JENNER. Do you have any questions, Mr. O'Connor?

Mr. O'CONNOR. No, sir; except I would like to know where the political pull is. I haven't yet been able to find it.

Mr. KING. Not on this side.

Mr. O'CONNOR. Because I think one of the strongest and heaviest criticisms is that it has failed, unfortunately, to get a sufficient number of people here on time to meet the requirements of the farms the country over.

Mr. KING. Well, I think the other side must have some political side so as to select a man and say he was a farmer. I don't believe there is any man who was put at the head of the thing who would know a farmer from a college professor.

Senator JENNER. To answer your question, Mr. O'Connor, before this subcommittee we have had a great preponderance of evidence that, to begin with, the International Refugee Organization has control of these people. They do the selecting.

Mr. O'CONNOR. No, Senator; they don't.

Senator JENNER. They furnish the names of the displaced persons.

Mr. O'CONNOR. They furnish the CM–1 Form, which provides the basic information as to the background of these people, from which you would determine whether they had farm experience or what.

Senator JENNER. Then overwhelmingly the evidence has been that these people are coming into this country by using fraudulent papers, forged papers. They will make an affidavit to anything in order to get in. Our own officials have been apprised of that time and time again, that apparently there is just no satisfactory screening of the situation on the other side.

Mr. O'CONNOR. What they do, Senator, is this: The CM–1 Form was made up for the most part by information given by these people to the Army, which is carried over into UNRRA, into PCIRO and into IRO. A good number of them say they were raised on a farm. A good number of them say that when they were forced into labor in Germany they were put on farms to work and had 4 or 5 years of experience there, and so forth.

Senator JENNER. Our screening teams never see these people in many instances, and they do not get a chance to talk to them. When the subordinates working under the directors in Europe go to them with complaints and say that the man is a liar and that they know he is a fraud, they are told, "Forget about that; we have to get mass production; we do not care about security or anything else, we want these people to get rushed to America." There is where your leaks come in.

Mr. O'CONNOR. On the nominated cases, of course, they are nominated on this side, and they are processed accordingly. Those that come anonymous, that is, they give specifications for the type of person they want, but they do not fill the name in, it is on those that we can do the most practical job.

Senator JENNER. Yes, but if the American man who is processing this man's file has reason to believe that the man is not a farmer, and that there has been fraud in these papers, and so forth, but he does not get even a chance to talk to the person, how is he going to ascertain the facts? He cannot even interview the man. We have overwhelming evidence that they do not let him talk to the man.

Mr. DAVIS. They do not actually interview them.

Mr. O'CONNOR. The anonymous ones they do.

Senator JENNER. All I can say, Mr. O'Connor, is that the American public would be uterly shocked if they knew what has been testified to before this committee in regard to the way these things have been handled in Europe. We have had that testimony in executive session.

Mr. KING. May I ask one question of you gentlemen?

Senator JENNER. Yes.

Mr. KING. Is there ever a law that they had to stay on the farm 2 years? Was that ever in the law?

Senator JENNER. No.

Mr. KING. Why do you get that impression?

Senator JENNER. Who gave you that impression?

Mr. KING. I believe I would have to ask one of my members. Mr. Day, where did we get that information?

Mr. DAY. Mr. Tucker, representing the Maryland Department of Employment Security, gave us that impression.

Senator JENNER. Thank you very much, Mr. Day. And thank you, Mr. King.

We will now hear Mr. Lawrence Mister. Will you be sworn, sir?

Do you solemnly swear the testimony you are about to give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MISTER. I do.

TESTIMONY OF LAWRENCE MISTER, DAIRY FARMER, RICHMOND, VA.

Senator JENNER. Your name is Lawrence Mister; is that correct, sir?

Mr. MISTER. That is right.

Senator JENNER. And you live on route 5, Richmond, Va.; is that right?

Mr. MISTER. That is right.

Senator JENNER. What is your business?

Mr. MISTER. Breeder of registered Gurnsey cattle and producer of wholesale Gurnsey milk.

Senator JENNER. Have you had some experience with the operation of the displaced-persons program in your State and county?

Mr. MISTER. Yes, sir.

Senator JENNER. How long—let me ask you first—have you been engaged in your occupation?

Mr. MISTER. Since April 1920.

Senator JENNER. What experience have you had with the operation of the displaced persons law in your county?

Mr. MISTER. Only as getting them as laborers.

Senator JENNER. Then you have employed them on your farm, have you; you have employed displaced persons?

Mr. MISTER. That is right.

Senator JENNER. Would you tell the committee the experience that you have had?

Mr. MISTER. Well, the experience is a rather sad one. Of course, when we put our application in, we ask for farmers. The first family that we got, the first impression I got when I met him at the station, was that I didn't think he was going to do very much after I sized him up. Nevertheless, I took him over there and set him up and thought I would try him to see how he would catch on. Well, we tried to do just what we possibly could to see what he would do, and he just wouldn't catch on. So I began to question him. I asked him, "Did you ever do any farm work?"

He said, "No, sir."

I said, "Did you know you were coming on a farm?"

He said, "Yes, sir."

I said, "Why did you put your application in as a farmer?"

He said, "I used that means so I could get over here much faster."

And I asked him what kind of occupation he did. He said, "I was civil engineer and instructor in some college."

And he stayed there about 2 weeks, and I called up Dr. Galvin and I told him what I had found out, and he said, "Send him back."

I got his baggage, which cost $27, and I sent him back, and I bought railroad fare for him and two children.

Senator JENNER. Did you pay his expenses from the port of entry to your farm?

Mr. MISTER. That is right.

Senator JENNER. And you paid his expenses back, did you?

Mr. MISTER. That is right.

Senator JENNER. And all of his express?

Mr. MISTER. That is right.

Senator JENNER. You provided a home for him while he was there, did you not?

Mr. MISTER. Furnished a home for him and provided furnishings.

Senator JENNER. Did you have to fix up the home for him?

Mr. MISTER. The home was already there.

Senator JENNER. Is that the only experience you have had?

Mr. MISTER. No, sir. Then the second one we hired came in as a farmer. He was a Hungarian. They brought an interpreter with him. I asked the interpreter, "Will you ask that man how long he has farmed?"

He said, "I farmed all my life, with the exception of the time I spent in the army over there." So I said we would try him. Well, he didn't get along. So I began to question him, and in questioning I talked with others around there and came to find out that he never had been on a farm; that he was an aviator.

Senator JENNER. So he even lied to the interpreter, in your presence after he was already in this country; is that right?

Mr. MISTER. That is right.

Mr. SCHROEDER. Did you say he was an aviator?

Mr. MISTER. Yes, sir; all his life.

Senator JENNER. All his life?

Mr. MISTER. All his life.

Senator JENNER. Did he have a wife and any children?

Mr. MISTER. He had a wife and two girls.

Senator JENNER. What did you do in that case?

Mr. MISTER. I called a sponsor from Richmond and they took him over.

Senator JENNER. How long was he with you?

Mr. MISTER. For a couple of weeks.

Senator JENNER. Did you have to pay his transportation to your farm, or transportation from it?

Mr. MISTER. We didn't pay it because they brought him there, and the transportation didn't cost us anything. But we did have expense with him by getting this furniture and setting him up.

Senator JENNER. So you lost money on those first two transactions, did you?

Mr. MISTER. Yes.

Senator JENNER. Have you had any further experience?

Mr. MISTER. The next two came through Mr. O'Connor's office, from Fairfax County. That was the Latvian family, with his son. We got them down there and we were well pleased with them. They were willing to learn, but they weren't farmers, either. I questioned him and he was an employee for some hospital.

Senator JENNER. He had never farmed?

Mr. MISTER. Never farmed. He was willing to learn. But the biggest trouble with him is that he had correspondence everywhere under the sun, throughout the whole United States, all the way from California to New York, Michigan, Mississippi, Louisiana, Australia. And he had information as to all wages the people were getting. He had all that data. And I knew the correspondence. He was getting more mail than the whole force on the farm was getting. I knew then that I didn't think he was going to stay there very long; that just as soon as he made enough money he was going to pull up and go; which he did.

Senator JENNER. How long did he stay with you, sir?

Mr. MISTER. About 5 months.

Senator JENNER. Where did he go, if you know?

Mr. MISTER. He went to Albany, N. Y., 688 Madison Avenue.

Senator JENNER. How much notice did he give you before he left?

Mr. MISTER. Not any.

Senator JENNER. He just pulled up and left when he got ready; is that right?

Mr. MISTER. That is right.

Senator JENNER. Have you had any further experience with the operation of this law in your county?

Mr. MISTER. Well, the next family we got also came through Mr. O'Connor's office. He was a Polish fellow. I talked to Mr. Weaver.

Senator JENNER. Did he have a family?

Mr. MISTER. One son. I understood from Mr. Weaver that he was selected by some Captain Weaver from Mississippi. Mr. Weaver suggested that probably he would be a good man as a farmer. The reason why Captain Weaver didn't take him was because the boat landed in Boston instead of a southern port. He said it was too expensive to transport him down there. So we asked to send him on. When he got there he apparently was well pleased, but his wife was a city girl and was dissatisfied. She wanted to go back to Germany. So he moved this week.

Senator JENNER. So you have tried four different displaced persons' families over what period of time?

Mr. MISTER. We have tried eight families since last July.

Senator JENNER. The longest any of stayed with you was 5 months; is that right?

Mr. MISTER. Yes, sir.

Senator JENNER. Most of them would stay just a week or two; is that correct?

Mr. MISTER. And they are all gone with the exception of one family, and he is leaving the 1st day of March.

Senator JENNER. So, out of eight families, seven of them have all gone; is that right?

Mr. MISTER. All gone, and the eighth one leaving the 1st of March. His brother-in-law is in Centerville, Md.

Senator JENNER. Apparently, Mr. Mister, you are not an easily discouraged man.

Mr. MISTER. No, sir.

Senator JENNER. Are you at the place now where you think you would try again?

Mr. MISTER. Not unless I had a guaranty.

Senator JENNER. Let me ask you this: Have you had other people working on your farm?

Mr. MISTER. Yes, sir.

We employ 11 steady people.

Senator JENNER. Over quite a period of time?

Mr. MISTER. Well, since about 10 years.

Senator JENNER. So you have had a lot of experience with farm help, have you not?

Mr. MISTER. Yes, sir.

Senator JENNER. Would you tell this committee what your opinion of this program is, then, with the experience you have had?

Mr. MISTER. I don't think it is a very sound program. If we apply for farmers, and get such things as civil engineers and electricians, and aviators; I don't think it is a very sound program.

Senator JENNER. What was their general attitude toward America? Were they appreciative of what you folks were trying to do for them?

Mr. MISTER. I think they are the most ungrateful people I ever saw. They don't appreciate anything you do for them. This one Polish boy, one fellow came in to the farm one day and wanted to see this boy. I said, "Yes, there he is; he is milking the cows."

He said, "I am not going to disturb him. I am going to see your wife."

So he didn't say who he was. I stopped him and asked him who he was. He said he was from town. I thought it was from some agency or something of that kind. I just wanted to know. I was curious. And he said he was an insurance agent that had been stopping by the house, and he just wanted to go by and see what he could do for him for Christmas.

I talked to this boy. I said, "That is a mighty nice man to have that much interest in you and come and see you and talk to you about what you would need and try to find out what you would like to have."

He said, "I guess he is just going to give me something that he doesn't want."

Senator JENNER. Do you have any questions, Mr. O'Connor?

Mr. O'CONNOR. None, Senator.

Mr. HUDGINS. May I say one thing to corroborate that?

Senator JENNER. Yes.

Mr. HUDGINS. Mr. Mister told you of what happened there. That same thing happened with our people there, too. With this particular family with Mr. Carson, his wife knew exactly what time the R. F. D. mail would get to the box and she would be right there. They tried to see where those letters were coming from to that family, but they were too keen for it. They were writing letters every day and getting them. But they didn't allow that family to see them.

Mr. MISTER. I would just like to say one thing. We try to be as conservative with the furniture as we can. We just give them the things that we feel they need and try to get along and not any more. During the hot weather we thought they would appreciate it and I went down and got two refrigerators. They were second-hand. One I paid $50 for; the other one a hundred and a quarter. That is the one Mr. Walker spoke of as being $240. The refrigerators were a hundred and a quarter and fifty. The hundred and a quarter one was

a new unit guaranteed for 3 years. We though it was hot weather and they would appreciate something like that.

Senator JENNER. Did they not seem to appreciate anything?

Mr. MISTER. No, sir. They don't seem to appreciate anything like that.

Senator JENNER. Thank you very much.

Mr. Charles B. Lynch.

Will you be sworn, sir?

Do you solemnly swear that the testimony you are about to give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LYNCH. Yes, sir.

TESTIMONY OF CHARLES B. LYNCH, SEVERNA PARK, MD.

Senator JENNER. Your name is Charles B. Lynch; is that right?

Mr. LYNCH. That is right.

Senator JENNER. Where do you live, sir?

Mr. LYNCH. Severna Park, Anne Arundel County.

Senator JENNER. That is in Maryland, is it not?

Mr. LYNCH. Maryland.

Senator JENNER. Were you on the committee for displaced persons?

Mr. LYNCH. I was on the committee appointed by the Governor, on the committee for Anne Arundel County.

Senator JENNER. How long did you serve on that committee for displaced persons?

Mr. LYNCH. We were placed as a committee in September of 1948 and we served up to the end of January.

Senator JENNER. Of what year?

Mr. LYNCH. Of 1950. We were appointed a committee of three, representing the entire Ann Arundel County. We had applications that came in, which we surveyed very carefully, making sure that the sponsor was elegible and equipped to take care of the DP. Several of them we declined. Shortly after that we found the ones that we had declined did receive them through other organizations, and so forth.

Senator JENNER. In your county?

Mr. LYNCH. In our county.

In addition to that, after that time we would put a note on the back of the application, letting them see and know our opinion or our feeling of the application. After that time we did not decline any more.

That didn't seem to be of any effect. They would get their DP's through some other organization just the same. As Mr. King has mentioned, we were told that the DP's were to give 1 year to the sponsor and promised 2 years to the Government. Therefore, we expected to hold them for 2 years if everything worked out agreeable after the first year. We took that in the sense of a contract, and we advertised that in our community. Due to our native labor being scarce, the farmers in our community went out wholly for this program. Then we found that they were leaving just as they pleased, the same as the other gentlemen has testified. We figure that we have lost about 35 percent, probably more, in our community. We have a doctor in our section that was paying his family $120 a month, including all the food and quite a bit of clothes. Their $120 was

almost net. He called me up one night and told me that his family was dissatisfied. They had friends in Chicago that were getting $50 a week apiece.

I told him that I felt as though he had gone his limit and to talk to them and see what he could work out. But I told him that for the benefit of the community I certainly would not encourage any more money. He called me up 2 or 3 weeks after that and said that things were going fine; that they were working out. About a week following that he called me and told me that they were leaving "tomorrow morning." I heard that this particular family of his answered that they are only here to raise sufficient money, and then go back to Europe again. Shortly after that, my family left. They told us this morning that they were leaving tomorrow morning. We paid our family $100 a month; that is, the man. His wife worked around different places. He had a very comfortable home. He was given a good portion of his meat. He was also given his eggs and his milk, and they were given every care that could be given. They were with us about 8 months, probably a few weeks longer. During that period, I understand they were able to save around $500, which we thought was very good.

I called Mr. Day, our county agent, and asked him to get the committee together and probably a representative of Maryland, to hear our story. We felt as though we were acting as a committee without any power, and working as a committee under a committee they could not give us anything solid. So we held this meeting, and Dr. Galvin was present. I asked Dr. Galvin if they had a record of where these displaced persons are going. He said, "No." We asked him the percentage. The percentage he gave us was very small. I knew that our percentage was very high in Anne Arundel County. I had a card that had the address of the family that had left my home and I asked if they were interested in taking them. He said, "No," they were not keeping them.

Senator JENNER. Who is Dr. Galvin?

Mr. LYNCH. Dr. Galvin, I believe, is representative in Maryland. Is he not?

Mr. O'CONNOR. He is the executive secretary of the United Ukrainian American Relief Society.

Mr. SCHROEDER. Yes; he writes "Lights and Shadows" in the Ukrainian paper in Jersey City.

Mr. LYNCH. I also asked the question about what responsibility we had for the DP's that we were accepting and sponsoring and when they left us, and so forth. Well, we had no responsibility at all. After Dr. Galvin had left, the committee talked it over, and we felt as though we were acting on a committee that made no difference, and we resigned.

Senator JENNER. What was your experience, sir, in regard to whether or not these people appreciated what the people of your county were trying to do for them?

Mr. LYNCH. I would say in some cases they did appreciate it, and in others they did not. The people throughout the county did try to do everything possible. They would arrange to have them meet their different groups on Sundays, different ones would alternate to take them to different little functions, and so forth. Whenever they

wanted to go to town to a store, we always had someone to arrange to take them to town. The family that I had, I believe the man did appreciate it very much, but I believe the wife had in mind, the same as the gentleman here said, that this country just had plenty of flowing gold, and they were here to get it.

Senator JENNER. What was your experience on this committee as to whether or not the people placed were competent and qualified for the positions they were placed in as farm help?

Mr. LYNCH. No, sir; they were not. In many cases, including my own, they were not farmers. We were told that these people were properly screened, or would be, on the other side. We were told that when they arrived they would be farmers. We were told that they would be screened to the extent that we would get them as stock farm help, and so on. We found that was not true.

Senator JENNER. Do you have any questions, Mr. O'Connor?

Mr. O'CONNOR. Yes, Senator, if you don't mind.

Mr. Lynch, how many county committees were there in the State of Maryland?

Mr. LYNCH. That, I don't know, Mr. O'Connor.

Mr. O'CONNOR. How many counties are there in Maryland, do you know, offhand?

Mr. LYNCH. Mr. Day, how many counties do we have in Maryland?

Mr. DAY. Twenty-three.

Mr. O'CONNOR. Is it true that the Governor directly appointed upon recommendation of the county agent 23 such committees?

Mr. LYNCH. I don't know how the Governor appointed the committes. I only know that I received a letter from the Governor that I was appointed on the committee. How it originated, I don't know.

Mr. O'CONNOR. Did any other committees resign?

Mr. LYNCH. Not to my knowledge.

Mr. O'CONNOR. I wonder, Mr. Lynch, if you could give us the name of the family—I presume now that I am correct in asking this, this is my interpretation—the family that said they came here only to raise enough money to go back to Europe?

Mr. LYNCH. Dr. Iliff was the sponsor.

Mr. O'CONNOR. Is he in Anne Arundel County?

Mr. LYNCH. Yes.

Senator JENNER. Of course, you must understand that once they come here and get the United States status and go back, they still carry that United States status with them, and they are protected from that standpoint.

Mr. LYNCH. Yes.

Senator JENNER. No other country bothers them because they are subjects of this country. It is quite a protection to them.

Mr. LYNCH. The thing that worried us in the committee was that they were able to migrate all over the country and nobody would know who they were and where they were.

Senator JENNER. I think we can conclude, from the evidence we heard today, that that is exactly what happens.

Mr. SCHROEDER. Mr. Lynch, have you ever heard of any DP's being risks to the security of this Nation down around Annapolis?

Mr. LYNCH. No, sir; I have not. I have heard lots of discussions that they might be, but I have nothing solid on that.

Senator JENNER. Thank you very much, Mr. Lynch.
Mr. LYNCH. Thank you.
Senator JENNER. We will now hear Mr. Varkentine.
Will you be sworn, Mr. Varkentine?
Mr. VARKENTINE. Yes, sir.
Senator JENNER. Do you solemnly swear that the testimony you are about to give before this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?
Mr. VARKENTINE. I do.

TESTIMONY OF J. C. VARKENTINE, FARMER, BEAVER DAM, VA.

Senator JENNER. Your name is J. C. Varkentine; is that correct?
Mr. VARKENTINE. That is correct.
Senator JENNER. And you live at Beaver Dam, Va.; is that right?
Mr. VARKENTINE. Yes, sir; Hanover County.
Senator JENNER. How long have you resided there, sir?
Mr. VARKENTINE. About 20 years.
Senator JENNER. What is your business?
Mr. VARKENTINE. Farmer.
Senator JENNER. Have you been engaged in farming for all these 20 years?
Mr. VARKENTINE. Yes.
Senator JENNER. Do you have farm help on your farm, Mr. Varkentine?
Mr. VARKENTINE. Yes; I do.
Senator JENNER. Have you had such help for most of this period of time?
Mr. VARKENTINE. Yes.
Senator JENNER. How many people have you had?
Mr. VARKENTINE. Up to the war, four or five families; but during the war, labor was hard to get, and I usually kept from one to two.
Senator JENNER. What type of farming do you do?
Mr. VARKENTINE. General farming, poultry farming, and general hog raising.
Senator JENNER. Have you had any experience with the displaced persons help on your farm?
Mr. VARKENTINE. Yes; I have, sir. I had two families this summer. One family I took from another farmer, what we called second-hand families. They couldn't get along there, but they came and pleaded with me and I tried them out, but they were not satisfactory. I had one family that was picked by Dr. Galvin, that was supposed to be a good farm family. The man turned out to be a machinist.
I tried hard to make a farmer out of him. He got nice glorified letters from Chicago that his other friends, DP's that had arrived originally, were getting $50 a week and the wife $25.
So one day I suggested to him, I said, "Mike, I don't believe you will ever make a farmer. I would suggest that you write your friend and ask him to stop writing you those letters and ask him to find you a room and find you a job, and I will be glad to take you to the station."
My impression is that the situation in Europe is wrong. I have been helping Mr. Walker and Mr. Rowe sometimes. For instance,

one very good neighbor, a friend of mine, had a family. They stayed there just about a month. The man spent the money. In fact, they even took his china with them when they left, and they went to Washington, D. C. Washington, D. C., seems to be the popular place where they want to go, and Chicago, Philadelphia, and New York. So he came and asked me to help him get another family. I called Dr. Galvin and asked, I said, "Send this man a good farmer. He has a dairy farm."

All right, within 2 or 3 weeks another family arrived. The next day the farmer came to see me. He said, "You know, I can't have that man."

I said, "What's the matter?"

He said, "Come and see him."

He was a man 60 years old. He told me he had been a forestry engineer by profession, and when Hitler occupied the Ukraine he had been a bank director. He had a charming 19-year-old daughter. The man broke down crying.

I said, "Did you sign up as a farmer?"

He said, "Yes."

And he said, "That is the only way to come to America."

Those are his words.

Then I felt the whole tragedy of his picture. You feel sorry for those people.

But, after all, the man is in this country. And he used the expression, "I will kill that old man." He meant working on the farm, haying, and so forth.

Fortunately a friend of mine that works for the telephone company has a little place in Hanover County, near Richmond. He needed a good yardman. The old gentleman accepted and is very happy. So we changed them around and this other man has another family and it seems to work out fairly well.

The only thing is that last Sunday they came to the house and had been in Maryland. They left our Maryland neighbors and came up there. It was working a very nice trick. The Maryland farmer came back and hired him back. He wanted to go back. It was quite interesting. So they came to my house Sunday with this Maryland farmer and he said, "Why, I am surprised, Bill, that you want to leave Mr. Hall."

He said, 'Why, I didn't write this farmer to Maryland to come and hire men. I just sent him my address. But you ask him what he is going to offer me now."

Then I could see what he was driving at.

So I asked the farmer. The farmer said, "I will give you $20 a week, just like you used to get. But I want you to promise you are going to stay and not leave me like you did the last time."

So they did make a bargain. He said he would let him know. The Maryland farmer told me he had been a very good hand otherwise. Aside he told me would he ask the farmer that would he give his wife a bed with springs, too. He had one bed, he slept on the bed with springs, but his wife had to sleep on the hard bed. He wanted two beds with springs. They have just little childish incidents sometimes.

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So when they got through with the conversation, he said to me aside, "Will you do me a favor and tell him this farmer in Maryland offered me $25? Maybe he will give me $5 more."

I am only telling this incident to show that, in my opinion, those people need training.

All the youngsters, the younger generation are fine. From 18 years up to 35, if they come from Soviet Russia they are morally, absolutely, they have no peculiar—as I should put it—backbone any more. You know, they have lost completely the sense of responsibility.

I have those two men, one was 35 and one 39. They would take a new saw and drop it right in the mud. I would call their attention to it. I finally came to the conclusion it was this peculiar situation under communism. You know, they worked for the state and they had no interest. Their fathers had been farmers, but the sons had been raised in this peculiar atmosphere of the state owning everything, "the state treated us so badly, why should we value anything that belongs to the state?" Therefore they are all pathetically sick cases.

I think most of these people are sick, and it will take several years before they really will come down to the ground. If they lived in Germany in those camps, they come off the ships with chewing gum and Hershey bars, and then we set them on the trains and put them in the farms, and there is the peculiar reaction. They have been used to village life. Most of them tell me when I ask them about what seems to be the trouble, they say, "We are not used to living in the woods. We are scared." It is a scared life they lead and they are scared still from the war, from the tragedies they went through. I believe they are really sick cases. If there is any way that maybe they could be first psychologically or—I don't know how to put it—be cured of their mental sickness that they all have, that might take care of it.

Then the next thing is the money. It is continuously the money. For instance, I furnish my people with flour. You know, they have good homes, modern homes, and everything, but they don't value the flour. You must pay them in money. Most farmers give them meat. I furnish my people always with two fat hogs. My experience is that if you give your farmhands shoats they will be tempted to take your feed and feed them anyway. So it is much cheaper to give them fat hogs. I usually give each one of my men two fat hogs a year, and they get the milk free, and so on. But I found those people don't appreciate that. They feel that is not money. They want to know exactly the amount of money the man gets in Chicago.

When I attempt in many cases to show them the difference, that if you live on the farm and make $60, $80, that is more than double what the man makes in the city when he has to buy all those things that you get free on the farm; it is very hard to put it over with them.

In Europe when they were in the camps, they saw so much money, and we ought to show them the difference of how we live, and so on.

For instance, my wife canned at least 200 cans of string beans. When these families moved away the string beans were still there. They left them because they don't like them. My wife thought she was doing them a favor.

They are very thrifty, most of them, and it has been my experience that the older group, from 45 up, still have the old background. They will make far better citizens and we will have to spend far less on

them to reeducate them than the younger ones. They are, in my experience, the most dangerous element that we are coming across, the younger ones from 18 to 35. I should not like to infer that they are bad, you know, as a security risk, but they are unmoral—if I may put it that way—they have no backbone of any kind. They seem to have no responsibility, you know.

Senator JENNER. They would be easy prey for somebody to work on them, particularly when adversity hits them. If they leave your farm and go to Chicago and then have to go on relief, they are easy prey for anybody.

Mr. VARKENTINE. That is what I am worried about, because they are going to the big cities, everyone of them. They congregate there. They are young and receptive.

Senator JENNER. It would probably be rather easy to sell them on any kind of front organization, would it not?

Mr. VARKENTINE. Absolutely. I think that is the danger. I mentioned that to Mr. O'Connor. I read a very interesting article the other day. The Argentine Government had quite a bit of trouble, as we have had, with their farm labor. They changed and adopted a new system. They have set up in their capital city a huge barracks affair, and they now keep all the DP's there for 3 weeks to a month. The farmers come right up there and meet them and see what they are. That puts all the social organizations that bring them in on guard. In other words, all the families that they cannot place, they are responsible for them. Either they take them back or not. In other words, I believe in a way that would be a better thing, you know, that we could teach them a little bit in 3 or 4 weeks before we take them out.

I went to New York before Christmas. The Tolstoi Foundation came to Virginia and wanted to place some DP's. They would come off the ship, you would talk to them; and not a single family that they brought over that day was willing to go on a farm. But as the list had been submitted, you know, it was nothing but farm, farm, farm.

Senator JENNER. They all perjured themselves in order to get here; is that right?

Mr. VARKENTINE. That is right. That is just like this old gentleman said, but he meant well, but he said that is the only way to get to America. Most of them are artists, you know, intelligent people. They might make very good citizens. I would not attempt to say about that, but it seems to me, as I find, that the only real people are the little older people. The younger ones, they would have to be reeducated. If they all congregate in our big cities and we should have unemployment, I think that would be bad.

Senator JENNER. You probably have read that we have right in New York City over 350,000 people on relief. We have about 5,000,000, they said, unemployed in this country, and many millions more living on part-time work. So I do not see how these people who do not have seniority in labor organizations, and so forth, are going to stand the city life if we are going to have a let-down in our economy.

Mr. VARKENTINE. That is right. And local labor is beginning to criticize. They say, "They are taking our jobs."

That is the danger. That is where the danger lies. If our local labor develops that attitude in the city, there will be bad feelings.

What I understand is going on in New York is that they are underbidding on jobs. In other words, they are taking the jobs cheaper. If the other man gets $80 a week, he will go in for $35 or $40 a week. That is where the danger lies. They leave the farms and go to the city. They are irresponsible, and no one checks on them. Then another thing, I think, is that the social organizations who bring those people in should follow them up. Take the State of Virginia, for instance. Mr. Rowe reported to you he placed all those families in Virginia. I believe the DP Act should be amended to the effect that at least the State commission on labor and the immigration service in Virginia ought to be informed on all people that are placed in the State of Virginia. Somebody should know where they are. It is important the State should know. Many of those people do not report every 6 months. They are supposed to do that for 2 years. They are supposed to report every 6 months, legally. But through ignorance, maybe, they fail to do it.

But I believe, if there was a State agency, all those social organizations that bring the people in would be more responsible. But I think definitely it should be done. Don't you think so, Mr. Walker?

Mr. WALKER. Yes.

Mr. O'CONNOR. Could I ask the gentleman something?

Senator JENNER. Yes.

Mr. O'CONNOR. I am interested in the observation that these people appear to be mentally sick. Is that due to fear or uncertainty because of arriving in a new land?

Mr. VARKENTINE. I believe it is fear and uncertainty, that they went through the tragedies and lost 5 or 6 years, you know. Then their education under the Stalin regime also enters into it. They were almost slaves, serfs, you know.

Mr. O'CONNOR. I understand the set-up very well.

Mr. VARKENTINE. I believe that is still with them, and that is why they have this money craze. Some of them are old and they want quick security. Only the day before yesterday I talked to a very responsible DP, a very good man with a very good background. I said, "Have you sent the Ukrainian Committee any money?"

The reason why I asked him the question is that the other man said he had sent the Ukrainian Committee $70.

When they bring him in it costs $25 for all their expenses. He said, "Yesterday I sent $70 to the committee."

The other man said he hadn't sent any. So he then made this remark, which I believe people like Mr. Galvin ought to know. He said, "When they bring us to New York they put us on the train and we read only the papers to donate, join, and so on. If they would still have a representative who would come and call on us so that we would not feel lost, we would have a long time ago paid our share of the money."

Senator JENNER. By "donate and join," what do you mean?

Mr. VARKENTINE. What I mean is through the paper, join the Ukrainian Committee or subscribe to a newspaper, you know, and so on and so forth. That is what they meant, restricted to organization work. The man made the point that they felt lost. The Ukrainian Committee brought them over, and now they are utterly lost when they are on a farm, way out in the woods out there. They

feel that if their representatives every once in 3 months or 6 months would call on them they would not feel so lost. I think they could make better citizens out of them if the organization that sponsors them would call on them, would help them out. For instance, some of them will ask you where the church is. Some want to join the church. Some are Greek Orthodox, some Greek Catholics, and so on. I believe that if those organizations that sponsored them should have the moral responsibility to follow up the cases it would be a better situation. They could come and say, "Listen, this farmer wants to be good to you. He cannot talk your language, but if you will stay and prove you are a good man he will raise you and eventually you will have a better life and make a better citizen." I believe all that will help. Now they seem to have the impression that the committee brought them over and washed their hands of them, that there they are and that is it.

Senator JENNER. In other words, the committee just acts as a dumping organization?

Mr. VARKENTINE. I believe that is right. If they could just make them understand—if they would follow those people up. I understand they are all poor. Many of them don't pay back the transportation money, even if they have more money. Some more responsible ones do pay back. It may entail expenses to the committees to do that, but I do believe it will help very much if they could follow them up.

Mr. O'CONNOR. Isn't it true that we have been encouraging the State commissions and committees to pay follow-up visits to these families to see that just the very things you are talking about should be done? And itsn't it also true that in the Virginia State commission they have done such a program and have integrated the children into the school program and have tried to make them feel as though they belong?

Mr. VARKENTINE. Yes, sir.

Senator JENNER. But, Mr. O'Connor, if these State and county commissions only have a record of placing, say, 118, and these voluntary organizations have placed 2,000, they do not even know whom to visit.

Mr. O'CONNOR. We have sought, despite the provision in the law, to get these bodies acquainted with everybody who comes in. We have sought to get an integration between the voluntary organizations and State organizations whereby we sought combined operation. We are seeking those goals, Senator.

I would like to ask you, if you don't mind, sir, are you native-born?

Mr. VARKENTINE. No; I am not.

Mr. O'CONNOR. When did you come into the United States?

Mr. VARKENTINE. 1923.

Senator O'CONOR. Were you a skilled farmer then?

Mr. VARKENTINE. Yes, sir; I was a farmer in the Ukraine, and I left voluntarily because Stalin didn't like us there.

Mr. O'CONNOR. And you have become a pretty successful farmer, haven't you?

Mr. VARKENTINE. That is right. I am in good company.

Mr. O'CONNOR. At least the people of the good State of Virginia have said so.

Is it possible that some of these people that come in—that a good proportion that go to the farms may become like you in 10 or 15 years?

Mr. VARKENTINE. I do believe some of the older ones, and I don't doubt some of the younger ones. But the younger ones will need reeducation. I could cite several cases of the younger ones. I saw several of them the day before yesterday. They are substantially good people. For instance, even the one man I talked about this morning, if you could bring him in a little sooner, he would be all right. There is one other thing I didn't mention to Mr. O'Connor. I don't want him to feel I am criticizing.

Mr. O'CONNOR. Go right to it.

Mr. VARKENTINE. One thing is that we send assurances by name, that when we have had somebody pick good people out for us through devious ways we have found out, for instance, that it seems to be the hardest time to get those people through, whereas all the social organizations can give them to you right at a moment's notice. Mr. Mister told you, for instance, that it took almost a year to get one family. I shouldn't think it would take so long. I would think the Displaced Persons Commission would rather want to ship those people in for farms a little sooner by name than those that come in unnamed, so-called, assurances.

Senator JENNER. Apparently the social organizations are pretty well greased. They know their way around both in this country and in Europe.

Mr. O'CONNOR. Senator, I would suggest that it might be appropriate for the committee to call before it at an early date the executives of the voluntary agencies so that you might hear the strong criticisms they have leveled against the Commission because of our failure to get their cases in and the preference we are giving to the very cases this gentleman brings to our attention.

Senator JENNER. We will certainly do that. What the committee has been trying to do recently is to find out why these things are handled that way in Europe, the fraudulent cases and papers, and so forth.

Mr. O'CONNOR. I appreciate that very much. I hope the opportunity will be given them.

Senator JENNER. Certainly we will try to get around to that.

Thank you, Mr. Varkentine.

Mr. Stanley Day.

Will you be sworn, sir?

Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truh, so help you God?

Mr. DAY. I do.

TESTIMONY OF STANLEY DAY, COUNTY AGENT, ANNE ARUNDEL COUNTY, MD.

Senator JENNER. Your name is Stanley Day; is that right?

Mr. DAY. Yes, sir.

Senator JENNER. Where do you reside, Mr. Day?

Mr. DAY. I am the county agent in Anne Arundel County, Md.

Senator JENNER. How long have you been county agent of Anne Arundel County?

Mr. DAY. Twenty-three years.

Senator JENNER. Apparently you are well acquainted with the affairs and the operation of farms in Anne Arundel County.

Mr. DAY. Right well, sir.

Senator JENNER. Have you had any experience with the operation of the displaced persons' program in Anne Arundel County?

Mr. DAY. Yes, sir. I have been associated with our committee since its formation, and I have watched pretty closely the conduct and the work of the DP's who have come over.

Senator JENNER. Can you tell this committee in your own words and in your own way, some of the experiences that you have had with displaced persons in your work as county agent in Anne Arundel County, Md?

Mr. DAY. Well, sir, I will try not to run over a good deal of ground which has been covered by my colleagues. They have certainly had 35 or 40 families that have been processed by our committee. There are a great many more than have come in through other agencies. We have been surprised, even I, myself, that we could not have gotten a few more honest-to-goodness farmers in the bunch. They have for the most part been pretty industrious people. They have been well disposed in the main, and I think a good many of them have tried, even though they did not have a background of farming. A lot of them have come along very well. Too high a percentage of them, however, take leave of their sponsors on 24 minutes' or 24 hours' notice, and they seem to be devoid of any sense of gratitude or any real feeling of responsibility.

Senator JENNER. Does your experience apply generally to those placed with the committee, as well as the other organizations that come in? Does about the same story apply to all displaced persons?

Mr. DAY. About the same story; yes, sir.

Senator JENNER. How many do you have in Anne Arundel County of displaced persons?

Mr. DAY. We estimate there must be at least 50 or 60 families, conservatively. We have probably processed about 35. We have screened them carefully and we have a very conscientious committee. The men have learned to lean over backward and are in sympathy in trying to get these people established on farms where they have good opportunities.

Senator JENNER. Do you have a committee now in Anne Arundel County?

Mr. DAY. No.

Senator JENNER. Has this committee resigned, as these gentlemen have stated?

Mr. DAY. Yes. The men paid better than the going wage scale. Many of them provided electric refrigerators and cleaned their houses, kept them open for a long time waiting the coming of the DPs. They put themselves to no end of inconvenience and expense, only to find out that their efforts were very poorly rewarded by these fellows leaving them in the lurch, high and dry, without any warning.

I think you know that our committee resigned because it not only realized that they were engaged in a futile kind of a job, but their

efforts really were not needed. They felt that telephone conversations with Dr. Galvin, or appealing to some other agency in the field, will do the job quite as well. I don't think this committee wants to be placed in that ridiculous position.

But, primarily, I think they resigned because they felt that the job of screening was being so poorly done in Europe. Obviously, the people were getting over here on the basis of misrepresentation. We didn't feel that that was quite the way to do it, because we believe that a competent committee could screen these men no matter how they represented themselves to be. They could have determined that. Any of the farmers in this room could see men at their tasks for half an hour and tell pretty well whether they had a going way about them that indicated that they were farmers, or whether they were brought up for some other job.

I think that they felt that if there are so many errors in the screening process as regards the qualifications of these DP's, then there must be more serious errors that had little more serious connotation.

Senator JENNER. Subversive, and the like?

Mr. DAY. Yes. Although, Senator, we have no reason to believe, within our knowledge, that any of these fellows have been carrying on any subversive practices at all. We have no reason to say that.

Senator JENNER. But you have no reason to know since they have left the farms and have gone to the large cities, who is going to work on them, do you?

Mr. DAY. That is correct.

Senator JENNER. Thank you very much.

Mr. O'CONNOR. Could I ask the gentleman a question, Senator?

Senator JENNER. Yes.

Mr. O'CONNOR. On these assurances, do you know what percentage of them in Anne Arundel County were named assurances, and what percentage were unnamed? You specified a particular family that you were interested in when they were named.

Mr. DAY. I could only get at that, Mr. O'Connor, by saying that perhaps six or eight were especially asked for.

Mr. O'CONNOR. Do you know—which is the way I understand it—that the plan works in Maryland that when the county committee approves an assurance, whether it be for a named or unnamed, it is forwarded to your State coordinating committee, of which Judge Lakitis is the chairman? Then he, in turn, forwards it to the United States Commission.

Do you know whether the names were inserted in anonymous assurances after they reached the headquarters office in Baltimore?

Mr. DAY. I certainly do not, sir. I never heard that.

Mr. O'CONNOR. Do you know how the plan has worked out in Maryland, generally, that is, what percentage of the people who have arrived there under the program have been considered as successful?

Mr. DAY. I can say that there was very strong protest entered in the annual meeting of the Maryland Farm Bureau, and a resolution criticizing or condemning the present functioning of the DP program was approved unanimously.

Mr. SCHROEDER. That resolution was passed about 2 months ago, was it not?

Mr. DAY. That is correct, sir.

Mr. O'CONNOR. And that same resolution stated, however, that the vast majority was working out and that they were calling attention to those who were not and wanted that corrected, as rightly they should have? I wonder if I could have leave to read a statement made by the Honorable William Preston Lane, Jr., Governor of Maryland, with reference to the subject of the program as it has been carried out in the State. This is an official document presented to the House Subcommittee on the Judiciary at their request, as they polled all the governors of the country. The date of the statement is not given, but I presume it to be late November or early December, Senator. I think we could find that out.

Senator JENNER. We would like to have the date.

Mr. O'CONNOR. Yes.

The statement reads:

> The fact that approximately 80 percent of the displaced persons families have been satisfactory would indicate that the program has been successful so far and that those individuals who have proved to be disappointing are overbalanced by the larger majority who have turned out satisfactorily.

Senator JENNER. Would you be kind enough to furnish the date of that statement, Mr. O'Connor?

Mr. O'CONNOR. Yes, I will.

Senator JENNER. Apparently, they have just made up a statement down there of the Farm Bureau, which is made up of the farmers of all the counties. If they have passed a resolution that the program is not satisfactory, it might be later than the statement of the Governor.

Mr. VARKENTINE. Mr. Chairman, I wouldn't like to leave a false impression about the Ukrainian committee, that we got most of our people from, that they did not cooperate. For instance, in Governor Tuck's case, he had only two farmers, DP's. The Ukrainian committee assumed all responsibility, and they have come and have taken them back. They have done that in several cases. In most cases when we protested they have helped. So in that particular way they were very cooperative.

Mr. O'CONNOR. May I ask a question?

Senator JENNER. Yes.

Mr. O'CONNOR. Do you suspect them of any purposes that are not in the interest of the Government of the United States?

Mr. VARKENTINE. No; I don't think so.

Mr. O'CONNOR. To your knowledge, do you know them to be opposed to Red totalitarianism?

Mr. VARKENTINE. Yes; they are opposed to that, of course, sir.

Senator JENNER. We hope so.

The next witness is Mr. F. C. Nuchols.

Will you be sworn, sir?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NUCHOLS. I do.

TESTIMONY OF F. C. NUCHOLS, MEMBER, STATE BOARD OF AGRICULTURE, RICHMOND, VA.

Senator JENNER. Your name is F. C. Nuchols; is that right?

Mr. NUCHOLS. Yes, sir.

Senator JENNER. What is your business or occupation, Mr. Nuchols?

Mr. NUCHOLS. Farmer.

Senator JENNER. Are you a member of the State Board of Agriculture of the State of Virginia?

Mr. NUCHOLS. Yes, sir.

Senator JENNER. Where do you reside?

Mr. NUCHOLS. In Henrico County, about 10 miles west of Richmond, on route 2; Richmond, Va.

Senator JENNER. How long have you been a member of the State Board of Agriculture?

Mr. NUCHOLS. Oh, I guess 8 years, I imagine.

Senator JENNER. How long have you been a farmer?

Mr. NUCHOLS. Well, all my life I have been living on a farm that has been in the Nuchols family 110 years.

Senator JENNER. In the operation of that farm, have you employed farm help?

Mr. NUCHOLS. Yes, sir.

Senator JENNER. How many people have you employed over the course of the past 10 or 20 years?

Mr. NUCHOLS. Oh, gracious, I don't know. But we keep some seven or eight men. I haven't been there. One is pulling his thirty-eighth year, and another one 23, and another one 17 years, and some of the others are there different times.

Senator JENNER. In other words, you are used to handling farm help and farm labor, are you not?

Mr. NUCHOLS. Yes, sir.

Senator JENNER. I want to ask you if you have had any experience with the operation of the displaced persons farm help on your farm?

Mr. NUCHOLS. Well, practically nothing with the law.

Senator JENNER. Have you had any experience with the actual displaced persons on your farm?

Mr. NUCHOLS. I have had two families and one single man.

Senator JENNER. Would you tell the committee your experience with this displaced persons family help?

Mr. NUCHOLS. Well, speaking of those individuals that I have had on the farm, I have never applied for any displaced people, but I have gotten a married couple and a single man from up here, Fairfax County. One was an agronomist and the other a civil engineer. Both of those men had had very little experience in actual farming, though. They appeared so in our type of farming, with large machinery, our type of farming in Virginia. Probably they may have farmed around with a steer or a donkey, or something of that kind. But they were willing and seemed to be appreciative. The married man is still there and is doing well. These boys here this afternoon have caused me to be a little uncertain about my future with them, however. I thought I was sitting all right. But, nevertheless, it might be me. You know, I have had those others there so long. Maybe it is my fault that I just don't expect too much.

Then I have a boy there from the Ukraine that I got second-handed, that is doing a wonderful job. But, you see, a few of these people have been placed around before I got in there, and I get around considerably.

I have a farm in Hanover County, about 30 miles from where I live. I come in contact with these boys that have these people and I kind of figured a little different angle to work on.

When I received them I furnished a house comfortable, but nothing elaborate, and didn't figure on charging them for a thing I had done for them. I gave them their meat and their flour and a very good salary, and the electric bill and the milk, and paid them $20 a week.

To my knowledge, I am banking about $15 a week for each one of them, and they have a wife or two children and so, naturally, they are satisfied. I am going a long way with them, but they are doing me a good job, at least up until this morning. What they have done since I left there, I don't know. Whether I will have them next week, I don't know.

I do know, though, that these men from my State, that have testified here today, they had told a lot of truth, and maybe all of it. But I know they have told a lot of truth about some others, because I am on the triple A board, and director of several things, and I come in contact with these men that are working them and go on the farms and see them. I haven't seen the first man that was on these farms that I would call an experienced farmer from any standpoint.

Senator JENNER. Then your criticism would lie in the fact that some place in the processing and screening, either in Europe or some place else, a bad job is being done?

Mr. NUCHOLS. A bad job is being done.

Senator JENNER. I think that is all.

Do you have any questions, Mr. O'Connor?

Mr. O'CONNOR. I have none, thank you.

Senator JENNER. Thank you, sir.

Mr. Oden Sansbury.

Will you be sworn, sir?

Do you solemnly swear that the testimony you will give in this case will be the truth, the while truth, and nothing but the truth, so help you God?

Mr. SANSBURY. I do.

TESTIMONY OF ODEN SANSBURY, FARMER, FRIENDSVILLE, MD.

Senator JENNER. You may state your name.

Mr. SANSBURY. Oden Sansbury.

Senator JENNER. Where do you reside, sir?

Mr. SANSBURY. Friendsville, Anne Arundel County, Md.

Senator JENNER. That is in Maryland, is it not?

Mr. SANSBURY. Maryland.

Senator JENNER. What is your business, Mr. Sansbury?

Mr. SANSBURY. Farming.

Senator JENNER. How long have you been a farmer?

Mr. SANSBURY. All my life. Fifty years, nearly.

Senator JENNER. Have you had experience in those 50 years hiring farm labor and farm help?

Mr. SANSBURY. Yes, sir. I average two men every year.

Senator JENNER. Have you had any experience with the operation of displaced persons farm help?

Mr. SANSBURY. Yes, sir.

Senator JENNER. Would you tell the committee your experience in that connection?

Mr. SANSBURY. I didn't sponsor these folks. My sister sponsored them. She came in possession of this farm adjoining me 2 years ago. She couldn't get a tenant. She didn't want to put a colored person in those dwellings, and that is why she didn't have them. She got there four Ukrainians, a man and his wife and a child about 5 years old and another one about 7. She put her application in, I think, in November, a year ago.

Well, they came last July, the 1st of July. It was too late for them to put anything in. I had a garden started for them, potatoes and all that growing for them. She bought two pigs and put them in the pen, bought two cows. He worked with me and he cooperated, and I never had a better man. Now, he didn't know anything much about tobacco, but he was fine with his pigs and fine with his cows, and we gave his chickens.

Well, he had been there possibly 3 weeks. We were cutting tobacco. It may have been 4 weeks. Anyhow, a caller went over to the house where he lived. We had no idea who he was. Anyhow, they sent the boy out to the field and said they wanted Squire to come in.

Squire Dent was his name. I never did know for sure. I always called him Squire.

I said, "Go ahead and see what they want."

He spent a couple of hours—it was in the afternoon—and, well, the next morning we were sitting down there talking, waiting for the tobacco to come in, and he said, "They want me to come up there."

That is what they do.

I asked him, "Are you going?"

He said, "No; I am not going."

Well, he got along just as nice as anything you want. My sister works in Washington and she comes home on the week end.

Let me tell about this; I went too fast.

This automobile that drove over to the house had a man and his daughter and an interpreter in there. The man was up from the upper end of Carroll County. The family found out later he had offered him a job on the farm and his wife a job in a hotel. I think that is what enticed her. She wanted that money. They went along nicely, anyhow, until Saturday morning, about half past 11, this jitney went over there. I didn't see it go over, it had to pass my place, too, my sister was home. All she said is that when they drove up in the yard, the daughter came out this time and the man's wife went out to meet her.

This girl in the automobile said, "Are you ready?"

"Yes;" and she walked right back in the house.

My sister was in the dining room in her part of the house, teaching the boys multiplication tables. They just started to school, the third line, or whatever it was.

So she said, "We are going."

She said, "You are going?"

"Yes, we are going."

Well, it just floored us. We didn't know what to do.

They had lunch on the table. They hadn't eaten. They were getting ready to sit down. It was noontime, and they didn't even sit down to eat that lunch. She didn't know what to say.

They got in her car and left. She came and told me and said, "Squire and them are leaving."

I said, "What's the matter?"

"I don't know."

I said, "I'll go over there."

I got in and rode over there. He was going through the yard, and I hollered, "Hey, Squire."

He turned and waited until I walked down. I said, "What's the matter?"

He said, "I don't know."

I said, "What are you leaving for?"

"I don't know, I don't know."

He couldn't talk real well, you know.

I said, "Do you want to go?"

And he still kept at it.

His wife was talking there and my sister was talking to her in the house, and she said, "I don't care. The man can stay. Me and children going." She was talking the same all the time. Of course, you couldn't talk to her. But there was all the dinner right on the table. They hadn't sat down and they hadn't even started eating. In about an hour or less they had their belongings packed up in this jitney.

Now, I talked about this with the girl. It was Mr. Parish's daughter. Parish was the man that came there the first time. But he didn't come down the second time. He sent his daughter down. And he is chairman, I found out since, or maybe not a chairman, but a member of the Carroll County Displaced Persons Committee. I blame Mr. Parish much more than I do Squire Dent, though. He was cooperative and a good worker. We had no hold on them whatosever. They just up and left. They took their stuff.

My sister said, "Oden, are you going to let them have the pigs in the pen?"

So I took the pigs from the pen.

Senator JENNER. They left that?

Mr. SANSBURY. They left the pigs and chickens. They took some canned fruit.

Senator JENNER. So they were with you, then, from July until October; is that right?

Mr. SANSBURY. Yes.

Senator JENNER. And you had held the house open for them from November of the previous year up until July?

Mr. SANSBURY. July.

Senator JENNER. And you have not tried any more since, have you?

Mr. SANSBURY. Oh, yes. They have three rooms there and a bath, and she has furnished everything. They have a Frigidaire and light and water and everything, just as nice as they can have it.

She wrote to Judge Lakitis in Baltimore and said, "Judge, they are gone. I haven't any idea where they are gone and I have no idea what they are doing. I don't feel I am responsible for them any more."

She asked me if she was responsible. I said, "Responsible, the devil. They are gone."

He wrote to her and said, "I have two more up here, young folks, and I don't have space for them. If you will take a chance on them I will bring them down."

So she said, "Bring them down. I will take a chance on them."

These are younger, this boy being about 25 and his wife, and they have a 9-month-old baby. They brought the child there the first of last November, and it was just as frail as it could be at that time.

It is 9 or 10 months old now, and big and strong. And the boy is strong and as anxious as anything.

But, as I heard the gentleman say here, they are awkward. He breaks every darned thing he catches hold of. If he is sawing wood he will throw the saw right down and say, "Come on, let's quit."

They don't bother about a darned thing. He is all right. I like him. And I liked Squire Dent. You couldn't have a better man. I hated to see him leave.

I said, "Squire, I hate to see you go."

The whole thing was that his wife was going to work in a hotel. Like some of these gentlemen said, they wanted money.

My sister paid them $70 a month, and they had the milk and chickens and the garden. I had the garden already made for them.

Senator JENNER. Thank you very much for your statement, sir.

Thank you very much, gentlemen, for coming in and giving us the information on this important subject.

The hearing will be recessed, subject to call of the Chair.

(Thereupon, at 4:15 p. m., the hearing recessed, to reconvene subject to call.)

DISPLACED PERSONS

FRIDAY, MARCH 3, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 11:15 a. m., pursuant to call, in the District of Columbia room, the Capitol, Senator Forest C. Donnell presiding.

Present: Senator Donnell and Senator Harley M. Kilgore.

Also present: Messrs. Richard Arens, staff director; Thomas J. Davis and Frank Schroeder, staff members.

Senator DONNELL. The committee will be in session.

This situation has developed. It is a quarter past 11 this morning and it has been impossible for the member of this subcommittee who is now presiding to be here and perform another duty which he regarded as essential this morning. Consequently, we have now only 45 minutes until the Senate will again begin its session.

It happens that Mr. Arens, the chief of the staff on this subject matter, will be on the floor of the Senate to be of some assistance to Senator Eastland, who is in the midst of an address which will probably take, so I am informed, in the opinion of Mr. Arens, the entire afternoon and he will probably have the floor most of the day.

In addition to what I have stated, Mr. Arens, whose presence, I think, is quite important in these hearings, has other duties which would now require him to be away from this committee meeting at least for a portion of the time between now and 12 o'clock noon.

In view of all these circumstances and the difficulty of just starting for a few minutes and then recessing, this subcommittee is now declared to be in recess until 7 o'clock this evening, at which time we will reconvene in room 424, Senate Office Building, and will continue then for a reasonable time tonight, and all persons will take notice, please, of the change in the hour and place—7 o'clock this evening.

(Whereupon, at 11:20 a. m., the subcommittee recessed until 7 p. m., in room 424, Senate Office Building.)

AFTER RECESS

(The subcommittee reconvened at 7 p. m., in room 424, Senate Office Building.)

Senator DONNELL. The committee will be in order, please.

Mr. Squadrilli, will you please come forward? Will you please rise and raise your right hand to be sworn?

Do you solemnly swear that the testimony you are about to give before the Judiciary Committee of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SQUADRILLI. I do.

Senator DONNELL. You have a prepared statement, Mr. Squadrilli, in addition to the interrogation that will be made of you?

Mr. SQUADRILLI. I do, Mr. Chairman.

Senator DONNELL. Do you have a copy of it? May I have it to follow you?

Mr. SQUADRILLI. Yes.

Senator DONNELL. That is all right.

Mr. Arens, will you proceed?

TESTIMONY OF ALEXANDER E. SQUADRILLI, COORDINATOR IN EUROPE, DISPLACED PERSONS COMMISSION

Mr. ARENS. Will you kindly identify yourself by position?

Mr. SQUADRILLI. My name is Alexander E. Squadrilli. I am the European coordinator, Displaced Persons Commission.

Mr. ARENS. How long have you been serving in that capacity?

Mr. SQUADRILLI. I entered into the service of the Commission on the 9th of October 1948.

Mr. ARENS. Where are your headquarters?

Mr. SQUADRILLI. Frankfurt, Germany.

Mr. ARENS. And where do you live?

Mr. SQUADRILLI. Frankfurt, Germany.

Mr. ARENS. And where do you live in Frankfurt, Germany?

Mr. SQUADRILLI. 14 Neuhausstrasse, apartment 1.

Mr. ARENS. How long have you lived there?

Mr. SQUADRILLI. Since the month of September.

Mr. ARENS. Of what year?

Mr. SQUADRILLI. Of last year.

Mr. ARENS. September 1949?

Mr. SQUADRILLI. Yes, sir.

Mr. ARENS. Where did you live prior to September 1949?

Mr. SQUADRILLI. At No. 5 Kleebergstrasse.

Mr. ARENS. How long did you live there?

Mr. SQUADRILLI. Since the month of November 1948.

Mr. ARENS. And will you describe that residence to the committee, where you lived prior to September 1949?

Mr. SQUADRILLI. It was a house.

Mr. ARENS. How large a house was it?

Mr. SQUADRILLI. Do you mean how many rooms?

Mr. ARENS. Yes, sir.

Mr. SQUADRILLI. It was a house of two bedrooms, two living rooms, a dining room, and a den.

Mr. ARENS. And who lived there with you?

Mr. SQUADRILLI. No one.

Mr. ARENS. Sir?

Mr. SQUADRILLI. No one.

Mr. ARENS. How did you come by that house?

Mr. SQUADRILLI. The house was assigned to me by the commander of the Frankfurt military post as quarters commensurate with my position.

Mr. ARENS. And how did you have occasion to move from that house?

Mr. SQUADRILLI. I moved from that house because at the time the High Commissioner took over administration, there occurred a shortage of family housing and I was requested to release those quarters and take an apartment of smaller size.

Mr. ARENS. Are you a married man?

Mr. SQUADRILLI. No, sir.

Mr. ARENS. Did anyone occupy any portion of the house that you lived in prior to September 1949 other than yourself?

Mr. SQUADRILLI. Certainly not.

Mr. ARENS. You have released today to the press a prepared statement; is that not right?

Mr. SQUADRILLI. Yes, sir.

Mr. ARENS. Who prepared this statement?

Mr. SQUADRILLI. I did.

Mr. ARENS. Who helped you to prepare this statement?

Mr. SQUADRILLI. I had some assistance on technical points.

Mr. ARENS. Who participated in the preparation of the statement?

Mr. SQUADRILLI. I wrote the statement.

Mr. ARENS. Who participated in the preparation of the statement?

Mr. SQUADRILLI. Some members of my staff in Frankfurt and some members of the staff in Washington.

Mr. ARENS. Would you give us the names of those persons who are on your staff in Frankfurt who participated in the preparation of this statement?

Mr. SQUADRILLI. Mr. Kaplan.[1]

Mr. ARENS. He participated in the preparation of this statement in Frankfurt or in Washington?

Mr. SQUADRILLI. He only assisted in the editing of the statement after I had prepared it.

Mr. ARENS. Was that in Washington or in Frankfurt?

Mr. SQUADRILLI. No, sir; that was in Frankfurt. I mean it was in Washington, I beg your pardon.

Mr. ARENS. Who else participated in the preparation of this statement?

Mr. SQUADRILLI. Mr. Rosenfield assisted in the editing. Mr. James McTigue. Mr. Edward O'Connor.

Mr. ARENS. Did Mr. Carusi participate in the preparation of this statement?

Mr. SQUADRILLI. No, sir.

Mr. ARENS. When was this statement prepared?

Mr. SQUADRILLI. Last night.

Mr. ARENS. Where was it prepared?

Mr. SQUADRILLI. I wrote the statement yesterday.

Senator DONNELL. That was not the question. The question was: Where was it prepared?

Mr. ARENS. Yes; where was it prepared?

Mr. SQUADRILLI. In the office of the Displaced Persons Commission.

Senator DONNELL. Here in Washington?

Mr. SQUADRILLI. Yes.

[1] For the testimony of Benjamin Kaplan, see p. 1026.

Mr. ARENS. In this prepared statement I observe, among other things, on page 2 an excerpt which I shall read:

> It must be said that the inability or unwillingness of the officer in charge of the Immigration and Naturalization Service in Europe to accept the legal interpretations and the directions of his own chief, the Commissioner of Immigration and Naturalization, has been the only difficulty.

If I may interpose a comment, that has to do with the context of your statement with reference to cooperation with other agencies of Government having to do with the displaced-persons program. Did you write that part of the statement?

Mr. SQUADRILLI. I did.

Mr. ARENS. Was that suggested by anybody else other than yourself?

Mr. SQUADRILLI. No, sir.

Mr. ARENS. Was that approved by Mr. Rosenfield?

Mr. SQUADRILLI. They took my word for that.

Mr. ARENS. In September 1949, did you have occasion to visit Mr. Tripp, the chief of the immigration detail in Europe, at his office in Bremen?

Mr. SQUADRILLI. Yes; I believe so. It was in the company of Mr. Carusi.

Mr. ARENS. What was the occasion for that visit?

Mr. SQUADRILLI. Mr. Carusi was making an inspection of the operations abroad.

Mr. ARENS. What was the occasion for the visit to Bremen?

Mr. SQUADRILLI. It was a call by Mr. Carusi on Mr. Tripp, and I accompanied him.

Mr. ARENS. What was the conversation which ensued?

Mr. SQUADRILLI. The general conversation dwelled upon the basis of cooperation necessary to carry forward on this program.

Mr. ARENS. More specifically, what was said in the conversation?

Mr. SQUADRILLI. I believe one of the principal items discussed was the system of referring to the Commission information on cases that were being detained by the Immigration Service for one reason or another, in order that the Commission might be informed as to the disposition of the case.

Mr. ARENS. Didn't you tell Mr. Tripp or request Mr. Tripp to cause his immigration men to refrain from interrogating applicants under this displaced-persons law with respect to their eligibility under the law?

Mr. SQUADRILLI. I do not believe so; no.

Mr. ARENS. Did you, at that conference or any other conference or conversation or by correspondence or by any other means of communication, request Mr. Tripp to cause his immigration inspectors not to interview applicants with respect to their eligibility under the displaced-persons law?

Mr. SQUADRILLI. No, sir; I do not believe I ever presumed to tell Mr. Tripp how he should conduct his interrogation.

Mr. ARENS. Did you request him?

Mr. SQUADRILLI. No, sir.

Mr. ARENS. Have you had some substantial policy differences of opinion with the chief of the immigration detail in Europe, Mr. Tripp?

Mr. SQUADRILLI. I would not say that they were terribly substantial. We had some differences of opinion as to the areas of jurisdiction of the Commission, which were subsequently resolved by instructions that were sent down from Washington from the various agencies involved—both the Immigration Service and the Displaced Persons Commission—instructions that emanated from conferences held between those two organizations, including the Foreign Service here in Washington.

Mr. ARENS. I forgot to ask you when you were speaking about your background, but would you give us a word about your backgrond prior to your affiliation with the Displaced Persons Commission?

Mr. SQUADRILLI. Yes. For over 2 years, from the month of August 1946 until the month of October 1948, I was first executive officer and then Chief of the Displaced Persons Branch of the Civil Affairs Division of the European Command in Germany. Prior to that, for approximately a year and a half, from the month of October 1944 until the month of July 1946, I was associated with the United Nations Relief and Rehabilitation Administration, first, as Director of the Western Military District in Germany, and subsequently as the Deputy Zone Director for Germany. Prior to that, for approximately a year and a half, from the month of March 1943 until the month of August 1944, I was associated with the American Red Cross as director of club services in the Southwest Pacific area, with headquarters at Brisbane, Australia.

Mr. ARENS. Who is your immediate subordinate as European coordinator of the Displaced Persons Commission?

Mr. SQUADRILLI. Mr. Richard Dervan.

Senator DONNELL. What is your nationality?

Mr. SQUADRILLI. I am an American.

Senator DONNELL. Where were you born?

Mr. SQUADRILLI. New York City.

Senator DONNELL. What was the date of your birth?

Mr. SQUADRILLI. May 16, 1907.

Senator DONNELL. How long did you live in New York City?

Mr. SQUADRILLI. Most of my life. That has been my residence.

Senator DONNELL. Did you live there up to the time you went to Europe?

Mr. SQUADRILLI. Yes.

Senator DONNELL. When did you go to Europe?

Mr. SQUADRILLI. I lived there until the time I went to Australia with the American Red Cross.

Senator DONNELL. That was what date, please?

Mr. SQUADRILLI. May 1943.

Senator DONNELL. So that you lived in New York City for 36 years?

Mr. SQUADRILLI. Off and on. I lived in other places in the country.

Senator DONNELL. What was your educational background in New York City?

Mr. SQUADRILLI. I went to school.

Senator DONNELL. What school?

Mr. SQUADRILLI. Grammar school—DeWitt Clinton High School for a partial time, and subsequently, I studied privately.

Senator DONNELL. Did you take any work in any college or university?

Mr. SQUADRILLI. No, sir.

Senator DONNELL. When did you complete your private studies? What year?

Mr. SQUADRILLI. My private studies continued until 1929, both in New York, and in California, and in Europe.

Senator DONNELL. Had you started into any business or profession up until 1929 or had you been simply completing your educational preparation for your future work?

Mr. SQUADRILLI. My private studies were associated with my work with my father, who was an expert in antique art and whom I assisted.

Senator DONNELL. Where did you live in New York City?

Mr. SQUADRILLI. My last residence there was at 8309 Thirty-fifth Avenue, Jackson Heights.

Senator DONNELL. Is your father still living?

Mr. SQUADRILLI. Yes.

Senator DONNELL. Is he engaged in the antique art business at this time?

Mr. SQUADRILLI. He is retired. He lives in California.

Senator DONNELL. Where does he live?

Mr. SQUADRILLI. In Hollywood, Calif.

Senator DONNELL. What is his street address there?

Mr. SQUADRILLI. 6211 Lamiradi Avenue.

Senator DONNELL. Up until 1929, had you been engaged in any occupations other than your educational preparation and the work with your father in antique art?

Mr. SQUADRILLI. No, sir. That was my chief occupation up to that time.

Senator DONNELL. You had no other occupation except minor positions of one kind or another; is that right?

Mr. SQUADRILLI. That is right.

Senator DONNELL. Go ahead, Mr. Arens.

Mr. ARENS. Do you have any knowledge at all of any instance in which officials or representatives in the higher echelons in the Displaced Persons Commission requested Mr. Tripp to cause his immigration officers not to interrogate applicants respecting their eligibility under the displaced-persons law?

Mr. SQUADRILLI. I have no knowledge of a request of that kind having been made.

Mr. ARENS. Either in writing or orally?

Mr. SQUADRILLI. In writing or orally. I believe discussions were held as to the nature of the interrogation, but I do not believe that any request was made of Mr. Tripp as to what questions he should pose to the immigrants who were examined.

Mr. ARENS. I did not ask that question. I asked you whether or not you have any knowledge of any request made by any official, including yourself, of the Displaced Persons Commission to Mr. Tripp to the general effect that he cause his immigration officers not to interrogate applicants respecting their eligibility under the displaced-persons law.

Mr. SQUADRILLI. I have no knowledge of any such request.

Mr. ARENS. Made either by yourself or any official?

Mr. SQUADRILLI. That is correct.

Senator DONNELL. Did Mr. Kaplan ever make such a request?

Mr. SQUADRILLI. I do not believe so.

Mr. ARENS. Have you read the testimony of Mr. Tripp?

Mr. SQUADRILLI. Yes.

Mr. ARENS. Were there communications, directives, or letters which you have issued to the effect that there should be removed from the files certain adverse reports or reports of an adverse nature?

Mr. SQUADRILLI. There has been no directive of a general nature except emphasizing and reiterating the necessity of retaining in the files every item of evidence or information material to the person's eligibility. There have been individual cases—approximately 30 in number—wherein the rejections that had been arrived at by the field office, the conclusion reached by the case analyst in a particular case, in a case sent to Frankfurt headquarters, were overruled and the case was returned to the area, with a directed action of one form or another. In some instances, the directed action involved further exploitation of information, further investigation, further processing. And the statement was made in those instances that, in the event the person was found eligible and a favorable report was written, the previous report of rejection, which was the case analyst's conclusion based upon the evidence in the file, should be withdrawn in order to be superseded by the favorable report to be written.

Mr. ARENS. When Mr. Carusi found out about that, he blew up in a conference with you, did he not?

Mr. SQUADRILLI. I do not know that he blew up. He did not agree with that practice. Mr. Carusi expressed his fears of exactly what has occurred. He expressed his fears that that kind of an internal administrative practice would be seriously misunderstood, misinterpreted, and possibly distorted.

Mr. ARENS. Was it stopped?

Mr. SQUADRILLI. It was stopped; yes—immediately.

Mr. ARENS. Who is Agnes McGovern?

Mr. SQUADRILLI. Agnes McGovern is the wife of an officer of the Counter Intelligence Corps, who has been employed for approximately 10 months, I think.

Mr. ARENS. In what capacity is she employed?

Mr. SQUADRILLI. She is no longer employed. She has resigned now because of her husband's reassignment to the United States.

Mr. ARENS. Who is Dwight Shouse?

Mr. SQUADRILLI. Dwight Shouse was an employee of the Commission.

Mr. ARENS. In what capacity did he serve?

Mr. SQUADRILLI. He served first as a selector and a case analyst and, subsequently, as a legal officer in the Frankfurt headquarters.

Senator DONNELL. In what capacity did Mrs. McGovern serve when she was employed?

Mr. SQUADRILLI. As an administrative aide, secretary.

Mr. ARENS. When was the last time you had a communication, conversation, or contact with either Agnes McGovern or Dwight Shouse?

Mr. SQUADRILLI. Mrs. McGovern came in to bid me farewell about 3 weeks ago when she left our employ.

Mr. ARENS. How about Dwight Shouse? When was the last time you saw him?

Mr. SQUADRILLI. Mr. Shouse I saw approximately a month and a half ago, when he also came in to say good-by, inasmuch as he had taken a position with the Office of the High Commissioner.

Mr. ARENS. Did you or Mr. Kaplan or both of you give instructions to Agnes McGovern and to Dwight Shouse to remove and destroy important memoranda from the files?

Mr. SQUADRILLI. No, sir.

Mr. ARENS. You have no information at all respecting instructions to Agnes McGovern and Dwight Shouse to remove and destroy important memoranda from the files?

Mr. SQUADRILLI. I have no such information.

Mr. ARENS. Who is Blair Taylor?

Mr. SQUADRILLI. Mr. Taylor is an employee of the Commission in Munich.

Mr. ARENS. Where is he now?

Mr. SQUADRILLI. He is in this room.

Mr. ARENS. Who is Edgar Suter?

Mr. SQUADRILLI. Mr. Suter is an employee of the Commission in Munich, where he is now.

Mr. ARENS. Is he in Washington now?

Mr. SQUADRILLI. No.

Mr. ARENS. What is the organization known as the VVN?

Mr. SQUADRILLI. That is the Vereignte Verfolgte des Nazismus. That means it is an association of persons persecuted by the Nazi government.

Mr. ARENS. What do you know about that organization?

Mr. SQUADRILLI. I know from a report given to me by the Counter Intelligence Corps that it is an organization of persons who have been persecuted by the Nazi government and that a proportion of the persons who are members of that organization are persons who were members of the German Communist Party or have Communist affiliations.

Mr. ARENS. What percentage of the membership of the VVN is Communist?

Mr. SQUADRILLI. If I recollect the report correctly, I think it stated that about 40 percent were. I am not positive, but I think that is about right.

Mr. ARENS. What percentage of the leadership is Communist?

Mr. SQUADRILLI. I think the report stated 70 or 80 percent.

Mr. ARENS. When did you first learn about VVN being an organization with these percentages of Communists in them?

Mr. SQUADRILLI. I think the organization came under discussion with the Counter Intelligence Corps in the course of last summer, and I subsequently requested the Counter Intelligence Corps to give us a written report.

Mr. ARENS. Do you recall what time in the summer it was that you first learned about this organization?

Mr. SQUADRILLI. I think sometime in July or August. I am not too sure.

Mr. ARENS. Could it have been as early as May?

Mr. SQUADRILLI. It could have been; yes, sir.

Mr. ARENS. How many VVN people, to your knowledge, have been processed and brought to the United States?

Mr. SQUADRILLI. I have no knowledge of that.

Mr. ARENS. Have you made an investigation of it on the basis of the investigation furnished to you by Counter Intelligence Corps?

Mr. SQUADRILLI. No, sir. The Counter Intelligence Corps has passed on all persons who have come out of that organization into our program and it is the Counter Intelligence Corps that has reported to us whether or not such a person was of Communist affiliation.

Mr. ARENS. You have no knowledge whether or not any VVN people have come into this country?

Mr. SQUADRILLI. I believe it is entirely possible that some persecutees of the Nazi government who were members of the VVN have been processed and have qualified under that program, under our program.

Mr. ARENS. Until you issued your bulletin in 1949 VVN people were being processed, were they not?

Mr. SQUADRILLI. Oh, yes; and they still are, I dare say.

Mr. ARENS. Your directive was to the effect that VVN membership was not in and of itself sufficient to disqualify an applicant; is that not right?

Mr. SQUADRILLI. That was quoting the Counter Intelligence Corps report.

Mr. ARENS. Now, in the procedure for checking on applicants.

Senator KILGORE. May I ask a question at that point?

Senator DONNELL. Senator Kilgore, Mr. Squadrilli.

Senator KILGORE. You say that the VVN, according to the Counter Intelligence Corps, was about 40-percent Communist membership.

Mr. SQUADRILLI. That is right.

Senator KILGORE. It is something like what we might call a Communist-front organization in this country, where there is a percentage of Communists and a percentage of non-Communists; is that right?

Mr. SQUADRILLI. I would imagine so.

Senator KILGORE. The question would come down as to each individual's belief, not as to the organization; is that the way you interpreted it?

Mr. SQUADRILLI. Yes. The extent of that belief or Communist affiliation rests with the Counter Intelligence Corps.

Senator KILGORE. That is what I wanted to clear up.

Mr. ARENS. In the process of checking displaced persons, does the Displaced Persons Commission wait to receive the reports from the Berlin Document Center and the provost marshal before processing the displaced persons?

Mr. SQUADRILLI. No, sir. The processing is simultaneous.

Mr. ARENS. Would you elaborate on that a little bit? I do not believe we have a complete picture on what you have in mind.

Mr. SQUADRILLI. The investigations made in the Berlin Document Center and the provost marshal files are concurrent with other aspects of the investigation.

Mr. ARENS. But you do not wait to receive the Berlin Document Center report or the Provost Marshal's report before you process a displaced person; is that correct?

Mr. SQUADRILLI. That is correct.

Mr. ARENS. Is that the calculated risk theory that the other gentlemen have testified to? I understood you read their testimony.

Mr. SQUADRILLI. Yes.

Mr. ARENS. Would you explain that calculated risk theory to the committee?

Mr. SQUADRILLI. I would be glad to do that. In the early planning of this program, in September of 1948, with the Counter Intelligence Corps officials, officials of the Civil Affairs Division, and other branches of the European Command, all aspects of the investigative procedure were planned, and it was recognized that in the experience of the Foreign Service, of the consular service, of the consuls then in Germany, under the Truman directive, the returns from the Berlin Document Center with respect to information on the displaced-persons group was most infinitesimal. This information came from the consul generals.

So the plan was set up to have these factors of investigation move concurrently and to present the report to the Commission—the report of investigation—without waiting for the return from the Berlin Document Center check or of the Provost Marshal check and to permit the case to proceed, recognizing that there was a possibility that some few persons might embark and arrive in the United States before the returns from the Berlin Document Center and the Provost Marshal's office were actually received.

Mr. ARENS. Is it not a fact that approximately thirty-odd people have arrived in the United States on whom the Berlin Document Center had adverse information?

Mr. SQUADRILLI. That is a fact; yes, sir. Not the Berlin Document Center, but the Provost Marshal.

Mr. ARENS. So your calculated risk in those 35 cases was a calculated risk that did not pay off in 35 cases you know of?

Mr. SQUADRILLI. What you call the calculated risk was simply an anticipation of the possibility that some few persons who did enter the United States would have to be returned.

Mr. ARENS. Are you familiar with the deportation laws of this country and the difficulty of deporting people and apprehending them in the first place?

Mr. SQUADRILLI. I was not aware there would be any difficulty.

Mr. ARENS. Has a single individual who has been admitted to the United States under the displaced-persons law been deported to this date?

Mr. SQUADRILLI. I believe some have.

Mr. ARENS. What is the source of your information on that?

Mr. SQUADRILLI. I have reports of the arrival of two persons.

Mr. ARENS. Those persons were persons held at Ellis Island and not admitted to the United States.

Mr. SQUADRILLI. I am not sure whether they were held or admitted. They were returned.

Mr. ARENS. Do you know as a fact whether or not any person who has been admitted to the United States under the displaced-persons program, including the 35 on whom there was adverse provost marshal reports, have been deported from this country?

Mr. SQUADRILLI. I have no information that they have. I understand the Immigration Service is taking steps to that end.

Mr. ARENS. Are you familiar with the damage that can be done to this country by a single Communist?

Mr. SQUADRILLI. I should like to point out that there is no information on these 30 persons of any Communist character whatsoever.

Mr. ARENS. There is information on criminal activities; is there not?

Mr. SQUADRILLI. There is information of a variety of minor or major offenses, in most instances where no trial was held. The information reflects military police blotter bookings.

Mr. ARENS. There is information in the provost marshal center and the Berlin Document Center on persons who were convicted of what we would call in this country felonies?

Mr. SQUADRILLI. Not in the Berlin Document Center.

Mr. ARENS. In the provost marshal's office.

Mr. SQUADRILLI. Possibly in the provost marshal.

Mr. ARENS. What is the theory of this calculated risk of processing these displaced persons without receiving the report from the Berlin Document Center and the report from the provost marshal office?

Mr. SQUADRILLI. To expedite the program.

Mr. ARENS. Why is it you do not wait to receive the report from the Berlin Document Center and the report from the provost marshal center before you process the displaced persons and send them to this country?

Mr. SQUADRILLI. Because the checks from those sources require in the neighborhood of 3 to 4 months on the one hand in the provost marshal, and some 8 to 12 weeks in the case of the Berlin Document Center.

Mr. ARENS. Is it a case of the Displaced Persons Commission waiting 3 or 4 months against a situation, which has been demonstrated, where 35 people have thus far been admitted into the United States on which there is adverse information in the provost marshal's office?

Mr. SQUADRILLI. I presume that one could put it that way.

Mr. ARENS. What is your interpretation of it? You are the administrator in Europe?

Mr. SQUADRILLI. Yes. My interpretation of it was this: The Counter Intelligence Corps and the European command were perfectly satisfied that there would be no adverse information of a security nature emanating from these sources.

Mr. ARENS. In these 35 cases that we know of there were adverse reports emanating from the provost marshal's office.

Mr. SQUADRILLI. That is right; but not of a security nature.

Mr. ARENS. They were criminal reports.

Mr. SQUADRILLI. They were reports of offenses ranging from minor black-market offenses to possible bookings on having counterfeit script or having script on their possession; items of offenses in that kind.

Mr. ARENS. In the Berlin Document Center they have information on the Nazis?

Mr. SQUADRILLI. That is right.

Mr. ARENS. Many of the Communists became Nazis, did they not?

Mr. SQUADRILLI. I am sure I would not be in a position to express an opinion on that. I hardly think so.

Mr. ARENS. Is a Nazi who advocated the philosophy of nazism, of totalitarianism as expressed in the Nazi philosophy, eligible under the

displaced-persons law and general immigration laws for admission in the United States?

Mr. SQUADRILLI. He is not under the displaced-persons law, but I do not believe there is any bar to his admittance under the general immigration law.

Mr. ARENS. You say he is not admitted under the displaced-persons law?

Mr. SQUADRILLI. That is correct.

Mr. ARENS. Then you take a risk of bringing Nazis into this country by the calculated risk of not waiting for the Berlin Document Center report; is that right?

Mr. SQUADRILLI. To an extent; yes.

Mr. ARENS. How many names are listed in the Berlin Document Center? Do you know?

Mr. SQUADRILLI. You mean in the total at the Berlin Document Center?

Mr. ARENS. Yes. How many names do they have?

Mr. SQUADRILLI. I dare say 10 or 12 million, perhaps.

Mr. ARENS. Upon whom they have information of some character in a derogatory manner?

Mr. SQUADRILLI. Yes; all Germans, of course.

Mr. ARENS. How many names are listed in the provost marshal's office?

Mr. SQUADRILLI. I have no information on that. I do not know exactly what the extent of their records is.

Mr. ARENS. Is it not a case, then, of sacrificing the security interests of this country in the interest of expediting the administration of the program, in the interest of speed in the administration of the program, that you have this calculated risk not to receive the Berlin Document Center information and the provost marshal information before you process the displaced persons and bring them into this country?

Mr. SQUADRILLI. No, sir. There has been no risk taken with respect to the security of this country.

Mr. ARENS. Notwithstanding the fact that you have Nazis listed in the Berlin Document Center, notwithstanding the fact that you have criminals listed in the provost marshal's office, and notwithstanding the fact that the experience under the program has demonstrated that 35 persons have been brought into this country that we know about upon whom there was adverse information in the provost marshal's office. Is it your testimony before this committee that there was no security risk to this country in not first receiving the report of the Berlin Document Center and the provost marshal's office in view of those facts?

Mr. SQUADRILLI. That is my feeling. It would be my feeling that those people would be returned.

Mr. ARENS. To what extent have you put "the heat" on the Counter Intelligence Corps to get through their security reports?

Mr. SQUADRILLI. What do you mean by "the heat"?

Mr. ARENS. Pressure.

Mr. SQUADRILLI. What do you mean by "pressure"?

Mr. ARENS. You know what the word "pressure" means.

Mr. SQUADRILLI. Pressure can mean a half dozen things.

Mr. ARENS. To what extent have you undertaken to put pressure on the Counter Intelligence Corps to curtail their activities in the investigation of displaced-persons applicants to accelerate the movement of displaced persons to the United States?

Mr. SQUADRILLI. There has been no pressure whatsoever put on the Counter Intelligence Corps as to the curtailment of the scope of their investigation or as to the time required to complete it. The Counter Intelligence Corps has been the sole determiner of the staff required or the scope of the investigation or the time required.

Mr. ARENS. Under the law, the burden of proof is on the applicant to prove his eligibility under the act, is it not?

Mr. SQUADRILLI. Yes; he is.

Mr. ARENS. To what extent have you sent letters to your subordinates in the displaced-persons operations in Europe to the general effect that their rejections must be based on proof?

Mr. SQUADRILLI. Instructions were sent out that rejections must be based upon the sections of the law under which persons failed to qualify and further that there should be some substantive reason for the rejections.

Mr. ARENS. Would you answer my question? To what extent have you sent directives or letters or communications to your subordinates in the Displaced Persons Commission operation that their rejections of an applicant, notwithstanding the fact that the law requires the burden of proof shall be on the applicant, shall be based on proof?

Mr. SQUADRILLI. Well, it was basic policy that there should be some reason and some basis for that reason for rejection.

Mr. ARENS. Let me ask you this direct question: Have you sent directives, communications of any character, to your subordinates in the Displaced Persons Commission operations that their rejections must be based on proof?

Mr. SQUADRILLI. I have never required the subordinate officers to themselves furnish proof as a basis of rejection. The rejection was to be based upon substantive evidence contained in the report.

Mr. ARENS. Would you answer the question? To what extent have you sent communications or directives to your subordinates in the operations in Europe that their rejections must be based on proof?

Mr. SQUADRILLI. I believe that a few cases of rejections based upon alleged perjury were returned with instructions that the Commission could not reject or could not arrive at a conclusion of perjury without some substantive proof.

Mr. ARENS. Notwithstanding the fact that the law requires that the burden of proof shall be upon the applicant?

Mr. SQUADRILLI. Yes. You can accuse someone of murder and say, "Prove that you did not do it." There was no proof in these cases and my instructions followed, as a matter of fact, this basic policy of the Foreign Service itself in dealing with cases of that kind.

Mr. ARENS. Now, may I pose a hypothetical case to you here, in order to get at the policy which you have been pursuing as the European coordinator. Let's assume the Counter Intelligence Corps, on the basis of its investigation, sends a report stating that it appears that the applicant is a Communist or a subversive. What would be your policy in that type of case with reference to proof?

Mr. SQUADRILLI. The policy is that a case of that type is mandatorily rejected.

Mr. ARENS. Have you received many reports on which you sent instructions in similar cases to the effect that the rejections must be based on proof?

Mr. SQUADRILLI. No; it has been the policy to request the Counter Intelligence Corps to elaborate somewhat on the information upon which they base their conclusions. Generally, that was done from the Frankfurt headquarters in direct relation with the headquarters of the Counter Intelligence Corps. The purpose of that was only to insure as much information in the file as possible.

Under no circumstances, irrespective of whether the Counter Intelligence Corps furnished supporting information or not, as long as the Counter Intelligence Corps maintained its position that this person appeared to have been and was considered by them to be a security threat, that case was mandatorily rejectable. That has been a firm policy from the very outset of the program.

Mr. ARENS. Do you happen to recall the Meisenbaum case?

Mr. SQUADRILLI. I happen to recall that case.

Mr. ARENS. Can you tell us the essence of that case on the basis of your recollection?

Mr. SQUADRILLI. Yes; that case was returned from the field with a report of rejection based upon a Counter Intelligence Corps report to the effect that it appeared that supporting documentation on the Counter Intelligence Corps report showed that the only evidence of any subversive character, particularly in the individual, was as a result of an interview between the Counter Intelligence Corps agent and the applicant, and in this interview the applicant had stated that he was anti-Nazi, anti-Fascist, and anticapitalist.

Mr. ARENS. Did the Counter Intelligence Corps also in that case say that apparently this applicant had been in a movement hostile to the United States?

Mr. SQUADRILLI. That was stated in the report; that is correct. When we received that case, we simultaneously received some reports, both from the applicants and from others, to the effect that the particular Counter Intelligence Corps agent involved was using approaches in his interrogation calculated to excite and disconcert the witness. He used a very harsh and shouting approach, and the applicants subjected to these interviews by this agent would become so frightened and so nervous as to be hardly responsible for what they were saying. This report came to me and I reported it to the Counter Intelligence Corps, who took proper steps to correct the situation with respect to the agent.

Mr. ARENS. What were those steps? Did you cause him to be reprimanded?

Mr. SQUADRILLI. I do not know what the steps were. I reported to the Counter Intelligence Corps that this person was using a technique which I knew the heads of the Counter Intelligence Corps did not subscribe to.

Mr. ARENS. Is that what you told them exactly?

Mr. SQUADRILLI. Substantially.

Mr. ARENS. That was the man who developed the adverse information on the applicant?

Mr. SQUADRILLI. That was the man who produced these statements as a result of his interview.

Mr. ARENS. And you subsequently went to his higher authorities and said just what you have said here, to the effect that you felt his tactics were wrong; is that right?

Mr. SQUADRILLI. Only because reports came to me that his tactics apparently were not in line with the techniques of the Counter Intelligence Corps.

Mr. ARENS. The Counter Intelligence Corps is not working for the Displaced Persons Commission.

Mr. SQUADRILLI. It certainly is not. The Counter Intelligence Corps is a part of the United States armed forces and is not working for the Displaced Persons Commission.

Mr. ARENS. All right, sir; after you went and told this man's superior officers—the man who developed the adverse information—what you just related, would you go ahead then?

Mr. SQUADRILLI. Then I returned the case to the office of the Commission in Munich with the suggestion that the applicant be reinterviewed by another Counter Intelligence Corps agent. No action was taken on that case for 10 months.

I did not consider the handling of the case by the senior officer of the Commission as very straightforward, and, when it came to my attention 8 months later that no action had been taken, I was surprised and learned that he had not clearly understood the instructions from Frankfurt. I inquired as to why he had not picked up the telephone or returned the case with a request for clarification, but the conversation ended on that point.

Mr. ARENS. What was the directive he got from Frankfurt on the case? I understood you to say a moment ago what he had done was not in accord with the directive received from Frankfurt.

Mr. SQUADRILLI. The case was returned with instructions to review it and with the suggestion that the applicant be reinterviewed by another Counter Intelligence Corps agent. That meant substantially that the case should be referred back to the Counter Intelligence Corps for a review of their action in the matter and an eventual return by them. The case was returned subsequently to the Frankfurt headquarters in November 1949 and it was referred by the Frankfurt headquarters to the headquarters of the CIC at Stuttgart with the request for a further investigation. That case has since returned from the CIC with a report to the effect that there is absolutely no derogatory information against the applicant.

Mr. ARENS. That applicant has been processed?

Mr. SQUADRILLI. The applicant is being processed.

Mr. ARENS. Being brought to this country?

Mr. SQUADRILLI. I am not sure if the applicant will qualify under all the other factors, but the CIC report on the individual has cleared him.

Mr. ARENS. That was after you talked to the superior officer about the man who made the first adverse report; is that true?

Mr. SQUADRILLI. Well, that took place in March of 1949 and this took place in November of 1949.

Mr. ARENS. Subsequent to the time you talked to the superior officer in the Counter Intelligence Corps about the man who made the first adverse report?

Mr. SQUADRILLI. Of course.

Mr. ARENS. May I read you a press release in which you are quoted and ask you whether or not this quotation is correct. It is a press release from the Washington Post of February 17, 1950:

> An American official said today the Federal Bureau of Investigation is checking on some Americans who have volunteered to assist displaced persons considered to be security risks.
>
> Alexander E. Squadrilli, United States Displaced Persons Commission, coordinator for Europe, said about 500 displaced persons risks have been kept in Europe. Most are suspected Communists.
>
> Squadrilli said he knew of Federal Bureau of Investigation reports sent here on about a dozen Americans who offered to sponsor persons for immigration to the United States. As many as 500 other displaced persons may have reached the United States through a fraudulent scheme now being investigated. He said six German officials are being prosecuted.

Would you kindly state whether or not the essence of that is true?

Mr. SQUADRILLI. I must say it is slightly misquoted.

Mr. ARENS. Would you tell us what the facts are, then?

Mr. SQUADRILLI. In connection with what specific point?

Mr. ARENS. The material covered in the article which I just read.

Mr. SQUADRILLI. Apparently there are several subjects referred to.

Senator KILGORE. I wonder if you would let him look at it himself.

Mr. ARENS. Yes.

Senator KILGORE. To be frank, it is too long to remember.

Mr. SQUADRILLI. I did have a visit by a representative of the press in Frankfurt after reports had appeared to the effect that some 30,000 persons had entered the United States fraudulently, and the press asked me what I knew about the facts in the situation.

I indicated to the press the facts as I had them at the time, as are represented substantially in this statement, as to the actual cases in which persons had established their qualifications under the entry requirements of the law based upon entries that had been made by German officials in German residence registries, which were false in their content. I also told the press that the Commission had rejected approximately some 500 persons on the basis of the reports of the Counter Intelligence Corps.

Mr. ARENS. Was the information about Communists sponsoring displaced persons correct?

Mr. SQUADRILLI. I do not know where that inference arose.

Mr. ARENS. It is in the article, is it not?

Mr. SQUADRILLI. Yes; it is in here. In the conversation with the reporter, I mentioned that there were some FBI reports which we receive on displaced persons, inasmuch as every displaced person is checked with FBI, in which some information was contained concerning the sponsor of a relevant or irrelevant nature.

Mr. ARENS. What was the nature of the information? Was it, as was indicated in that press report, that Communists in the United States—if I construe the report correctly—were sponsoring or making application to sponsor displaced persons?

Mr. SQUADRILLI. No, sir; that was not the information that was given to the press, and is generally not the information that is contained in the FBI reports.

Senator KILGORE. Could I ask a question at that point? How many, approximately, cases where you received requests for specific individuals were handled over there?

Mr. SQUADRILLI. You mean?

Senator KILGORE. Requests of an assurer nominating a specific person.

Senator DONNELL. By name?

Senator KILGORE. Did you have many of those?

Mr. SQUADRILLI. Yes. We had quite a lot of those.

Senator KILGORE. Roughly, how many?

Mr. ARENS. Is it not 20 percent of the cases?

Mr. SQUADRILLI. It is actually higher than that. The Commission has received—if I can consult a record, I can give you a more accurate figure.

Senator KILGORE. I would like to get that information.

Senator DONNELL. We will have a short recess to permit Mr. Squadrilli to get that information.

(Recess.)

AFTER RECESS

Senator DONNELL. The committee will come into session. All right, gentlemen.

Mr. SQUADRILLI. The Senator asked me about the percentage of cases——

Senator KILGORE. Yes; where specific requests were made for people by name. What percentage of cases processed have been of that nature?

Mr. SQUADRILLI. About 75 percent.

Senator KILGORE. Seventy-five percent.

Mr. SQUADRILLI. That is correct.

Senator KILGORE. And in that case, the sponsor agreed to give, shall we say, John Doe and his family a home, and they named who John Doe was and where he was located.

Mr. SQUADRILLI. That is right.

Senator KILGORE. Seventy-five percent of the cases were of that nature?

Mr. SQUADRILLI. Yes, sir.

Senator KILGORE. Isn't it a fact, Mr. Squadrilli, that, for instance, some of the States have sent people over there going through the camps and selecting personnel.

Mr. SQUADRILLI. Some of the State commissions.

Senator KILGORE. Not necessarily State commissions, but people from various States, particularly in the farm program, have had their representatives over there. Has not that accounted for a great number of these?

Mr. SQUADRILLI. That is true. There have been Americans from various States who have been over there making their own selections of displaced persons and then nominating them and giving assurances.

Senator KILGORE. How many States have had people there?

Mr. SQUADRILLI. Let me see. I would say about a dozen representatives from various States.

Senator KILGORE. Didn't you send a bulletin to New Orleans sometime ago to take care of requests from Mississippi?

Mr. SQUADRILLI. Yes. We have ships to New Orleans with some degree of regularity.

Senator KILGORE. And you say three-quarters of your people have been specific requests for individuals?

Mr. SQUADRILLI. That is correct.

Mr. ARENS. For just a moment, let us get back to this house, Mr. Squadrilli, before we proceed with the other questions. How many rooms were there in that house you lived in prior to September 1949?

Mr. SQUADRILLI. I believe I stated that before, Mr. Arens.

Mr. ARENS. You said there were two bedrooms. How many rooms in toto?

Mr. SQUADRILLI. Let me see. We will count them again. There were two bed rooms, two living rooms, a dining room, and a den.

Senator O'DONNELL. Six rooms.

Senator KILGORE. Didn't you have a kitchen?

Mr. SQUADRILLI. Yes.

Mr. ARENS. Where did you live prior to the time you lived in that house?

Mr. SQUADRILLI. In Heidelberg with the European command.

Mr. ARENS. Did you cook your own meals at that house?

Mr. SQUADRILLI. Occasionally.

Mr. ARENS. Did anybody cook for you?

Mr. SQUADRILLI. No; except my breakfast.

Mr. ARENS. How long did you live in that house?

Mr. SQUADRILLI. From October 1948, the time I moved into it, until September 1949.

Mr. ARENS. Did any other person share the house with you at any time?

Mr. SQUADRILLI. I have already stated that no one has shared that house with me.

Mr. ARENS. Did any other persons live with you overnight at that house?

Mr. SQUADRILLI. I have already stated that no one has shared that house with me.

Senator DONNELL. That was not the question. Just answer the question Mr. Arens asked you. Will the reporter please read the question?

(The reporter read the question.)

Mr. SQUADRILLI. I had guests occasionally; yes.

Mr. ARENS. Who were the guests?

Mr. SQUADRILLI. Friends, members of the Commission, and others.

Mr. ARENS. Who were the employees of the Displaced Persons Commission who stayed with you in that house overnight on any occasions that you can recall?

Mr. SQUADRILLI. Mr. Main, Mr. Don Main; I cannot recall the others offhand.

Mr. ARENS. Mr. Squadrilli, did you or did an officer of the Displaced Persons Commission in Europe under your direction or with your knowledge or consent send communications or a communication to the members of the staff and to the voluntary agencies with reference to encouragement of applicants to alter falsely presented facts in their registration forms or elsewhere?

Do you have any recollection of having sent a directive of that character or having someone send such a directive under your supervision?

Mr. SQUADRILLI. Yes; I do. Fairly early in the program, as a matter of fact, I even made a statement to the press that circulated among the displaced persons in which I emphasized the necessity of making completely true statements concerning themselves at any time should they have an application come in under the program. It was known to me that, in many instances, under the fear of forcible repatriation in the early days after the liberation in 1945, there were displaced persons who assumed other identities. They were persons of Ukrainian or eastern Polish origin, or Russian origin who were refugees from Russia since the original revolution, who were caught in Germany at the time of the liberation and who, under the terms of the Yalta Agreement, might have been subject to forcible repatriation. These persons took steps to avoid that by registering themselves with German authorities, sometimes under other names and sometimes under other nationalities. This was recognized, and it was considered desirable to make it clearly known to all persons that they would have to make absolutely true statements in all matters concerned with their applications under the program.

Mr. ARENS. When was that press statement issued? You said early in the program.

Mr. SQUADRILLI. In the early part of the program. This was stated verbally to the press for circulation among displaced persons and, I believe, a letter along the same lines was sent by my office to the field in the month of April or May, I think, of 1949. As a matter of fact, a letter was sent by the Foreign Service to the consuls along the same lines at about the same time. In fact, if I remember correctly, our letter referred to the letter of the Foreign Service on the subject.

Mr. ARENS. About that time that the letter went out, is it not a fact that there had been numerous cases of persons who had been rejected because of false statements and because of fraud under the Truman directive of December 22, 1945, who were reapplying under the displaced-persons law?

Mr. SQUADRILLI. I do not believe it is a fact that there were many such cases. At the same time the Truman directive expired, I believe there were some 30,000 cases pending in the files of the various consular offices, but they were cases mostly pending without conclusion, without decision.

Mr. ARENS. Yes. How many cases were there, to your knowledge, about the time this directive went out in which persons had been rejected under the Truman directive because of fraud who were reapplying under the present law?

Mr. SQUADRILLI. There were hardly any to my knowledge. I do not recall any case that came to my attention where there had been a formal rejection.

Mr. ARENS. Aside from a specific case or cases, what information do you have as to the number of cases which have been rejected under the Truman directive because of fraud that were then pending through applications for immigration to this country under the present law?

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Mr. SQUADRILLI. I have no information on that, because I do not know how many cases were rejected under the Truman directive.

Senator KILGORE. Could I interject a question?

Senator DONNELL. Yes, you may.

Senator KILGORE. Isn't it a fact that under the Truman directive, the consular offices, where there was any question at all about it, simply shelved the case, and that was why they had so many cases pending at the time?

Mr. SQUADRILLI. Yes.

Senator KILGORE. In other words, they did not pass on it if there was the slightest doubt in their minds, and they put it in a pigeonhole.

Mr. ARENS. That was because of the immigration law as well as the displaced-persons law.

Senator KILGORE. I would like for him to answer my question.

Mr. ARENS. I thought he did.

Mr. SQUADRILLI. That was the situation, to my knowledge. There were some 30,000 cases. These represented a large accumulation of bona fide cases on which the consuls had not had time to act before the expiration, but there were many cases that were simply held.

Senator KILGORE. That was where the 30,000 backlog—part of that had been shelved—came from.

Mr. SQUADRILLI. That is correct.

Senator KILGORE. And they had been shelved because the consul did not make up his mind and did not pass on it in one way or another.

Mr. SQUADRILLI. That is correct.

Senator KILGORE. What was your official job before becoming Coordinator—the next preceeding that?

Mr. SQUADRILLI. My position for 2 years and 2 months prior to my entering into the service of the Commission was with the European Command of the United States Army in Europe. I was executive officer and then the Director of the Displaced Persons Branch of the Civil Affairs Division of the European Command.

Senator KILGORE. You were the only director they ever had until it was taken over by the Displaced Persons Commission? Had there been someone else in as director?

Mr. SQUADRILLI. Yes. When I entered into the service of the Civil Affairs Division, I entered as the executive officer for the Division of Displaced Persons and I subsequently succeeded to the position of Director of the Division.

Senator KILGORE. So that your work on displaced persons has been continuous. You went from the time it was handled by the Army up to the time it was taken over by the Displaced Persons Commission, and then you became Coordinator of Displaced Persons.

Mr. SQUADRILLI. Yes. I transferred one day from my position with the Army to my service with the Displaced Persons Commission the next day.

Mr. ARENS. You transferred from UNRRA to the Army in the first instance; is that right?

Mr. SQUADRILLI. That is right.

Mr. ARENS. To elaborate the question the distinguished Senator from West Virginia asked, under the Truman directive, when there was a doubt in the mind of the consul, he just put the case aside and processed those in which there was not a doubt; is that true?

Mr. SQUADRILLI. I cannot answer on the technique used by the consuls in those days. I know there were a number of cases that were put aside that came to my attention subsequently as cases where application had been made, assurance had arrived for a person, and the case was sent to our office.

Mr. ARENS. Are those cases in which the consular officer had put them aside when they had applied under the Truman directive?

Mr. SQUADRILLI. Yes.

Mr. ARENS. Was that not because the immigration law, just like the displaced-persons law, requires that the burden of proof shall be upon the applicant?

Mr. SQUADRILLI. I think it was because the consuls could not arrive at a conclusion.

Mr. ARENS. How many of those cases are there in which the consul just put them aside because he could not arrive at a conclusion on the case, which subsequently have been processed by the Displaced Persons Commission under the displaced-persons law?

Mr. SQUADRILLI. All cases processed by the Commission proceed to the consuls. It is the consul who issues the visa. If the consul had had grounds for not issuing the visa in the first instance, those same grounds were perfectly valid for not issuing the visa in the second instance. The fact that the case was processed through the Displaced Persons Commission does not alter the question of the person's admissibility to this country. It still had to be passed upon by the United States consul who is the only person who can issue a visa.

Mr. ARENS. Yes. Let me ask you a question at that point. Those doubtful cases set aside by the consul under the Truman directive were chiefly cases in which the consul could not decide with reference to eligibility under the date line; is that not true?

Mr. SQUADRILLI. Not necessarily.

Mr. ARENS. That was a large segment of the cases.

Mr. SQUADRILLI. No; I think the largest segment was possibly on questions of place of birth.

Mr. ARENS. The place of birth is also an element in the administration of the present displaced-persons law.

Mr. SQUADRILLI. It is not a pertinent factor.

Mr. ARENS. The attempts of displaced persons to prove a birth in Germany is a very significant factor in the processing of the case in some instances, is it not?

Mr. SQUADRILLI. No, sir; not at all.

Senator KILGORE. A question at that point: Under the Truman directive, is it a fact that the Truman directive only applied to people living in the United States zone in Germany?

Mr. SQUADRILLI. That is correct.

Senator KILGORE. There was no chance to go into the French and English zones, as is now done?

Mr. SQUADRILLI. That is correct.

Mr. ARENS. Under the definition of an eligible displaced person under the present law, one segment reads as follows:

or a person who, having resided in Germany or Austria, was a victim of persecution by the Nazi government and was detained in or was obliged to flee from such persecution and was subsequently returned to one of those countries, as a result of enemy action or of war circumstances, and on January 1, 1948, had not been firmly resettled therein.

That is true, is it not?

Mr. SQUADRILLI. Yes; that is true.

Mr. ARENS. Therefore, if a person wanted to come within the purview of that segment of the definition, in many cases would it not be to his interest to produce a birth certificate showing that he was born in Germany or in Austria?

Mr. SQUADRILLI. Not necessarily; because the law does not require that he have been born in either Germany or Austria. It requires that he have resided there prior to September 1, 1939.

Mr. ARENS. As a matter of fact, you know that much of the fraud which is committed by the displaced persons is in the false-birth-certificate area, is it not?

Mr. SQUADRILLI. No, sir; I do not know that.

Senator KILGORE. Could I ask a question at that point? This question has brought it up. Is it a fact, Mr. Squadrilli, that immediately following the liberation and up until Potsdam at least people were actually trying to prove they were born in Germany to keep from being sent back to, shall we say, behind the iron curtain—repatriated?

Mr. SQUADRILLI. As I described before, there were some instances of persons who registered under other nationalities in order to avoid possible forcible repatriation.

Senator KILGORE. Where they felt there was a danger to their lives?

Mr. SQUADRILLI. Forcible repatriation meant at the end of a bayonet against their will.

Senator KILGORE. Immediately following the liberation I was in Germany and I found a tremendous fear in the concentration camps and various other places of forcible repatriation back into Russia or into the Russian zone. The Italians were perfectly willing to go home; the French and other people were, too. But there was a horrible fear on the part of those who had come from the eastern part of the line that they might have to go back across that line. Is that right?

Mr. SQUADRILLI. That is very true.

Senator KILGORE. That was the motive for the original fraud, to keep that from happening—this question of getting a false birth certificate.

Mr. SQUADRILLI. It did not happen to any very great extent. Most of the displaced persons wanted protection of the United States Army and the other military forces, and when the danger of forcible repatriation passed they lost their fear, but there were displaced persons who lived out of camps and as well as in camps who up until that point were fearful of forcible repatriation.

Senator KILGORE. When was that point?

Mr. SQUADRILLI. That was very early.

Senator KILGORE. When were they assured that they were not going to be repatriated? That is what I am getting at. Wasn't that after the Potsdam Conference?

Mr. SQUADRILLI. It was after Potsdam. It was late in 1945.

Senator KILGORE. After Potsdam, after August 1945.

Mr. SQUADRILLI. I believe so. It was after that.

Senator KILGORE. A large part of the fraudulent documents were built up prior to that time. Has that been your experience?

Mr. SQUADRILLI. We always say a large part.

Senator KILGORE. What I am getting at is this: I am trying to clarify the motivating cause of this directive that was issued and this press conference. The motivating cause in that was to say to people, "If you will be truthful, those steps you may have taken in the past to protect yourself will not be held against you."

Mr. SQUADRILLI. That is absolutely correct.

Senator KILGORE. "Just come in and tell us the truth now; we want the truth now." Is that right?

Mr. SQUADRILLI. That is right.

Mr. ARENS. Before we leave this definition which we were just discussing, this one segment of the definition of an eligible displaced person which I quoted in the record a little while ago, what has been your interpretation of that with reference to people who have come back into Germany or Austria since the conclusion of the war in Germany or Austria?

Mr. SQUADRILLI. I think you have stated the definition—persons who have returned subsequent to the war.

Mr. ARENS. It does not say that. I just want to know what your interpretation is with reference to people who come in now into Germany or Austria.

Mr. SQUADRILLI. The Commission's interpretation, of course, is that persons who returned after the passage of the act would not be qualified.

Mr. ARENS. How about persons who returned prior to the passage of the act, but since the war ended over there in Germany and Austria?

Mr. SQUADRILLI. Such persons could possibly qualify under the provision of the return.

Mr. ARENS. What significance do you attach to this language: "Return to one of these countries, as a result of enemy action or of war circumstances"?

Mr. SQUADRILLI. Obviously, enemy action ceased in May 1945, and there was no longer any possibility as a result of enemy action. War circumstances would have to be interpreted each instance in each individual case. If the person indicated that it was a continuation of a situation that was started by the war——

Mr. ARENS. As a matter of fact, is it not true that several hundred people have come back to Germany or Austria since the war was all over from such countries as China, France, and Great Britain, and have qualified under this law and been processed and brought to the United States?

Mr. SQUADRILLI. That is very possible; yes—persons who had formerly resided in either Germany or Austria who were persecuted by the Nazi government and fled such persecution and, subsequently, returned to one of those areas.

Mr. ARENS. You leave out in your statement of subsequently returning to one of these areas the language "as a result of enemy action or of war circumstances."

Mr. SQUADRILLI. I do not leave it out. It is taken into consideration in the evaluation of every case. If a person's status has been an itinerant one as a result of initial war circumstances that caused him to start on this itinerary, the interpretation could normally be made in a general sense, but, as I say, each case has to be evaluated on its own merits.

Mr. ARENS. Who is Mr. Bornstein?

Mr. SQUADRILLI. He is an employee of the Displaced Persons Commission.

Mr. ARENS. What is his capacity?

Mr. SQUADRILLI. He is the legal officer.

Mr. ARENS. What is his interpretation?

Mr. SQUADRILLI. I believe it is the same.

Mr. ARENS. As a matter of fact, it isn't the same.

Mr. SQUADRILLI. Mr. Bornstein does not make the interpretation; it is the Commission in Washington that makes that interpretation and hands it down to the Frankfurt headquarters.

Mr. ARENS. Are you a lawyer?

Mr. SQUADRILLI. No.

Mr. ARENS. Hasn't Mr. Bornstein given an opinion to the effect that "as a result of enemy action and war circumstances" is a qualification on the potential status of these people to such an extent that they cannot come back after the conclusion of the war and gain eligibility under this law?

Mr. SQUADRILLI. No, sir; and such an opinion would not be considered.

Mr. ARENS. Why wouldn't it be considered?

Mr. SQUADRILLI. Because it is the Commission in Washington that hands down the interpretations. Mr. Bornstein is there to carry out the interpretations that are handed down.

Mr. ARENS. To what extent does the Commission in Washington issue the directives that control the overseas operations?

Mr. SQUADRILLI. The Commission in Washington issues all the directives and gives approval to such action as may be necessary to take.

Mr. ARENS. Did the Commission in Washington issue this directive with reference to removal of certain information from the files?

Mr. SQUADRILLI. That was not a directive, sir, as I explained before. That was an administrative procedure in 30 isolated cases.

Mr. ARENS. There has been considerable controversy over that directive or interpretation of the Commission with reference to this particular category of persons embraced in the definition of a displaced person; has there not?

Mr. SQUADRILLI. Controversy?

Mr. ARENS. Yes. Differences of opinion. Controversy.

Mr. SQUADRILLI. There is difference of opinion on every aspect of the displaced-persons program.

Mr. ARENS. Now, would you tell the committee about the occasion on which seven people came to you from Miss Ruskin's office last spring—seven employees? Tell us about that, if you please.

Mr. SQUADRILLI. Yes. The headquarters received a visitation without advance notice from seven persons from the office in Ludwigsburg over which Miss Ruskin presided. They were received by my then deputy, and they expressed some complaints about personality difficulties that they had with——

Mr. ARENS. Was it personality difficulties, Mr. Squadrilli, or was it something more significant than personality difficulties?

Mr. SQUADRILLI. It was chiefly personality difficulties.

Mr. ARENS. Tell us what it was in its entirety. You first said personality difficulties and now you say chiefly personality difficulties. Tell the committee what it was about.

Mr. SQUADRILLI. It was a matter of personality difficulties and other items of administration.

Mr. ARENS. First of all, discuss the personality difficulties; then we will discuss the items of administration. What were the personality difficulties?

Mr. SQUADRILLI. It was simply that, that these persons did not feel that they got along very well with Miss Ruskin, and they requested to be transferred to other areas.

Mr. ARENS. Did they request to be transferred to other areas or did you, of your own volition, transfer them to other areas?

Mr. SQUADRILLI. Their request was to be transferred to other areas.

Mr. ARENS. Tell us about the administrative difficulties those seven people had with Miss Ruskin.

Mr. SQUADRILLI. They were not entirely with Miss Ruskin. Some of them had to do with questions of promotion, with questions of increase in salary, and a variety of items of general administration.

Mr. ARENS. Tell us about the administrative difficulties which they discussed with you with respect to the operations in Miss Ruskin's office.

Mr. SQUADRILLI. As I indicated before, I did not receive this group. It was my then deputy who saw them.

Mr. ARENS. Were you there when they came?

Mr. SQUADRILLI. I was there, but I was not available.

Senator DONNELL. Why weren't you available?

Mr. SQUADRILLI. Because I was in conference with one of the Commissioners who had arrived.

Senator DONNELL. Which one?

Mr. SQUADRILLI. Mr. O'Connor.

Senator DONNELL. Did he know that this delegation of people wanted to see you?

Mr. SQUADRILLI. Yes.

Senator DONNELL. What did he say about your seeing them?

Mr. SQUADRILLI. Well, sir, I had a deputy who was fully competent, in my estimation.

Senator DONNELL. I asked about Mr. O'Connor. What did he say about your seeing them?

Mr. SQUADRILLI. I do not recall that he said anything about it. He left it up to me to handle.

Mr. ARENS. Did you request them to wait so you could see them?

Mr. SQUADRILLI. No; I asked my deputy to see them.

Mr. ARENS. Why didn't you see them?

Mr. SQUADRILLI. I had other commitments.

Mr. ARENS. Why didn't you cancel your commitments to see them?

Mr. SQUADRILLI. Because I considered that my deputy was competent enough to listen to their complaints, if such was the case. I did not know what the purpose of their visit was.

Mr. ARENS. Didn't it occur to you it might be an important matter, seven people coming from one office to complain about the operation of that office?

Mr. SQUADRILLI. Certainly, and I considered my deputy sufficiently competent to handle the matter.

Senator DONNELL. Did you know what it was they wanted to consult you about?

Mr. SQUADRILLI. No.

Senator DONNELL. I thought you said the deputy was competent to handle the matter.

Mr. SQUADRILLI. In answer to his statement that he imagined it was a matter of importance.

Senator DONNELL. He did not say anything of his imagining it was a matter of importance. I understood you to say your deputy was competent to discuss this matter for you.

Mr. SQUADRILLI. Yes.

this matter if you did not know what the matter was?

Mr. SQUADRILLI. No.

Senator DONNELL. How did you know he was competent to handle this matter if you did not know what the matter was?

Mr. SQUADJRILLI. I considered my deputy competent to handle any matter.

Mr. ARENS. Your deputy does a good deal of running that activity; doesn't he?

Mr. SQUADRILL. Are you referring to the deputy I had then?

Mr. ARENS. The deputy you had then—Mr. Kaplan.

Mr. SQUADRILLI. I now have Mr. Dervan as my deputy.

Mr. ARENS. What has happened to Mr. Kaplan?

Mr. SQUADRILLI. Mr. Kaplan has never been my deputy. He was my executive assistant.

Mr. SQUADRILLI. Are you referring to the deputy I had then?

Mr. SQUADRILLI. Mr. Elliott Shirk.

Mr. ARENS. Did the seven employees ask to see you?

Mr. SQUADRILLI. They asked to see someone.

Mr. ARENS. Did you know they wanted to see you?

Mr. SQUADRILLI. It was reported to me they had arrived.

Senator DONNELL. He did not ask you that, Mr. Squadrilli. He did not ask you whether it was reported to you that they had arrived. He wanted to know whether you were told they wanted to see you. Do you know that?

Mr. SQUADRILLI. That is right.

Senator DONNELL. All right; just tell us that.

Mr. SQUADRILLI. I say it was reported to me that they had arrived and they wanted to see me.

Mr. ARENS. All right, sir; go ahead.

Mr. SQUADRILLI. Well, as I have indicated, I had commitments and I requested my deputy, who was present, to receive the group and find out what it was all about, which was what he did.

Mr. ARENS. All right, sir. What did they say with respect to the administration and operation of the office under Miss Ruskin? Aside from personality difficulties and aside from questions of wanting a raise, and that type of thing, what did they say with respect to the administration or operation of Miss Ruskin's office?

Mr. SQUADRILLI. I should have to refresh my memory by reading the minutes.

Mr. ARENS. You remembered here a moment ago that they requested a raise and you remembered there were personality difficulties.

Mr. SQUADRILLI. That is right.

Mr. ARENS. Is there any difficulty with your memory?

Mr. SQUADRILLI. No; there is no difficulty with my memory.

Mr. ARENS. What did they say and what protest did they make with respect to the administration and operation of Miss Ruskin's office?

Mr. SQUADRILLI. As I explained, the primary items were concerned with the personality difficulties, and I should have to refresh my memory with respect to such other items as they may have mentioned at the time.

Mr. ARENS. How many were there at that time in Miss Ruskin's office of the grade of employees who had come up to Frankfurt?

Mr. SQUADRILLI. I beg your pardon.

Mr. ARENS. How many of the employees of the same grade as the employees who came up to Frankfurt were at that time in Miss Ruskin's office?

Mr. SQUADRILLI. You mean the total staff, the total complement?

Mr. ARENS. Yes, sir; of persons of that grade. I am not talking about the janitor and stenographers. I am talking about persons of that grade, selectors and analysts, who came up to see you about Miss Ruskin's office.

Mr. SQUADRILLI. I think the staff was 11 or 12 at that time.

Mr. ARENS. And seven of them came up to see you about the operation of that office?

Mr. SQUADRILLI. That is right.

Mr. ARENS. Can you tell the committee what they said about the administration and operation of that office?

Mr. SQUADRILLI. I should have to refresh my memory on these other items, apart from the personality difficulties.

Mr. ARENS. Did it at that time impress you as being something insignificant?

Mr. SQUADRILLI. No. The main difficulty was that of personalities and the desire on the part of these individuals to be transferred to other offices.

Mr. ARENS. Aside from the question of personalities, the question of pay, as I understood you to comment a few moments ago, did the area which they discussed with respect to administration in Miss Ruskin's office impress you as being insignificant or significant?

Mr. SQUADRILLI. It was not terribly significant, as I recall it.

Senator DONNELL. How could you refresh your memory? Do you have anything here to refresh it from?

Mr. SQUADRILLI. I do not have the minutes of the meeting here. The minutes are in Frankfurt.

Senator DONNELL. Did this gentleman, your deputy, report to you what had been said by these seven?

Mr. SQUADRILLI. Yes.

Senator DONNELL. What did you do when he reported that to you?

Mr. SQUADRILLI. We discussed the situation at some length and for some time and decided to accede to the wishes of those who had requested to be transferred to other areas, and we did effect such transfers.

Mr. ARENS. Did they request to be transferred to the other areas, or were they transferred to other areas irrespective of their request?

Mr. SQUADRILLI. They themselves requested to be transferred.

Mr. ARENS. You went with the Displaced Persons Commission when? Can you tell me, please, the exact time, exact month and year, you started with the Displaced Persons Commission?

Mr. SQUADRILLI. The 9th of October 1948.

Mr. ARENS. At that time how many senior officers were there in your operation in Europe?

Mr. SQUADRILLI. There were no senior officers as such.

Mr. ARENS. Shortly after you started the operation over there, how many senior officers did you have?

Mr. SQUADRILLI. The senior officers were appointed by myself. They were engaged as case analysts and were not designated in advance as senior officers.

Mr. ARENS. As of the time people were first designated as senior officers, how many senior officers were there? You do have senior officers now?

Mr. SQUADRILLI. Yes. You mean as of what time?

Mr. ARENS. As of the time people were first designated as senior officers, when you first started having senior officers on the set-up of senior officers in control of areas, how many senior officers did you have?

Mr. SQUADRILLI. Six, I believe.

Mr. ARENS. Who were those six?

Mr. SQUADRILLI. Mr. Bashein, Miss Ruskin, Mr. Main, Mr. Dervan, Miss Mayerson, Mr. Hoxter.

Mr. ARENS. Of those six senior officers how many of them had previously been affiliated either with UNRRA or with a voluntary agency devoted to the undertaking of bringing aliens to this country?

Mr. SQUADRILLI. Miss Mayerson had been affiliated with an organization, a voluntary agency.

Senator DONNELL. What organization was it?

Mr. SQUADRILLI. I think it was the International Rescue and Relief Committee.

Mr. ARENS. How about Miss Ruskin?

Mr. SQUADRILLI. Miss Ruskin, I do not believe, was affiliated with any organization. As far as I recall, Miss Ruskin was a lawyer and I think she was employed in some Government position before.

Mr. ARENS. Had she not been employed previously by UNRRA or a voluntary agency?

Mr. SQUADRILLI. Not to my knowledge.

Mr. ARENS. How about Mr. Bashein?

Mr. SQUADRILLI. Mr. Bashein had been employed previously by the American Joint Distribution Committee.

Mr. ARENS. Which was an agency devoted to bringing aliens to this country.

Mr. SQUADRILLI. It was not an immigration committee.

Mr. ARENS. It is allied with HIAS.

Mr. SQUADRILLI. It was not at that time.

Mr. ARENS. Who was your deputy at that time?

Mr. SQUADRILLI. I had no deputy at that time.

Mr. ARENS. Mr. Dervan—how about him?

Mr. SQUADRILLI. He was not affiliated with any organization.

Mr. ARENS. Mr. Main was a former immigration officer. As a matter of fact, he was the only one of the six who had former immigration experience; is he not?

Mr. SQUADRILLI. Yes; as an immigration inspector.

Mr. ARENS. Now, the last gentleman.

Mr. SQUADRILLI. Mr. Hoxter—he was not affiliated with any organization, to the best of my knowledge.

Mr. ARENS. Under the administrative practice, is the determination made by the Displaced Persons Commission with respect to the eligibility under the displaced persons law final?

Mr. SQUADRILLI. With respect to the displaced person's eligibility?

Senator KILGORE. Could we make it clear? That is, as to whether or not a person is a displaced person.

Mr. ARENS. With respect to whether or not he is an eligible displaced person.

Senator KILGORE. Within the meaning of the law.

Mr. ARENS. An eligible displaced person.

Mr. SQUADRILLI. That is correct. The Displaced Persons Commission reports to the consul the finding that this person is an eligible displaced person under the law.

Mr. ARENS. Is that a final determination?

Mr. SQUADRILLI. Yes; except it is subject to review.

Mr. ARENS. Review by whom?

Mr. SQUADRILLI. By the Commission.

Mr. ARENS. Yes; but is it final and binding on the administrative practice over there upon the consul and upon the Immigration Service?

Mr. SQUADRILLI. Yes; it is accepted by them.

Mr. ARENS. What is the legal foundation or the legal basis for binding the Immigration Service and the consular service in view of this language of the displaced persons law?

> No eligible displaced person or minor eligible displaced person shall be admitted into the United States under the provisions of this Act except in pursuance of the regulations of the Commission, but except as otherwise expressly provided in this Act, the administration of this Act under the provisions of this Act and the regulations of the Commission as herein provided shall be by the officials who administer the other immigration laws of the United States?

What is the legal basis? What is the authority?

Mr. SQUADRILLI. Are you asking me to give a legal opinion?

Mr. ARENS. No; I am asking for the authority. What authority does the Displaced Persons Commission have to give final and binding determination of eligibility under the displaced persons law, which binding upon the Immigration Service and which are binding upon the consular service?

Mr. SQUADRILLI. Mr. Arens, I follow the instructions that are handed down to me from my Washington headquarters, and I am not in a position to competently answer that question.

Mr. ARENS. And you received instructions, I take it, from your Washington office to the effect that the determination of the Displaced Persons Commission is binding and final with respect to eligibility under the law?

Mr. SQUADRILLI. That is right.

Senator KILGORE. Question at that point: Isn't that set forth in your regulations under which you operate and which are prepared by the Commission under the direction of the President?

Mr. SQUADRILLI. That is right. The regulations state that the Commission's report on the eligibility of the person shall be conclusive. The working basis between the Immigration Service and the consular service and the Commission has been established here at Washington by the chiefs of these various agencies and concurrent instructions have been sent to the Commission's field staff.

Senator DONNELL. Mr. Tripp, would you step forward a minute? Would you raise your right hand to be sworn?

Do you solemnly swear that the testimony you are about to give in the matter at hand will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. TRIPP. I do.

TESTIMONY OF ALMANZA TRIPP—Resumed

Mr. ARENS. I want to ask you one question, Mr. Tripp: Was Mr. Squadrilli present in the conference or consultation which you had with the officials of the Immigration Service in which you were asked to cause the immigration men in Europe to refrain from interrogating applicants under this law respecting their eligibility under the law?

Mr. TRIPP. Mr. Squadrilli was present, along with Mr. Conan, Mr. Carusi, and myself, at a conference in Bremen in my office in September of 1949 at which time that question was discussed. I cannot definitely state that the request was made at that time, but it had been made prior to that time, and it was discussed at that meeting. I believe a memorandum prepared by me and directed to Mr. Squadrilli refers to that question. In it I stated that I could not insure that my inspectors would not ask any questions relating to eligibility, because eligibility and admissibility were too closely related.

Mr. ARENS. Right at that point, if you will keep your seat for just a moment——

Senator KILGORE. May I ask him a question at that point. Did you receive any instructions from the Commissioner of Immigration on that question?

Mr. TRIPP. I received an instruction from the Commissioner of Immigration, dated August 18, 1949, in which I was directed to accept the findings of the International Refugee Organization as final insofar as eligibility under the IRO's constitution was concerned, and to accept the findings of the Displaced Persons Commission as final so far as eligibility under the displaced persons law was concerned; however, in that same instruction, I was instructed and directed to refer to those agencies any cases coming to my attention in which erroneous findings had been made.

Senator KILGORE. That was done whenever you did find such a thing?

Mr. TRIPP. That had been done on numerous occasions.

Mr. ARENS. You received no instruction, notwithstanding that, to the effect that you were not to interrogate applicants respecting their eligibility under the law?

Mr. TRIPP. I received no such instructions from any central office; no. The matter of not interrogating applicants regarding their eligibility under the act was a matter of discussion between myself, Mr. Conan, the senior officer of the Displaced Persons Commission at Bremen, and he, on two occasions, verbally requested that I so instruct my inspectors. If it is of interest to the committee, that matter was brought up for discussion before the subcommittee of the House Immigration Committee in Bremen—the Walter committee.

Senator KILGORE. Wasn't Mr. Conan a former employee of the Immigration Service?

Mr. TRIPP. Yes.

Mr. ARENS. That was notwithstanding that the law reads as follows:

except as otherwise provided in this Act, the administration of this Act under the provisions of this Act and the regulations of the Commission, as herein provided, shall be by the officials who administer the other immigration laws of the United States.

That law has been passed by the Congress and signed by the President.

Mr. TRIPP. That is true; but I, like Mr. Squadrilli, follow instructions from my superiors.

Mr. ARENS. May I ask you this question, Mr. Squadrilli, in Mr. Tripp's presence and while he is still under oath: Have you instigated, asked, urged, made any overtures at all to representatives of the voluntary agencies operating in Europe for the purpose of processing displaced persons that they complain and protest respecting the administration of Mr. Tripp, of his office and of his work?

Mr. SQUADRILLI. Absolutely not, sir; on the contrary, I can refer to a conference with three of the chiefs of the major voluntary agencies—Mr. Jim Norris, Mr. Lindbergh of the Lutheran World Federation—Mr. Norris is of the National Catholic Welfare Conference—and Mr. Charles Jordan of the HADC, HIAS committee—I believe sometime in July or August of last year during which they expressed to me their concern about the cases in Bremen, and pointed out that they were being retained for one reason or another.

Mr. ARENS. Detained by Mr. Tripp under the immigration law?

Mr. SQUADRILLI. That is correct.

Mr. ARENS. Who under the law is charged with responsibility for administering the law.

Mr. SQUADRILLI. That is correct. They were concerned with the accumulation of numbers and not with the legal aspects of these cases—rather with the question of the care and the welfare of these people who were up there, primarily. On that occasion I expressed to these gentlemen my full and complete approbation and satisfaction with the work that Mr. Tripp was conducting in Bremen.

I told them at that time—and they certainly do not know of my testimony here and I am sure that, without any knowledge thereof, they can be called upon to confirm what I am saying—that I considered the work of the Immigration Service in Bremen an extremely healthy feature of this entire operation.

Senator DONNELL. When was that you told those parties that?

Mr. SQUADRILLI. This was on some occasion approximately in the month of August or so of last year.

Senator DONNELL. Who is the officer in charge of the Immigration and Naturalization Service in Europe?

Mr. SQUADRILLI. Mr. Tripp.

Senator DONNELL. He is the same gentleman that you referred to in this sentence in your prepared statement:

> It must be said that the inability or unwillingness of the office in charge of the Immigration and Naturalization Service in Europe to accept the legal interpretations and the directions of his own Chief, the Commissioner of Immigration and Naturalization, has been the only difficulty.

Mr. SQUADRILLI. That is correct.

Senator DONNELL. He is the same man?

Mr. SQUADRILLI. Yes.

Senator DONNELL. Today you are telling us Mr. Tripp's inability or unwillingness to accept these interpretations was the only difficulty, but you were telling these other people back last September, or thereabouts, terms of approbation of the work of Mr. Tripp.

Mr. SQUADRILLI. That is correct; because the difficulty was of an administrative character, cooperation between two United States governmental agencies; that was the difficulty. The nature of the basic validity of the work was not in question at all. That was necessary to the program.

Mr. ARENS. Was his failure to cooperate the fact that he would not yield when you gentlemen asked him to cause his immigration inspectors not even to interview the applicants respecting their eligibility under the law, notwithstanding the fact that the law says—

> except as otherwise expressly provided in this Act, the administration of this Act under the provisions of this Act and the regulations of the Commission as herein provided shall be by the officials who administer the other immigration laws of the United States?

Mr. SQUADRILLI. I am afraid I have lost the trend of the question.

Senator DONNELL. Will the reporter please read the question?

(The reporter read the question.)

Mr. SQUADRILLI. I don't believe that was connected with that at all.

Mr. ARENS. That is all. Thank you, Mr. Tripp.

Senator KILGORE. Mr. Squadrilli, did you ask Mr. Tripp not to interview applicants about anything with reference to their eligibility?

Mr. SQUADRILLI. No, sir.

Mr. ARENS. You were present, however, when that was discussed.

Mr. SQUADRILLI. Yes.

Mr. ARENS. When did you recall you were present when it was discussed? When did it dawn on you that you were present when it was discussed?

Mr. SQUADRILLI. I mentioned it before, that the subject was discussed on one or two occasions. It was discussed at the time of my visit to Bremen with Mr. Carusi and at this meeting we had with Mr. Tripp.

Mr. ARENS. I would like to ask the reporter to refer back to the prior testimony of this man. I have a distinct recollection that he testified that he had no knowledge whatsoever.

Mr. SQUADRILLI. I think I said I had no knowledge of any request having been made on Mr. Tripp with respect to the nature of his interview.

Mr. ARENS. I wonder if we could allude to the prior testimony.

Senator DONNELL. We will be in recess until the reporter can locate that testimony.

(Recess.)

Senator DONNELL. The committee will be in session.

The reporter will read the pertinent testimony.

(The reporter read the testimony.)

Mr. ARENS. Mr. Squadrilli, you heard Mr. Tripp testify here a few moments ago with respect to a communication, as I recall his testimony, which he had sent to you regarding the proposition of the Immigration Service not interrogating applicants.

Mr. SQUADRILLI. Yes; I heard him so testify.

Mr. ARENS. Do you have a recollection of receiving that communication?

Mr. SQUADRILLI. I think I have a vague recollection of having received something to that effect.

Mr. ARENS. When did you receive it?

Mr. SQUADRILLI. I am not sure exactly when.

Mr. ARENS. Did you have the recollection of receiving that communication and the consultation with Mr. Tripp to which he testified a few moments ago, when you testified earlier this evening with respect to the request of Mr. Tripp that he have his inspectors not interrogate the applicants with respect to their eligibility under the law.

Mr. SQUADRILLI. I do not follow you again.

Mr. ARENS. You have testified here in the course of the last 2 minutes to the general effect that you have a recollection of receiving a communication, a written communication from Mr. Tripp.

Mr. SQUADRILLI. Yes.

Mr. ARENS. That was in regard to the proposition of his immigration inspectors not interrogating applicants with respect to their ineligibility or eligibility under the law.

Mr. SQUADRILLI. That is right.

Mr. ARENS. You further testified in the course of the last 3 minutes to the general effect that you now recall a consultation to which Mr. Tripp has just alluded in which you were present and in which the subject of the immigration officers not interrogating applicants under the displaced persons law was discussed; have you not?

Mr. SQUADRILLI. Yes.

Mr. ARENS. Did you at the time earlier in the evening, when I was interrogating you with respect to this general area, have that recollection? Or did it just dawn on you?

Mr. SQUADRILLI. That is referred to in that previous testimony. If I heard correctly, the previous testimony stated that I had no knowledge of a request having been made upon Mr. Tripp with respect to this interview, but that discussions had been held on the subject; that the proposition had been discussed, but that no request had been made of Mr. Tripp.

Mr. ARENS. Are you now testifying that you have previously testified that Mr. Tripp and you and others discussed this matter of Mr. Tripp's causing his immigration officers not to interrogate applicants under the displaced persons law?

Mr. SQUADRILLI. Not in that precise manner. The only time at which the question of the interrogation was discussed at which I was present was at this meeting in September.

Mr. ARENS. Do you now know that a request was made of Mr. Tripp that he cause his immigration officers not to interrogate applicants under the displaced persons law?

Mr. SQUADRILLI. No, sir. I have stated that no such request was made to my knowledge.

Senator KILGORE. I think you stated that you did not know in response to my question which started this altercation.

Mr. SQUADRILLI. Yes.

Mr. ARENS. I asked him if he had any knowledge of a request made to Mr. Tripp to cause his inspectors not to interrogate with respect to eligibility of displaced persons under the law. I have asked him that question.

Mr. SQUADRILLI. I have no knowledge of that request.

Mr. ARENS. Section 13 of the displaced persons law reads as follows:

> No visa shall be issued under the provisions of this act to any person who is or has been a member of or participant in any movement which is or has been hostile to the United States or the form of government of the United States.

What has been your interpretation of that with respect to members of the Hungarian Army who fought against us?

Mr. SQUADRILLI. I personally have had no interpretation. The interpretation of the Commission, as handed down to me, has been that section 13 would bar persons of Communist or Nazi or Fascist affiliation, but that it did not apply to persons who were engaged in military activity against the Allies.

Mr. ARENS. In other words, it is the construction of the Displaced Persons Commission, which you are following out as one of the administrators, that a person who fought against the United States Government in the armed forces of a hostile power was not, because of that fact, a member of or particiant in a movement which is or has been hostile to the United States; is that correct?

Mr. SQUADRILLI. That is right. A similar interpretation has been handed down by the Foreign Service with respect to normal immigration.

Mr. ARENS. There isn't such language as that in the general immigration law, is there?

Mr. SQUADRILLI. No. As I said, as applied to normal immigration, former military activity against the Allies is not a bar.

Mr. ARENS. How could it, if this language does not appear in the general immigration law.

Mr. SQUADRILLI. I am not relating it to that language. I am relating it as a basic principle.

Senator KILGORE. Mr. Squadrilli, wasn't there a wartime regulation on that at one time?

Senator DONNELL. You mean in the Immigration Service?

Senator KILGORE. Yes. A wartime regulation issued against people who fought against us during this last war. They had a regulation of that type in the consular service during the war and for a time thereafter.

Mr. ARENS. Yes, but this language does not appear in the general immigration law. How could the interpretation of the general immigration law, with complete different provisions, be completely analogous to this section 13 of the displaced-persons law?

Mr. SQUADRILLI. It isn't the interpretation that is analogous. It is the fact.

Mr. ARENS. What do you mean? You mean, in effect, do you not, that people are admitted under the general immigration law who have fought in armies hostile to the United States?

Mr. SQUADRILLI. That is right.

Mr. ARENS. But our general immigration law does not have this provision in it.

Mr. SQUADRILLI. I know it hasn't. I am not attempting any analogy between the general immigration law and that provision.

Senator KILGORE. Isn't that wartime regulation in that same language? Let's ask Mr. Tripp. He is an immigration expert.

Senator DONNELL. Is there a wartime regulation on that, Mr. Tripp?

Mr. TRIPP. There is nothing in the immigration statutes excluding an immigrant because of service in an enemy army; however, part 175.53 and 175.57, title VIII, Code of Federal Regulations, authorizes the exclusion of those aliens whose entry may be prejudicial to the interests of the United States.

Senator KILGORE. And the interpretation was during the war in particular and afterward that excluded anybody who fought against us?

Mr. TRIPP. No; I would not say those who fought against us—not now. The interpretation is used in the case of those individuals who were members of political organizations. We admit persons who served solely in an enemy army. But there is no place in the general immigration statutes where service in an enemy army is a cause for exclusion.

Mr. ARENS. Mr. Squadrilli, have you recently acquired knowledge of 3,500 fraudulent cases in or around Munich?

Mr. SQUADRILLI. No, sir. Not of that number.

Senator DONNELL. What number have you found or heard about?

Senator KILGORE. Mr. Chairman, I wonder if Mr. Tripp could dig up that regulation and insert it in the record for comparative purposes on the law.

Senator DONNELL. That will be incorporated in the record.

Senator KILGORE. I want to get the regulation in the record.

Senator DONNELL. How many of these fraudulent cases in or around Munich have you heard of? You said you had not heard of as many as 3,500.

Mr. ARENS. I would like to qualify my question. I think it was a trifle misleading. I referred to 3,500 cases, of which a substantial percentage were estimated to be fraudulent. I think my question was a trifle misleading.

Senator DONNELL. With the question so revised, will you give us your answer? Have you heard the figure 3,500 mentioned as being a considerable number of cases, of which a substantial portion was fraudulent?

Mr. SQUADRILLI. No, sir.

Senator DONNELL. You never heard of that figure?

Mr. SQUADRILLI. No, sir.

Mr. ARENS. You are the European coordinator over there?

Mr. SQUADRILLI. Yes.

Mr. ARENS. Is Mr. Main present? I wonder if Mr. Main would step forward?

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Senator DONNELL. I want to swear you in again. Raise your right hand.

Do you solemnly swear in the testimony you are about to give in the matter at hand to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MAIN. I do.

TESTIMONY OF DONALD MAIN—(Resumed)

Mr. ARENS. Mr. Main, would you, for the benefit of the record and for the benefit of the European coordinator of Displaced Persons Commission, who is now present, give a brief factual résumé of these 3,500 people whose cases are being investigated by the CIC, as I understood you to testify, and concerning whom, as I recall your testimony, there were reports back from CIC respecting fraud in your area?

Mr. MAIN. I think there is some misunderstanding there. The testimony you are referring to is some 1,700 cases involving an estimate of some 3,500 people, about which we became suspicious as to the facts stated in the documents.

Mr. ARENS. Will you tell Mr. Squadrilli and the committee about those cases again—just the essences—these 3,500 people?

Mr. MAIN. There were some 1,700 cases that came to our attention.

Mr. ARENS. Involving 3,500 people, did they not?

Mr. MAIN. Estimated to involve about 3,500 people, which came to our attention during the month of September 1949. The facts related there and the general knowledge that we had at that time led us to be suspicious of those cases. Because of our suspicions, they were not processed in the usual manner, but were held for an interview of each individual applicant, and, as cleared, were sent to CIC with the specific request that, in addition to their usual investigation, they also investigate the matter of the individual's entry into the required country and presence in the required zone on the required date and the authenticity of any documents submitted with that application. I think that is the group of cases.

Mr. ARENS. What was the estimate of the CIC on the number of those cases—those 3,500 people—that are fraudulent?

Mr. MAIN. Of those cases that CIC has handled, they estimate that between approximately 35 and 50 percent involve fraudulent claims of residence in places which would qualify them under the act.

Mr. ARENS. Do you know about that, Mr. Squadrilli?

Mr. SQUADRILLI. Yes, sir. Mr. Main and I discussed that at great length when it first came to our attention.

Mr. ARENS. I was under the impression that you said a moment ago that you did not have any information about that.

Mr. SQUADRILLI. You asked me if there were 3,500 cases I knew about. I said that was not the figure.

Senator KILGORE. The 3,500 people represent approximately 1,700 cases in which a wife and a child—a lot of them children—would be included, but the question of fraud would probably go to the husband; is that right?

Mr. MAIN. We were suspicious of approximately 1,700 cases because of the nature of the cases, the manner in which they came to us, with

apparent registration with IRO. Many of those cases have not gone to CIC. A great number of them are being held at our office.

Mr. ARENS. Mr. Squadrilli, do you think there is much of this fraud?

Mr. SQUADRILLI. I do not think there is much of it.

Mr. ARENS. Mr. Main has testified that fraud is quite extensive. Is fraud a matter that is handled by a deputy or do you handle that?

Mr. SQUADRILLI. That is an opinion of Mr. Main.

Senator DONNELL. He did not ask you that. He asked you whether you handled it or whether it was handled by a deputy.

Mr. SQUADRILLI. No; I keep posted on all these matters.

Senator KILGORE. When you say you do not know much about fraud, do you mean by that you do not think many fraudulent cases are getting by or being stopped, or just what do you mean?

Mr. SQUADRILLI. I do not think many are getting by, and I do not think there is a basis for many. "Many" is a relative word and we could consider that 1,700 are many, if they are potentially fraudulent. In the total picture, in relation to the total displaced persons population, one might consider that it does not appear to be. It is a matter of relative interpretation.

Mr. ARENS. You have information on this. I understood you look after this. How many fraudulent cases have recently been uncovered in Schnaitsee?

Mr. MAIN. There have been uncovered lists of registrations involving some 300 names, I believe, if my recollection is right on that. Not all of those names represent cases that are being processed under our program.

Mr. ARENS. They have uncovered 300 fraudulent names there.

Mr. MAIN. Yes; in the lists of registration. Yes, that is in the resident registries that are in the German burgomaster's office.

Mr. ARENS. Tell us some more of the towns. Mr. Main's area is generally regarded as the cleanest area over there, is it not?

Mr. SQUADRILLI. The cleanest, in what sense?

Mr. ARENS. From the standpoint of fraud. Is there more fraud in other areas?

Mr. SQUADRILLI. I would say the contrary, not with any reflection on Mr. Main at all, of course. In Mr. Main's area are concentrated the largest proportion of the persons who would find it necessary to resort to this means of a false residence registration in order to qualify under the datelines. They are, for the most part, concentrated, in that area, and it is in that area that most of them do emerge.

Mr. ARENS. Tell us some of the other areas where fraud has recently been uncovered by the CIC in Mr. Main's area.

Mr. SQUADRILLI. There are a few small towns. There is Kaufburen. There is Roding.

Mr. ARENS. How many have been uncovered in each of those places?

Mr. SQUADRILLI. I shall have to consult notes to give you the exact figures.

Mr. ARENS. Approximately how much fraud has been uncovered?

Mr. SQUADRILLI. I think in Kaufburen—I cannot remember precisely.

Mr. ARENS. Was it in the hundreds or in the thousands?

Mr. SQUADRILLI. It was under a hundred.

Mr. ARENS. All right, sir.

Mr. SQUADRILLI. In all these towns the number of names that are reported by the CIC as having been falsely entered into these registries, I believe, are under a hundred—in all cases with the exception of this town of Schnaitsee.

Mr. ARENS. Furstenfelbruck—how about that town?

Mr. SQUADRILLI. That is one of the small towns.

Mr. ARENS. Have you had some fraud discovered there?

Mr. SQUADRILLI. Yes.

Mr. ARENS. How about Traunstein? Was fraud discovered there?

Mr. SQUADRILLI. Some few registrations were discovered there.

Mr. ARENS. How about Schwandorf? How about Weilheim?

Mr. SQUADRILLI. Same thing.

Mr. ARENS. How about Ulm?

Mr. SQUADRILLI. That is right.

Mr. ARENS. How about Roding?

Mr. SQUADRILLI. Yes.

Mr. ARENS. Fraud there?

Mr. SQUADRILLI. Yes.

Mr. ARENS. How about Garmisch?

Mr. SQUADRILLI. Reported by CIC.

Mr. ARENS. Are those towns widely scattered in the Munich area?

Mr. SQUADRILLI. Within a radius of about 150 miles, I would say.

Mr. ARENS. How did they happen to be looking for this fraud in the Munich area?

Mr. SQUADRILLI. I think it initiated as a result of a conversation between Mr. Main and myself.

Mr. ARENS. In which Mr. Main instigated the conversation?

Mr. SQUADRILLI. Oh, yes. He was concerned with a number of cases that had previously been disqualified which were now reapplying and which were purporting to show qualification at this later stage by a certificate of residence based upon a registration in one of these small German towns.

Mr. ARENS. Have investigations of similar character been instituted on your own initiative in other areas?

Mr. SQUADRILLI. Yes.

Mr. ARENS. What other areas have had investigations recently instituted on fraud?

Mr. SQUADRILLI. We have asked the CIC to look closely at situations where one might suspect these fraudulent situations.

Senator KILGORE. Could I ask a question at that point? Did any of your other senior officers make similar suggestions as to their areas?

Mr. SQUADRILLI. Yes. The report from Schwandorf came from the senior officer in Hamburg, Miss Mayerson. That was a considerable time back.

Mr. ARENS. Did any other senior officer report in that you should check the situation in his area?

Mr. SQUADRILLI. There is a constant watchfulness on matters of this kind, when there is reason to suspect that the information given is not correct, and investigation is initiated on an individual case basis.

Mr. ARENS. Did any of the other senior officers in charge of other areas request investigations in their areas which have recently been in progress in Mr. Main's area?

Mr. SQUADRILLI. Yes. The senior officer in Austria has instituted an investigation through the CIC there.

Mr. ARENS. How about Miss Ruskin? Has she instituted an investigation in her area to ascertain whether there is fraud there?

Mr. SQUADRILLI. She has requested CIC locally.

Mr. ARENS. Is that on a particular case or a general investigation?

Mr. SQUADRILLI. It was on a group of cases of a similar nature.

Mr. ARENS. How many cases were involved there?

Mr. SQUADRILLI. Not very many, as I recall.

Mr. ARENS. How about Mr. Dervan? He is not now a senior officer.

Mr. SQUADRILLI. No.

Mr. ARENS. How about Mr. Barsheim? Has he requested any investigation in his area to ascertain whether or not there is fraud?

Mr. SQUADRILLI. Yes.

Mr. ARENS. Tell us the names of all the senior officers who have requested that investigations be made similar to the over-all investigation in Mr. Main's area to ascertain whether or not there is fraud. I do not mean on an individual case basis.

Mr. SQUADRILLI. I am talking about an individual case basis.

Mr. ARENS. Were you talking about an individual case basis a moment ago on the other areas?

Mr. SQUADRILLI. No. There were several cases in Miss Ruskin's area and several cases in Miss Mayerson's area.

Mr. ARENS. In how many areas have there been over-all, town-to-town checks, which uncovered the frauds in Mr. Main's area?

Mr. SQUADRILLI. That has not occurred in other areas to the same extent because there were not cases of the same nature presenting themselves in the other areas.

Mr. ARENS. How did they get started on these cases in Mr. Main's area?

Mr. SQUADRILLI. Assurances arrived for people residing in that area.

Mr. ARENS. Tell us how it got started. What is the background of the investigation which has been precipitated and caused to be made in Mr. Main's area? I am referring to the investigation being made from town to town.

Mr. SQUADRILLI. Mr. Main reported to me his concern with the nature of some of the cases that were coming up for consideration.

Mr. ARENS. What did he tell you about those cases?

Mr. SQUADRILLI. He reported to me a pattern of information that was reflected in these residence certificates.

Mr. ARENS. Do you have a vivid recollection of what he did say? Are you reasonably sure you can recall now what he did say?

Mr. SQUADRILLI. Oh, yes. We discussed it at great length.

Mr. ARENS. Did he tell you about a voluntary agency presenting some 3,500 names which aroused his suspicions?

Mr. SQUADRILLI. Well, no. He reported the fact that a large number of assurances of a voluntary agency had appeared, had been sent down there.

Mr. ARENS. Did he report that they had been presented in a relatively short time—some 3,500 names?

Mr. SQUADRILLI. There were 1,700 cases.

Mr. ARENS. Seventeen hundred cases involving 3,500 names.

Mr. SQUADRILLI. There were 1,700 cases involving 3,500 persons who are reflected therein because of the family groupings.

Mr. ARENS. Did he report to you that these 1,700 cases involving 3,500 people were presented to him in a relatively short time by a voluntary agency?

Mr. SQUADRILLI. The cases are not presented to Mr. Main by a voluntary agency.

Mr. ARENS. They were voluntary-agency cases that had been presented.

Mr. SQUADRILLI. They were cases for whom assurances had been filed, in some instances, by voluntary agencies and, in some instances, as nominated assurances.

Mr. ARENS. Did he designate a particular voluntary agency which had, in a relatively short time, presented their 1,700 cases involving 3,500 people?

Mr. SQUADRILLI. I am trying to make the point that the agency does not present the case in the field. The case is filed.

Mr. ARENS. I do not mean to be technical with you about the presenting, but did he tell you that one voluntary agency—whatever language he used—was undertaking to cause to be processed 1,700 cases involving 3,500 people in a relatively short time?

Mr. SQUADRILLI. Yes; in other words, there was about 1,700 cases in which the sponsorship was that of one of the voluntary agencies.

Mr. ARENS. What voluntary agency was it?

Mr. SQUADRILLI. That was the American Joint Distribution Committee.

Mr. ARENS. You do not mean the American Joint Distribution Committee, do you. You mean HIAS, do you not?

Mr. SQUADRILLI. The American Joint Distribution Committee and the HIAS operate on a cooperative basis. It is somewhat of a joint basis.

Mr. ARENS. When I asked you earlier today about AJDC, you said AJDC was not a processing agency; it was a relief agency.

Mr. SQUADRILLI. At the time of Mr. Barsheim's employment with it, AJDC was a relief agency.

Mr. ARENS. These 1,700 cases involving 3,500 people were presented in a relatively short time to be processed by the American Joint Distribution Committee; is that right?

Mr. SQUADRILLI. Yes. I might say, though, that was not the point which caused me to be concerned about the nature of those cases, because at the same time there had been a great increase in the number of assurances that had been filed. At the same time that these 1,700 cases emerged we had received 17,000 cases from the Church World Services and we had received an additional 7,000 cases from the National Catholic Welfare Conference. There were sponsorships for a total of some 29,000 cases in a period of 4 to 6 weeks, all of which were cleared for processing to the areas and which were reflected at a given time in a very distinct upsurge in the number of cases being processed.

Mr. ARENS. Did Mr. Main tell you the fact that the AJDC agency which had presented the 1,700 cases involving 3,500 people had previously indicated that it had no more cases to process?

Mr. SQUADRILLI. Yes. Mr. Main reported that he had been under the impression he had been given to understand by the agency—I do

not know whether it had been by a local representative or one of the higher officials—that they would pretty soon, in short order, be through with their work.

Senator KILGORE. May I ask a question at that point. I want to get something clear in my mind. Mr. Squadrilli, these voluntary agencies send a list of assurances in. Where does that go? Does that go to the Frankfurt office and then it is distributed to areas, based upon the location of the people? Or do they send them directly to the senior officer in the area?

Mr. SQUADRILLI. Neither, sir. The assurances are all filed at the Washington headquarters of the Commission and the Commission in Europe receives those assurances only from the Washington headquarters of the Commission. We never accept any assurances from anyone in the field at all. They have to be validated in Washington.

Senator KILGORE. Then you refer them to the regional offices?

Mr. SQUADRILLI. They are processed through the headquarters in order to be tabulated and recorded and then sent to the field offices in the areas where the displaced persons nominated reside.

Mr. ARENS. Did Mr. Main——

Senator KILGORE. There was one other question. Does the Washington office advise, with the assurance when they send it over, who gives the assurance?

Mr. SQUADRILLI. Oh, yes.

Senator KILGORE. They advise the European office who is giving the assurance for each particular case?

Mr. SQUADRILLI. Yes, sir.

Mr. ARENS. Did Mr. Main advise you that his suspicions were aroused because of the fact that the AJDC had previously indicated to him it had no more cases and then within a relatively short time presented 1,700 cases involving 3,500 people?

Mr. SQUADRILLI. Yes; he expressed his suspicions on those grounds.

Mr. ARENS. Of those 1,700 cases which were presented by the American Joint Distribution Committee involving 3,500 people in a relatively short time, which caused Mr. Main to have his suspicions aroused, what percentage has CIC estimated, on the basis of its investigation, to be fraudulent?

Mr. SQUADRILLI. I received no estimate as such from CIC on that. The Counter Intelligence Corps has reported its estimate of the number of persons who had effected these registrations of residence. Its estimate on that score, to the extent that they have revealed information, that the number would be 700 or 800 instances.

Mr. ARENS. How many cases have they thus far checked on?

Mr. SQUADRILLI. These situations are reported and lists of such names become available and then are checked against our records to determine whether there are any applicants of those names being processed. To that extent, we have uncovered in the neighborhood of 400 or 500 names.

Mr. ARENS. Is it not a fact that the CIC has estimated, on the basis of its findings and investigations, that 35 to 50 percent of those 1,700 cases presented by the AJDC were fraudulent?

Mr. SQUADRILLI. They have not received those cases as yet. As to the number of fraudulent registrations which they have reported, that would reflect about 50 percent of the 1,700 cases; but the actual cases

have not been referred to the CIC as yet in toto inasmuch as they are being held up from further processing by the Munich office.

Senator DONNELL. If I understand that, of the 1,700 cases, those which the CIC have investigated have been running around 35 to 50 percent fraudulent.

Mr. ARENS. That was Mr. Main's testimony.

Senator DONNELL. What is your testimony on it? You gave a certain number. Perhaps I am not quoting you quite right.

Mr. SQUADRILLI. Perhaps I can repeat it.

Senator DONNELL. Would you be kind enough to do that? The collective results of the CIC reports indicate registrations to the extent of some 700 or 800 names. That means in these various towns combined, so far, which have been revealed as entries that have been made by German officials and antedated—they have found about 700 names that are fraudulent.

Mr. SQUADRILLI. That is right.

Senator DONNELL. Have they investigated all the 1,700 cases?

Mr. SQUADRILLI. They have not as yet.

Senator DONNELL. Of the 1,700 cases, how many have they investigated?

Mr. SQUADRILLI. Perhaps we could ask Mr. Main.

Senator DONNELL. Well, if you know.

Mr. SQUADRILLI. I do not know exactly how many of those cases Mr. Main is holding in his Munich office and how many have proceeded to the point of investigation. I should like to refer the question to Mr. Main.

Senator DONNELL. Mr. Main, perhaps you can tell us.

Mr. MAIN. I think I estimated the other day that about 700 of those cases had gone to CIC, but I do not think we have received 100 back as yet. The estimates that I made were estimates made by the officer in charge of the visa screening section of CIC to me on the basis of their experience. Their experience included not only the cases they had sent back to us, but the cases they had currently under investigation.

Senator DONNELL. I want to see if we understand one another. Here were 1,700 cases, Mr. Main, that came up, involving about 3,500 people; is that right?

Mr. MAIN. Yes.

Senator DONNELL. How many of those 1,700 cases were transmitted to CIC?

Mr. MAIN. I estimated about 700 have gone there thus far.

Senator KILGORE. That is cases.

Mr. MAIN. That is right.

Senator DONNELL. Those would involve, I assume, 1,400 people.

Mr. MAIN. Yes, sir.

Senator DONNELL. Of those 700 people that have been transmitted to CIC, how many have been established by CIC to be fraudulent?

Mr. MAIN. I am unable to say definitely.

Senator DONNELL. Approximately, if you know.

Mr. MAIN. Senator, the cases have not been returned to us. I think that probably less than 100 have; considerably less than 100, I would say, have been returned to us as completed investigations.

Senator DONNELL. Less than 100 out of the 700 have been returned to you with the investigations completed.

Mr. MAIN. Yes.

Senator DONNELL. Of the less than 100 that have been returned to you as completed, what number of those have been fraudulent?

Mr. MAIN. I would say about 50 percent.

Senator DONNELL. So there are about 50 cases of the 100 cases, and those 50 cases would involve 100 people.

Mr. MAIN. Yes, sir.

Senator DONNELL. So it simmers down to this: Out of the 1,700 cases that impressed you as suspicious, worthy of being looked into, 700 have been transmitted to CIC. You have gotten returns on about 100 of the 700, and of those 100, 50 have been shown to be fraudulent, and those 50 will involve about 100 people.

Mr. MAIN. That is right. They are estimates.

Senator DONNELL. I understand; but that is your best estimate.

Mr. MAIN. Yes, sir.

Senator DONNELL. That substantially represents the results so far.

Mr. MAIN. That is right.

Senator DONNELL. Mr. Squadrilli, what is your observation? Do you think Mr. Main's statement is in accord with your observations?

Mr. SQUADRILLI. Yes, sir.

Mr. ARENS. Now, what has been the administrative policy with reference to displaced persons who have engaged in black-market operations?

Mr. SQUADRILLI. Mr. Chairman, I made an observation on that in my statement.

Senator KILGORE. He has a prepared statement. Can't we get that into the record here?

Senator DONNELL. It would appear to me that Mr. Squadrilli might put it into the record at this point. Perhaps he would like to read it now. That would give us a more comprehensive idea of his statement. Suppose you go ahead and read it.

Mr. SQUADRILLI. Since being called to Washington by the Displaced Persons Commission last week, I have had occasion to read the testimony submitted to the Senate Judiciary Committee by Mr. Donald Main, the Commission senior officer in Munich; Mr. Edward Glazek, a former employee of 2 months' experience with the Commission; Mr. John Cutler, a subordinate Commission employee; and Mr. Almanza Tripp, of the Immigration and Naturalization Service, on the subject of the administration of the Displaced Persons Act of 1948 in Europe. I have not yet had the opportunity to read the testimony of Mr. Vaughn and Mr. Craig. The record of the testimony I have read reflects sincere differences of opinion on matters of interpretation, but also contains many erroneous implications, partial information, misinformation, and inaccuracies. I, therefore, feel it necessary to record the facts as I know them to have developed and to exist in the Commission's operations abroad. I shall endeavor to cover in my explanations every major issue which has been raised, but should like to illustrate first what I mean by inaccuracies and misinformation.

In his testimony, Mr. Cutler stated that his interpretation of a request by a voluntary agency to "down grade" a Counter Intelligence Corps report meant to make the report more favorable. Mr. Cutler

has been in the Army, has worked for UNRRA in Germany, and has had experience with the DP Commission. He, therefore, should know—I might add, what everyone knows who has been associated with that kind of work—that to "down grade" a classified report simply means to reduce the classification so that the information may be made available to a wider group of persons, certainly not to change the content of the report. This statement is a complete inaccuracy. Mr. Cutler has stated that the Displaced Persons Commission had ordered the Counter Intelligence Corps to complete investigations within 10 days and to refrain from exploring all factors. This is complete misinformation. The Commission has never given the Counter Intelligence Corps any orders to curtail the time or limit the scope of its investigations. Both the time required and the scope of its investigation is a matter for determination by the Counter Intelligence Corps of the United States Army.

Areas of jurisdiction: In a new program of this nature, involving the participation of several governmental agencies, it is only natural that differences of opinion should exist as to areas of jurisdiction and that these should be resolved by discussion and experience. In Washington, at the highest level of each agency, agreement has been reached on all jurisdictional questions. In Europe, the closest working relationship has existed between the Commission and the European Command of the United States Army, the Counter Intelligence Corps of the United States Army, the United States Foreign Service, and the United States Public Health Service, all sincerely interested in doing the best job humanly possible by continuously striving to perfect the system and procedures. It must be said that the inability or unwillingness of the officer in charge of the Immigration and Naturalization Service in Europe to accept the legal interpretations and the directions of his own Chief, the Commissioner of Immigration and Naturalization, has been the only difficulty. Mr. Tripp, in his testimony, admitted that he was wrong and that he had failed to comply with the instructions of the Immigration and Naturalization Service. Personalities notwithstanding, the end product has been a system wherein several United States Government agencies are cooperating closely and successfully without infringement on each other's basic responsibilities and areas of jurisdiction as set forth in the Displaced Persons Act of 1948.

Security investigations: Under the law, the President has designated the Displaced Persons Commission to conduct the statutory investigation of the character, history, and eligibility of each displaced person. When he designated the Commission to perform this important task, he also directed the Army to furnish all necessary assistance in such investigations. The President instructed the Commission:

> The highest standards of security shall be observed at all times in order to guard against the entry into the United States of persons who may be undesirable from the standpoint of the national security.

Therefore, investigations are conducted by the Counter Intelligence Corps of the United States Army under an agreement reached between the Commission and the Department of the Army here in Washington. The standard operating procedures of this agency are classified and, therefore, may not be publicly discussed. It may be

said, however, that the activities and functions of this agency are reflected in its very name and the agency has been active in the screening of displaced persons since the occupation in Europe began.

Furthermore, in its security screening, the Counter Intelligence Corps uses the vast and effective network of American intelligence, counterintelligence, and crime-detection services and facilities. In addition to these security screenings, the FBI reports to the Commission on every displaced person considered for admission under the act.

When immigration of displaced persons to the United States began under the Truman directive in the early part of 1946, the Counter Intelligence Corps performed the investigations. Its work in this connection has, therefore, been of a continuous nature, with much secret information and experience accumulated even before the start of the present program. At the Commission's request, appropriate action was taken by the Counter Intelligence Corps to increase its staff in anticipation of the heavy work load forecast by the provisions of the Displaced Persons Act of 1948. The Counter Intelligence Corps had no limitations placed upon it as to the size of its staff or as to the scope or duration of its investigation. It conducts as thorough an investigation as is possible and its information, accumulated over nearly 5 years of activity in Germany and Austria, is far more extensive than may be generally estimated. Its broad scope includes a wide variety of activities within its own organization, and reports from other intelligence and crime-detection agencies. In addition to checks against the Berlin Document Center and the provost marshal's fingerprint and crime records, both of which I shall refer to later, it also includes:

1. A personal interview of each and every displaced person considered for admission under this program by a trained American intelligence agent;

2. A comprehensive neighborhood check in the area of the displaced person's residence;

3. An intensive check against the Counter Intelligence Corps' central and area registry files for classified security information:

4. A careful check against military government court records for information on arrests and convictions;

5. A check against German police records for information on arrests and convictions; and

6. A check against the IRO local camp records for information relating to identity and behavior.

In the light of some of the testimony which has been given here, I must state emphatically that all adverse findings of the Counter Intelligence Corps in matters of security are taken as absolutely binding upon the Displaced Persons Commission. This policy has been unequivocal since the beginning of the program and can be attested to by all the senior officers of the Commission in charge of the various area offices, some of whom are present. This same policy prevails in isolated cases which are submitted to the Counter Intelligence Corps for further information or investigation.

Moral character: The major source of information as to a displaced person's character is the Counter Intelligence Corps' investigation, which includes establishment of identity to the extent possible, minor

or major criminal offenses, general behavior and reputation, and information relating to displacement and date lines. In this connection, much has been said about the Commission's approval of cases involving black-market operators, and I should like to state the Commission's policy. The Commission regards a minor black-market offense as not in itself constituting grounds for rejection as bad moral character, when the time of the offense and circumstances of the offender clearly indicate a motivation stemming from need and distress. Where the offense is of a nature to indicate a motivation of material gain, the Commission does not submit the case to the consul. Within the limits of this policy, latitude is allowed the case analysts of the Commission to evaluate black-market offenses against the general behavior and record of the individual, his family responsibilities and living conditions.

Another source of character information is the provost marshal fingerprint check, which reflects previous visa action by consuls and arrests by military police for miscellaneous criminal offenses. Up to this date there have been but 32 instances wherein a report possibly requiring further action has been received by the Commission subsequent to the immigrant's entry into the United States. I must add that the fact that such reports have been received does not mean that such persons are either inadmissible or deportable. All these cases have been duly referred to the Immigration and Naturalization Service for further investigation and possible deportation proceedings. The decision to permit the processing of cases without awaiting the returns from this source was reached by the Displaced Persons Commission in conjunction with the Counter Intelligence Corps and the Civil Affairs Division of the United States Army, European Command.

False documents: The Counter Intelligence Corps' investigation includes an interview of every displaced person by a United States agent, which provides, among other things:

1. An interrogation covering items of personal history listed in the registration forms, including statements as to dates of entry and presence; and

2. Examination of the displaced person's documents for authenticity.

A special laboratory is maintained to test the authenticity of documents considered of doubtful character by the Counter Intelligence Corps agent.

Although under its regulations the Commission accepts records of the International Refugee Organization, other official documents, statements, and affidavits as prima facie evidence of required entry or presence, the Commission has exercised caution in evaluating such information. In the absence of evidence to the contrary, the certification by IRO of the existence of qualifying information in their basic records is accepted, since most of these basic records were completed before passage of the Displaced Persons Act of 1948. I believe it has been testified to here that these basic records contain self-serving statements with respect to the December 22, 1945, date line, because of this requirement under the Truman directive immigration program. This contention is in large measure fallacious because, at the time when the IRO completed the largest proportion of its regis-

trations in the early months of 1948, the date line under the Truman directive had been advanced to April 21, 1947. This occurred in December 1947. Therefore, there no longer existed any self-serving interest with respect to the December 22, 1945, date line at the time the IRO registrations were for the most part effected. Consequently, these records are, for the most part, highly reliable.

The IRO registration forms include data on dates of arrival in Germany, Austria, and Italy. The IRO records in the United States zone of Germany, in most cases, reflect only entry into that zone. However, the displaced person may have entered elsewhere in Germany, outside of the United States zone, and, therefore, be eligible under the act, since "Germany," under the act and regulations, means Germany as it existed on January 1, 1938. Consequently, absence of qualifying information in the IRO records does not prevent the presentation by the displaced person of further evidence to show eligibility. This problem arises particularly in connection with that part of eastern Germany which is now under Polish administration, but which, under the regulations, is "Germany" for purposes of establishing entry dates into one of the required areas under the Displaced Persons Act of 1948.

I might add that some of the cases of fraudulent documents referred to in previous testimony were discovered as a result of the Commission's own review of case files. At the time I left Europe, it had been factually ascertained that, in 132 cases, persons had entered the United States under the DP Act on the basis of German residence registrations which have proved to be false in content. Appropriate action has been taken by the Commission in referring these cases to the Immigration and Naturalization Service for deportation proceedings. Investigation is continuing in the 10 small localities in the United States zone of Germany, one in the British zone of Germany, and one in Austria, where information has revealed false residence entries by German and Austrian officials. Caution is being exercised by Commission personnel in all cases purporting to establish entry date compliance by evidence based on German residence registries.

Berlin Document Center: This center, which is under the control of the United States Army, contains records of Nazi Party membership, other Nazi group affiliations, German naturalization, and similar information. It does not reflect any information of Communist affiliations. Statements have been made to this committee implying that cases are not checked against these records. I can state emphatically that this is not correct. Every single case processed under this act is checked against these records and a report is returned in each case. Mr. Tripp stated he had not seen these reports. This is understandable inasmuch as they were retained in the Counter Intelligence Corps files. To this date, out of 135,000 displaced persons who have entered the United States under this program, there have been but 70 instances where a Berlin Document Center report possibly requiring further action has reached the Commission after the immigrant had entered the United States. In only three of these cases is there any security problem, by virtue of Nazi Party membership. Appropriate action has been taken in all instances in referring these cases to the Immigration and Naturalization Service for deportation proceedings.

The decision to permit a case to continue in its processing without awaiting the Berlin Document Center report in each case was reached

between the DP Commission, European Command of the United States Army, and Counter Intelligence Corps, during initial planning in September 1948. Experience in positive returns from this source on displaced persons had proven to be infinitesimal during the Truman directive immigration program. I believe all the Government agencies agreeing on this procedure was fully concerned with protecting the security of the United States and discerned no security risk therein. I should mention that in January 1949, before the program actually got under way, Mr. John Boyd, Deputy Commissioner of Immigration, made a thorough examination of the security procedures. He paid particular attention to the Berlin Document Center phase of the operation and expressed his full agreement and approval of the manner in which the program was being conducted.

Withdrawal of Commission reports from files: In all my experience, I have never encountered a greater distortion or misrepresentation than has been given this simple, internal administrative procedure. It has taken the aspect of impugning my integrity as a public servant and as a loyal American, with the damning implication that I would order the removal from a case file of information or evidence material to the applicant's eligibility.

The records of my basic written instructions to the field personnel and my repeated verbal instructions to Commission senior officers, who will testify to the veracity of this statement (including Mr. Main, who has already so testified), completely refute this inference and confirm the absolute contrary—that every case file must contain every item of evidence or information material to the applicant's eligibility when the file is forwarded to the United States consul and to the inspector of the Immigration and Naturalization Service.

Pressure: In the testimony I have read. particularly that of Mr. Cutler, many vague statements have been made regarding pressures exercised by me and members of the headquarters on the field staff to "pass" cases, good or bad, just so that we could achieve numbers. If I did not recognize Mr. Cutler as being completely misinformed, I would consider him as being very stupid.

To say that it has been the policy of the Commission to encourage the approval of cases which ought not to be approved is to fly completely in the face of the truth. I have never received any such suggestions in any form from my Washington headquarters, and I have never made any such suggestions in any form to the European headquarters or field staff.

To say that our organization has felt the pressure of a heavy volume of work is to speak the truth. The work has been heavy and will continue to be so until the end of the program. It is that kind of a program. However, I should make it clear that the Commission and the participating governmental agencies have been organized to handle the heavy volume without the least impairment to the quality of the work accomplished. The Commission, the Counter Intelligence Corps, the Consular Service, the United States Public Health Service, and the Immigration and Naturalization Service were staffed to cope with the anticipated volume.

This heavy, continuous flow of work, created by the large number of assurances submitted by the American people, has been the only real pressure in the program. However, testimony here has also

characterized as "pressure" the normal inquiry that emanates from the sponsor, interested agency, and most frequently from a Congressman or Senator, regarding the status or disposition of a case. There has been a great deal of such inquiry, sometimes beyond the ability of the Commission to give prompt response; but I can assert that such perfectly proper inquiry has had no bearing in the determination of cases.

Senator DONNELL. You have leave now to make any additional statements you wish.

Mr. SQUADRILLI. Thank you, sir. I just wish to interject the observation that it has been within the areas of jurisdiction that the greatest amount of discussion and divergence of opinion has existed, and that it has been on a very friendly basis as between the representatives of the various agencies in the field in Europe and has resulted in good working relationships.

That was the only observation I want to make.

Senator DONNELL. Is there anything else you would like to state at this time to supplement your statement? If there is, an opportunity is now afforded to you. If not, there will be some further questions. If you think of anything, you will have leave to amplify, as you may desire.

Mr. SQUADRILLI. I should like to observe that I hope to have covered the major issues which were reflected in the testimony that I have read, and I thank you for the opportunity of introducing the statement.

Senator DONNELL. Senator Kilgore was the one—and properly so—suggested you be permitted to enter your statement.

Senator Kilgore, do you care to ask some more questions?

Senator KILGORE. On this jurisdictional question: Isn't it a fact that the point of discussion has been that it was thought possible that the Displaced Persons Commission personnel should go into not only the question of eligibility of a displaced person, but also into qualifications as an immigrant, such as going into the question of criminal record, and things of that kind, before your own personnel?

Mr. SQUADRILLI. That is correct.

Senator KILGORE. Why has the Commission personnel over there declined to go into that angle and has left that to the Immigration and Naturalization Service and the State Department?

Mr. SQUADRILLI. Under the interpretation of the Commission with respect to the law, that is an area of authority that is completely reserved to the consular service and to the Immigration Service, and the Commission in its operations has never presumed to pass upon a person with respect to his admissibility under the regular immigration laws.

Senator KILGORE. As to his admissibility as an immigrant, but as to his qualifications as a displaced person, you have restricted yourself to that field; is that correct?

Mr. SQUADRILLI. That is right.

Senator KILGORE. And have left the other questions to Foreign Service and Immigration and Naturalization.

Mr. SQUADRILLI. Yes, sir; and it is there where we encountered some difficulty so far as the areas of jurisdiction were concerned, because we were obliged, in certain instances, to forward cases to the consul which we would know would be mandatorily rejected by the

consul by virtue of their having jurisdiction of applying the basic, normal, immigration laws, which the Commission had no authority to apply. Consequently, when we found a displaced person eligible as a displaced person, but with some item in the record that did not reflect adversely on his character in the opinion of the Commission, but which, minor as it might be, would require the consul to reject that person under the normal immigration laws, we passed the case on to the consul for the normal action that would ensue, and the consul in the normal course of events would refuse a visa to that person.

Senator KILGORE. I am trying to recollect just what your answer was on this. Isn't it the custom now, if either the consular service or Immigration and Naturalization Service find fraud in the course of their interviews in the establishment of eligibility as a displaced person, to refer those cases back to the Displaced Persons Commission for further study?

Mr. SQUADRILLI. Yes; it is.

Mr. ARENS. May I ask a question at that point, if you please. If the immigration officers and consular officers had acceded to this request not to interview the displaced person as to eligibility under the act, how could they ascertain whether or not the man had committed fraud in establishing admissibility as a displaced person under the act, eligibility as a displaced person under the act?

Senator KILGORE. I think he has testified twice that such a request was not made, and the question infers that the request was made.

Mr. ARENS. Mr. Tripp testified that the request was made. His testimony was that he did not know about the request, even though he was in the conference at the time.

Senator DONNELL. What is your answer? Was there a request?

Mr. SQUADRILLI. To my knowledge, no such request was made of Mr. Tripp.

Mr. ARENS. But the immigration and consular officers under the present practice are not permitted to have a final determination of eligibility under the law, are they?

Mr. SQUADRILLI. Eligibility as a displaced person. They will accept the conclusions of the Displaced Persons Commission as conclusive; and they have the right, as a result of any information that may come to their attention from other sources or as a result of their interview at the time of the issuance of the visa—anything that may in any way create a question as to the eligibility finding by the Commission—to refer the case back to the Commission for review in the light of this information.

Senator KILGORE. As a matter of fact, don't they refer that back?

Mr. SQUADRILLI. They do.

Senator KILGORE. Isn't that standard procedure?

Mr. SQUADRILLI. It is standard procedure.

Mr. ARENS. The senior Senator from West Virginia has asked you, in effect, that, if the consular officer or immigration officer finds there is fraud in connection witht the applicant's establishment of eligibility under the act, the immigration or consular officer could, in certain types of cases at least, disqualify the man under the immigration law. Is that the essence of your question, Senator?

Senator KILGORE. No. I asked if it was not the standard procedure to refer the case back for further action by the Displaced Persons Commission if it goes to his eligibility.

Mr. ARENS. If they find fraud as to his eligibility?

Senator KILGORE. That was the question.

Mr. ARENS. You said they refer it back to the Displaced Persons Commission.

Mr. SQUADRILLI. Not necessarily fraud. If they find a question on his eligibility.

Mr. ARENS. But in practice the eligibility of the displaced person as a displaced person is not the concern of the immigration or consular officer.

Mr. SQUADRILLI. No; it is the Commission that makes that determination.

Mr. ARENS. Therefore, if it is not the concern of the immigration or consular officer under the practice, how would they normally ascertain whether or not the displaced person was or was not eligible under the displaced-persons law?

Mr. SQUADRILLI. That is the function that the Displaced Persons Commission performs.

Mr. ARENS. That is precisely the point that I was trying to develop here in the interrogation. May I restate it and ask you to correct me if I make a misstatement.

The senior Senator from West Virginia has inquired respecting those cases which are referred back by the consular or immigration officers to the Displaced Persons Commission in which it appears to the consular officer or immigration officer that the applicant is ineligible under the displaced-persons law; has he not? He has inquired about those cases which have been referred back to the Displaced Persons Commission by the consular officer or by the immigration officer when either of those two officers feels that the applicant is ineligible under the displaced-persons law; has he not?

Mr. SQUADRILLI. No; not when they feel he is ineligible but when there is some item of information that they feel may have a bearing on the person's eligibility, which they then report back to the Commission for its review of the case in the light of the information.

Mr. ARENS. In those instances the determination of the Commission is final.

Mr. SQUADRILLI. That is right.

Mr. ARENS. But in view of the fact that the consular officer and the immigration officer, under the practice as distinguished from the law, does not have a final determination of eligibility of the applicant under the law, they would not normally concern themselves with the eligibility of the applicant under the displaced-persons law, would they?

Mr. SQUADRILLI. They do; I can say that much. They do. What the Commission does in its function is actually to prepare the applicant for presentation to the consul, and the consul reviews him in the light of his admissibility under the immigration laws.

Mr. ARENS. As distinguished from admissibility under the displaced-persons law?

Mr. SQUADRILLI. Not his admissibility, his eligibility.

Mr. ARENS. His eligibility under the displaced-persons law.

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Mr. SQUADRILLI. That is correct.

Mr. ARENS. What would be, therefore, the occasion under that practice for the consular officer or immigration officer to delve into the question whether or not the man perpetrated fraud in establishing his eligibility under the displaced-persons law?

Mr. SQUADRILLI. I believe the consuls are equally as interested in the interests of the United States as the Commission is; and, should they find anything that would be of pertinent bearing on the case, they make it known to us; and, in effect, in practice, that is what is done.

Senator KILGORE. Isn't it a fact that fraud in establishing eligibility would give power to either the consul or the Immigration Service to refuse the visa?

Mr. SQUADRILLI. Yes. The man already has a visa when he comes to the immigration inspector. If the consul finds evidence of fraud and is satisfied it exists, the consul can reject the case there and then.

Mr. ARENS. You have testified, in effect, that if the consul officer or the immigration officer finds evidence of fraud in the applicant's attempt to establish eligibility under the displaced-persons law, he sends it back for further consideration by the Displaced Persons Commission. That is right, is it not?

Mr. SQUADRILLI. Not necessarily. If he finds evidence of fraud which is sufficient to his satisfaction, he rejects the case then and there. He has full authority and is fully empowered to refuse a visa in any case that is presented to him by the Displaced Persons Commission.

Mr. ARENS. That brings me to the second point, namely, if he is precluded, by the administrative practice as distinguished from the law, from concerning himself with the eligibility of the applicant under the displaced-persons law, he would have no opportunity to ascertain whether or not fraud was exhibited in the establishment of eligibility.

Mr. SQUADRILLI. That is very true. But I might illustrate that we, under the Truman directive program of immigration, had no Commission. The consuls considered the applicants directly. It was the Counter Intelligence Corps that produced the investigation upon which the consul determined whether there was fraud or not, and it is today the same CIC that does the investigation that reflects upon the individual for consideration under the bill.

Mr. ARENS. But that CIC does not make an inquiry as to ascertaining—or does not report—whether a man is a displaced person within the meaning of the law.

Mr. SQUADRILLI. No; the CIC makes an investigation on the security and character aspects of the individual.

Mr. ARENS. Yes; but the CIC in making its investigation does not investigate whether or not the man is a displaced person, whether or not he came into the zone on the prescribed period in the law, or whether or not he was in there within the cut-off date.

Mr. SQUADRILLI. He does inquire as to those aspects. That is part of the standard operating procedure.

Senator DONNELL. Who inquires as to that?

Mr. SQUADRILLI. The CIC.

Mr. ARENS. Are you sure of that?

Mr. SQUADRILLI. Yes, sir.

Mr. ARENS. In those instances in which the CIC gives an indication in its report which is at variance with the certification from the IRO, which one do you accept?

Senator DONNELL. On what subject?

Mr. ARENS. On that area which is certified by the IRO.

Mr. SQUADRILLI. The IRO certifies to eligibility under the IRO constitution.

Mr. ARENS. And it certifies under the date.

Mr. SQUADRILLI. And certifies the existence of records.

Mr. ARENS. Records on what?

Mr. SQUADRILLI. Records indicating the day of entry or date of presence in Germany. On any occasion where there is a conflict as between one document and another with respect to such items, the practice is for the field staff to explore the matter further, to consult with the IRO and their records, to call in the applicant for a personal interview, to check the case further with CIC, and to attempt to resolve the truth of the matter before passing on the case.

Mr. ARENS. IRO certifies not only that the individual is a displaced person within the meaning of the law and the concern of the IRO within the meaning of the law, but it also is concerned and certifies with respect to his presence in the zones on the prescribed times and places, does it not?

Mr. SQUADRILLI. It indicates what its records show in that connection. Its records may show entry subsequent to the required date line. It reflects what its records show.

Mr. ARENS. When the records of the IRO, which are certified to you, show by their certificate that the applicant is a displaced person and is within the zones on the prescribed time, is that accepted by the Displaced Persons Commission?

Mr. SQUADRILLI. Yes. Normally it is if there is no conflicting information.

Senator KILGORE. You mean by that, if the CIC does not report differently?

Mr. SQUADRILLI. If there is no conflicting information; yes.

Mr. ARENS. How many people came back with you on this trip? How many people are now back here in this last group that have come back to Washington?

Mr. SQUADRILLI. You mean of the Commission personnel?

Mr. ARENS. Yes.

Mr. SQUADRILLI. Eight of us, I believe.

Mr. ARENS. Eight in this last trip?

Mr. SQUADRILLI. Yes.

Mr. ARENS. You have testified earlier that this prepared statement—participating in the preparation of that statement—had the assistance of others than yourself, including Mr. Rosenfield and Mr. Dervan, I believe.

Mr. SQUADRILLI. No.

Mr. ARENS. How many others prepared statements similar to that one, by the others, have thus far been processed over in the Displaced Persons Commission headquarters?

Mr. SQUADRILLI. You mentioned Mr. Dervan. Mr. Dervan is not here.

Mr. ARENS. I beg your pardon. Who was the other gentleman who participated in the preparation of this statement besides Mr. Rosenfield?

Mr. SQUADRILLI. I think I testified that I prepared the statement and these other gentlemen assisted me in the editing of the statement.

Mr. ARENS. Who were the others who assisted in the editing of the statement?

Mr. SQUADRILLI. Mr. Rosenfield, Mr. O'Connor, Mr. McTigue, and Mr. Kaplan.

Mr. ARENS. How many other statements have thus far been prepared for delivery here in which the representatives of the Displaced Persons Commission, other than the individual who is going to testify, participated in?

Mr. SQUADRILLI. I do not know of any.

Senator DONNELL. Mr. Squadrilli, do you have anything further you would like to say at this time?

Mr. SQUADRILLI. No, sir.

Senator DONNELL. Let the record show that the committee is now recessed at 10:40 o'clock until 10 o'clock Tuesday morning, March 7, 1950, to reconvene at this place.

(Whereupon, at 10:40 p. m., the subcommittee recessed until 10 a. m. March 7, 1950.)

DISPLACED PERSONS

TUESDAY, MARCH 7, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10 a. m., in room 424, Senate Office Building, Hon. Forrest C. Donnell presiding.

Present: Senator Donnell.

Also present: Richard Arens, staff director of the special subcommittee.

Senator DONNELL. The committee will be in order, please.

Mr. Bashein, will you step forward, please, sir.

Mr. Bashein, do you solemnly swear that the testimony you are about to give in this matter will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. BASHEIN. I do.

TESTIMONY OF MEYER D. BASHEIN, SENIOR OFFICER OF THE UNITED STATES DISPLACED PERSONS COMMISSION, BUTZBACH, GERMANY

Senator DONNELL. Mr. Arens, will you proceed.

Mr. ARENS. Will you kindly state your full name and designate yourself by occupation.

Mr. BASHEIN. My name is Meyer D. Bashein. I am a senior officer of the United States Displaced Persons Commission, located in Butzbach, Germany.

Mr. ARENS. How long have you been engaged as senior officer in charge of the Butzbach area?

Mr. BASHEIN. Since approximately October 19, 1948.

Mr. ARENS. Where were you engaged or employed prior to your employment with the Displaced Persons Commission beginning in October 1948?

Mr. BASHEIN. May I at this point give my background so as to lead up to that. I am a native-born American citizen, graduated from Cornell University, with a degree of B. S., subsequently graduated from Fordham University Law School, with the degree of LL. B.

I was engaged in the mercantile business for about 25 years until 1942 at which time I entered the Government service with the Defense Plant Corporation, a subsidiary of the RFC, and was employed there as a division engineer in charge of Brooklyn and Queens. Subsequently in 1945 I took employment with the American Joint Dis-

tribution Committee, and was sent overseas where I served in Germany for about a year.

Mr. ARENS. What is the American Joint Distribution Committee?

Mr. BASHEIN. The American Joint Distribution Committee is a voluntary organization engaged in the relief and rehabilitation of Jewish people, all over the world.

Mr. ARENS. What was your position with the AJDC?[1]

Mr. BASHEIN. In the begining my position was that of senior representative for the western military district of Germany doing welfare work for a few months. Thereafter I was appointed director of supply and transportation for the three western zones of Germany.

Mr. ARENS. How long did you serve with the AJDC?

Mr. BASHEIN. From approximately July 1945 until August or September 1946.

Mr. ARENS. Then where did you go?

Mr. BASHEIN. I returned to the United States and engaged in the practice of law for a while.

Senator DONNELL. Where did you engage in the practice of law?

Mr. BASHEIN. In the city of New York.

Senator DONNELL. What was the street address of your office?

Mr. BASHEIN. 11 West Forty-second Street.

I then returned with an organization known as ORT[2] which is an organization for rehabilitation through training.

Mr. ARENS. What is ORT? What do the initials stand for?

Mr. BASHEIN. Organization for Rehabilitation Through Training.

Mr. ARENS. Under what auspices or sponsorship is that organization?

Mr. BASHEIN. That is an organization which is also a voluntary society which has been in business for about 70 years and teaches trades to the Jewish people all over the world without cost. When I say trades, I mean anything from electrical engineering to dressmaking and everything in between.

Mr. ARENS. During what period of time did you serve with ORT?

Mr. BASHEIN. I served with them from February 1947 until about February or March 1948.

Mr. ARENS. All right, sir, then where did you go?

Mr. BASHEIN. Then I returned to New York and again resumed the practice of law, and subsequently was appointed to the staff of the Displaced Persons Commission on October 4, 1948.

Mr. ARENS. Now, what is your salary with the Displaced Persons Commission?

Mr. BASHEIN. At the present time I believe my base salary is $6,600, plus 10 percent for overseas which would bring it to about $7,260.

Mr. ARENS. Tell the committee about such sums of money, if any, which you have received since your employment with the Displaced Persons Commission emanating from a voluntary agency?

Mr. BASHEIN. None whatsoever.

Mr. ARENS. What was your immigration experience prior to your affiliation with the Displaced Persons Commission?

Mr. BASHEIN. Slight and only in connection with my law work. I had made a trip in 1936 to Warsaw, Poland, on behalf of a client who wanted to bring some relatives to America, and I had consulted

[1] American Joint Distribution Commission.
[2] Organization for Rehabilitation Through Training.

from time to time with clients on immigration matters; but I might say that they were negligible in the aggregate.

Mr. ARENS. How many automobiles are allocated to the Butzbach area?

Mr. BASHEIN. At the present time there are two automobiles owned by the Commission which are allocated to Butzbach.

Mr. ARENS. Do you have your own personal automobile in Butzbach?

Mr. BASHEIN. Not at the present time; no, sir.

Mr. ARENS. Have you had at any time your own personal automobile at Butzbach?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. Over what course of time did you have your own personal automobile at Butzbach?

Mr. BASHEIN. A few weeks.

Mr. ARENS. When was that?

Mr. BASHEIN. In October, November, of 1949.

Mr. ARENS. Is that the only time when you had your own personal automobile in Butzbach?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. How far is Koblitz from Butzbach?

Mr. BASHEIN. I am not familiar with a place called Koblitz. There is a place called Koblenz.

Mr. ARENS. Koblenz.

Mr. BASHEIN. On the Rhine.

Mr. ARENS. How far is that from Butzbach?

Mr. BASHEIN. Oh, I would say it is easily 150 to 200 miles.

Mr. ARENS. Have you had occasion to use the official cars which were assigned to the Displaced Persons Commission to make personal trips to this place?

Mr. BASHEIN. No, sir.

Mr. ARENS. Koblenz?

Mr. BASHEIN. No, sir.

Mr. ARENS. Do you state now that you have not used the official cars for trips to Koblenz?

Mr. BASHEIN. Yes, sir; I so state.

Mr. ARENS. Have you used official cars of the Displaced Persons Commission for personal trips?

Mr. BASHEIN. Short trips in the Butzbach-Frankfurt area.

Mr. ARENS. And where were those trips to?

Mr. BASHEIN. Never beyond Frankfurt or Wiesbaden which is in a radius of 30 miles or so.

Mr. ARENS. And what was the occasion for these personal trips?

Mr. BASHEIN. The usual reason for taking a personal trip, just a short ride.

Mr. ARENS. Those were in Government cars?

Mr. BASHEIN. Occasionally; yes, sir.

Mr. ARENS. Did you have a Government car, or do you now have a Government car, which is reposing most of the time at your home?

Mr. BASHEIN. Yes, sir. When the day's duties are over, one car

is taken home by the driver and the other car is left in front of my home. That is correct.

Mr. ARENS. Do you use that car for your personal purposes?

Mr. BASHEIN. Not especially, sir, no. I may go into town, which is a distance of five blocks or so, but not for any particular reason.

Mr. ARENS. On how many occasions have you used Government cars for these personal trips that you were alluding to a moment ago?

Mr. BASHEIN. Possibly three times.

Mr. ARENS. In the course of what period of time?

Mr. BASHEIN. In the course of 9 or 10 months.

Mr. ARENS. Now, when you used these Government cars for these personal trips on the occasions which you have mentioned, what gasoline was used in the cars?

Mr. BASHEIN. Government gasoline.

Mr. ARENS. And how far were these trips?

Mr. BASHEIN. On one occasion to Weisbaden and on a few occasions around the town itself, which is a very small village.

Mr. ARENS. And who accompanied you on these trips?

Mr. BASHEIN. Sometimes I went alone. Sometimes the driver accompanied me. Sometimes my wife accompanied me.

Mr. ARENS. Did your wife ever use the Government car for personal trips other than the trips which you accompanied her on?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. Where did she go?

Mr. BASHEIN. To the commissary and to the P. X.,[1] which was also in town.

Mr. ARENS. As a matter of fact, you have one of the Government cars stationed at your home for personal use; do you not?

Mr. BASHEIN. Partly for personal use and partly because there is no other place to keep the car.

Mr. ARENS. Do you testify now—I am not quite clear—that you have not taken at least one trip to Koblenz with the Government car?

Mr. BASHEIN. I do, sir.

Mr. ARENS. You do what?

Mr. BASHEIN. I testify that I have not taken a trip in the Government car to Koblenz.

Mr. ARENS. Now, you have mentioned the purchases, I believe a moment ago, at the commissary.

Mr. BASHEIN. That is right, sir.

Mr. ARENS. Is it not a fact that you have been making substantial purchases of the Government, sir?

Mr. BASHEIN. It is not a fact, sir.

Mr. ARENS. What is the extent of your purchases or the purchases of your wife at the Government commissary?

Mr. BASHEIN. The purchases which are all charged to my account are probably 75 percent or less of the allowance granted to me by the Army. In this connection, I might say that I have read Mr. Craig's[2] testimony; and I think that it would only be fair for this committee to communicate with the commissary officer at the Badnauhein post and ascertain from him whether or not I have ever used within 75 percent of my normal allowance in any single month.

[1] U. S. Army Post Exchange.
[2] Louis G. Craig, selector, Rastatt, Germany, whose testimony appears on p. 736.

Mr. ARENS. Now, may I invite your attention to the date of June 21, 1949, at which time it has been alleged there was a staff meeting of the employees in the Butzbach area. Do you have a recollection of that meeting?

Mr. BASHEIN. Not specifically, sir.

Mr. ARENS. Do you have a recollection of a meeting at which there was discussion among the members of your staff in the Butzbach area with respect to disqualification of persons applying under the displaced persons law who had been engaged in black marketeering?

Mr. BASHEIN. There were many such discussions brought on by the fact that certain of the CIC [1] reports reflect mere opinion of the agent making the report and unsupported by any evidence. In other cases there were actual convictions for black marketeering which were small in character. It was the policy of headquarters, as laid down to me, and which are continuously transmitted to the staff, that small black-marketeering activities engaged in at a time when there was considerable hardship and suffering among the displaced persons for the purpose of helping themselves and not for material gain or profit, was not considered so derogatory as to warrant a rejection by the Commission on the basis of bad character.

Mr. ARENS. Now, just for the purpose of the enlightenment of the committee, express what you would call a large-scale black-marketing operation as compared with a small black-marketing operation which would, in the latter instance, not disqualify the applicant under the policy which has been pursued.

Mr. BASHEIN. A conviction for the possession of a carton of cigarettes or two bars of soap or a box of chocolate bars would be in the nature of small black marketing. The driving of a truck in which was contained possibly 5 or 10 tons of coffee or a ton of chocolate would be in the nature of large-scale black marketing.

Mr. ARENS. May I pose for your consideration and see what your appraisal of this case would be. An individual had acquired, let us say, 1,000,000 reichsmarks in the black market. Now, what would be your analysis of that case?

Mr. BASHEIN. I would have to ask you a question, sir. Was it proved or was it mere suspicion?

Mr. ARENS. Well now, under the law, the displaced-persons law, the burden of proof is on the applicant, is it not?

Mr. BASHEIN. It is, sir.

Mr. ARENS. Let us assume—let me invite your attention to the Stein [2] case. Do you have a recollection of that case?

Mr. BASHEIN. Yes, I have a recollection of that case.

Mr. ARENS. Tell us about that case and tell us what disposition you made of that case.

Mr. BASHEIN. I do not remember all of the details excepting that a CIC agent reported that this particular applicant was deemed to be a large-scale black-market operator and that it was suspected that he had a lot of money.

Mr. ARENS. Well, may I read you the report?

Mr. BASHEIN. Yes, sir.

[1] Counter Intelligence Corps, U. S. Army.
[2] Bencze Stein, case No. 25774.

Mr. ARENS. Rather an excerpt from the report.

Estimated to have close to 1,000,000 reichsmarks acquired through large-scale black-marketing activities before currency reform in June of 1948. Bought quantities of goods plus automobiles. Estimated at present, August 16, 1948, to have $50,000 United States dollars result of black marketing in Ulm. Refused visa from the consul at Stuttgart because of false documents. CIC wishes to be notified if subject will proceed to the United States.

On the basis of your recollection, is that a true and correct excerpt from the CIC report in that case?

Mr. BASHEIN. I believe it is, sir.

Mr. ARENS. Now, will you tell us what you did with that case and why?

Mr. BASHEIN. With regard to the previous rejection by the consul at Stuttgart, I followed the procedure laid down in the instructions which emanated from, I believe, the L'Heureux cable with regard to the consuls reconsidering those cases where the applicants had been refused a visa and where perjury was not involved.

Mr. ARENS. But there were false documents in the case.

Mr. BASHEIN. I do not have any present recollection of what the visa refusal was based on or whether it was a formal or informal refusal.

Mr. ARENS. In the first instance, the CIC report said that he had been refused a visa from the consul at Stuttgart because of false documents. That is true, is it not?

Mr. BASHEIN. The excerpt is true, I believe, sir.

Mr. ARENS. All right, sir. Will you proceed and tell us what you did on the visa proposition and then we will get back to the black-marketing proposition.

Mr. BASHEIN. That still would fall within the instructions to us provided there had been no perjury in the previous application.

Mr. ARENS. What do you mean by "provided there had been no perjury"? Do you mean provided the documents submitted were not under oath? Is that what you mean?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. In other words, if the man had previously as in the Stein case, been refused a visa because he had false documents which he had presented, but if he did not make an affidavit or give an oath with respect to those false documents, it was your policy to drive that case on through; is that right?

Mr. BASHEIN. That is right, sir; because the consul then had the opportunity to act upon that case as he saw fit.

Mr. ARENS. By the way, is this Stein case typical of the policy of the operations in Europe?

Mr. BASHEIN. No, sir. This Stein case is a little exceptional, and I am willing to state on the record that possibly I did not handle this as I should have.

Mr. ARENS. In what respect did you not handle this particular case as you should have?

Mr. BASHEIN. I should have sent the case back to the CIC for more specific information as to the allegations with respect to his being a big-scale operator and to ask for an evaluation of the source of the information which they submitted.

Mr. ARENS. And if they could not prove it by court record, you would pass the case; is that right?

Mr. BASHEIN. If they could not give anything further than they said in their report about the estimation of his personal wealth, I would be inclined to pass the case on to the consul for his action.

Mr. ARENS. In other words, in spite of the fact that in this case in which you are pronouncing your policy and attitude on processing displaced persons, in spite of the fact that the CIC report to you said that the man is estimated to have close to 1,000,000 reichsmarks acquired through large-scale black-marketing activities, that he is estimated at the present to have $50,000 United States dollars as a result of black marketeering in Ulm, and that he had been refused a visa from the consul at Stuttgart because of false documents, if the CIC could not prove that by a court record, notwithstanding the fact that the law says that the burden of proof shall be upon the applicant, you would have passed the case?

Mr. BASHEIN. When you join together the Stuttgart refusal of a visa with the suspicion of his being a large-scale black marketeer——

Mr. ARENS. Now, wait. You say "suspicion." There is no suspicion set forth.

Mr. BASHEIN. The estimate.

Mr. ARENS. Estimated by the CIC.

Mr. BASHEIN. It does not say, sir, on what the estimation is based, whether the agent saw the goods or whether he got the information from somebody who was antagonistic to this particular person.

Mr. ARENS. Proceed. Go ahead and give us your analysis of the case. Tell us what happened in the case.

Mr. BASHEIN. In this particular case, as I recall it, it was sent to the consul; and then I believe—I am not certain, sir—that we recalled it for further processing with respect to securing information. I do not believe that as of this moment the case has progressed.

Mr. ARENS. But it has passed you, has it not?

Mr. BASHEIN. No.

Mr. ARENS. It did pass you, did it not?

Mr. BASHEIN It did, and then we recalled it, as I recall.

Mr. ARENS. After the CIC requested it to come back; is that right?

Mr. BASHEIN. No, sir. The CIC never made such a request, to my knowledge.

Mr. ARENS. Well, CIC said in this report, did it not, that CIC wishes to be notified if subject will proceed to the United States?

Mr. BASHEIN. It was not the function of the local area to notify CIC about our action in any particular case. That was a function of our headquarters.

Mr. ARENS. But to get the record clear, this man passed you, did he not?

Mr. BASHEIN. He passed me to the consul.

Mr. ARENS. You approved it?

Mr. BASHEIN. And then it was recalled by me on reconsideration of some of the facts.

Mr. ARENS. You approved the case, did you not?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Well, did you recall it after you had approved it?

Mr. BASHEIN. Yes, sir. That is my recollection. It is very difficult, without my records actually being here, to say exactly what happened; but I am giving you my best recollection.

Mr. ARENS. Well, is it not a fact that after you passed this case, in spite of this CIC report and in spite of the provisions of the law that the burden of proof shall be upon the applicant, the consul held the case up?

Mr. BASHEIN. I believe he did also.

Mr. ARENS. What do you mean by "he did also"? You passed it, did you not?

Mr. BASHEIN. Yes, but then when I recalled that we held it up.

Mr. ARENS. But did you recall it prior to the time the consul stopped the case?

Mr. BASHEIN. I could not very well have done so.

Mr. ARENS. So then your recall came after the consul stopped the case when you had, in the first instance, passed it?

Mr. BASHEIN. I do not know just what you mean by the consul stopping the case. The consul may have held it and something may have developed which caused me to recall it for further reconsideration or the consul——

Mr. ARENS. Well now, Mr. Bashein——

Mr. BASHEIN. Excuse me, sir.

Mr. ARENS. I beg your pardon.

Mr. BASHEIN. The consul may have spoken to me about it because I was always very glad to get the opinion of the consul on any cases in connection with their review of the papers which we submitted to them.

Senator DONNELL. Do you remember, Mr. Bashein, how it was and why it was that you recalled this case? What led you to recall it?

Mr. BASHEIN. I do not, sir. In the absence of actually seeing the file with the contents, I cannot recall it; but the file itself would indicate the reason for the recall.

Senator DONNELL. Where is that file?

Mr. BASHEIN. The last time I saw it, it was in the Frankfurt headquarters, sir.

Mr. ARENS. Now, tell the committee about the instance in which you caused a representative of the CIC to be transferred or removed from his post because of adverse reports which he had been submitting on certain cases.

Mr. BASHEIN. I deny, sir, that I have any knowledge of ever having caused any CIC agent to be removed or to be transferred.

Mr. ARENS. Do you have a recollection of an instance or instances in which you have made contact with the officials or employees of the CIC and expressed yourself in the nature of a protest over the adverse report or reports which were submitted by the CIC to you?

Mr. BASHEIN. When you state or rather when you ask me to describe any situation where I protested because of an adverse report, that is not exactly stating the facts. The only time when I had a conversation with respect to the general procedure which a certain CIC agent followed in writing up his reports was a certain Mr. Henri, a warrant officer in Berlin employed by the CIC. We had been receiving reports from him which were much more lengthy than reports from any other area in which he gave a great deal of opinion which, according to the

standard of procedure as laid down by the CIC and of which I had been informed, was not supported by fact. And I discussed with him whether or not it was necessary for him to give such extensive reports including or rather based upon mere suspicion, that it was the procedure in three of the other CIC regions with whom I dealt to confine themselves strictly to facts which could be supported. He took well to my suggestion and thereafter his reports were much more concise and much more to the point.

Mr. ARENS. Now, what do you mean by your suggestion that the CIC man confine his reports to facts which could be supported?

Mr. BASHEIN. As I understood it, those were his instructions from his headquarters.

Mr. ARENS. I mean what did you mean by your suggestion that he confine his reports to facts which could be supported?

Mr. BASHEIN. I have tried to explain, sir, that his reports were very extensive and sometimes went into the realm of fancy, things which he imagined but for which he had no basis in fact.

Mr. ARENS. How do you know he imagined those and had no basis in fact?

Mr. BASHEIN. The mere reading of the report would disclose that.

Mr. ARENS. How could it disclose it?

Mr. BASHEIN. Because I remember a more particular case—I do not remember the name of it—he evidently took exception to the fact that this person had been given displaced person's status by the IRO,[1] and he ended up his report by saying "it is incomprehensible how this subject can be considered a displaced person."

Mr. ARENS. Where is the fantasy in that?

Mr. BASHEIN. It is not within his province to determine who is a displaced person. His province is, as I understand it from extensive talks with headquarters as to the function of CIC, to give us as much information on the criminal and political activities.

Mr. ARENS. Well, who is to make——

Senator DONNELL. Wait just a minute. I do not think he quite finished.

Mr. ARENS. I thought he had.

Mr. BASHEIN. Of the displaced persons.

Senator DONNELL. He had not finished his sentence. He has finished it now.

Mr. ARENS. That is right.

Senator DONNELL. Go ahead.

Mr. BASHEIN. You may proceed, sir.

Mr. ARENS. Well, whose function is it to make the ascertainment as to whether or not the applicant is a displaced person?

Mr. BASHEIN. According to the Displaced Persons Act of 1948, it is the function of the IRO to determine who is a displaced person in accordance with their constitution.

Mr. ARENS. Well, does the IRO also make a determination of whether or not the individual applicant is a displaced person within the purview of the law of the United States Congress?

Mr. BASHEIN. No, sir; no. That is contained in the next paragraph of section 2, and that is the function of the Displaced Persons

[1] International Refugee Organization.

Commission as to whether—in other words, IRO makes the determination as to whether the person is a displaced person. The Displaced Persons Commission makes the determination as to whether he is an eligible displaced person.

Mr. ARENS. Upon what facts does the Displaced Persons Commission make its determination that the individual applicant is an eligible displaced person?

Mr. BASHEIN. There are several factors that are taken into consideration.

Mr. ARENS. I say upon what facts?

Mr. BASHEIN. I am going to tell you, sir.

Mr. ARENS. I see.

Mr. BASHEIN. We have specific instructions in a memorandum from our headquarters which gives us the basis for determining when a displaced person is an eligible displaced person in accordance with the act. First, he must have displaced persons' status as certified by IRO, and they must further state that he is their care and concern. Secondly, he must have entered one of the required areas before the cut-off date.

Mr. ARENS. I wonder if I could interrupt just a moment. You are giving the law which is perfectly proper that you do. But what I am asking you is upon what facts do you make your determination, on the basis of the facts as certified by IRO or the facts as developed by CIC, the agency of the Government of the United States?

Mr. BASHEIN. The preliminary eligibility is determined by the Displaced Persons Commission, before the request is submitted to the CIC for an investigation report.

Mr. ARENS. Then the determination is made on facts submitted or a certification is made by IRO; is that right?

Mr. BASHEIN. No, sir. That is only a small part in the determination of preliminary eligibility.

Mr. ARENS. What I want to know is where do you get your facts upon which you make your determination?

Mr. BASHEIN. Subsequently the preliminary eligibility is determined by the selector based upon a check-list with which a displaced person must comply before he is determined to be preliminarily eligible.

Mr. ARENS. May I get right to the heart of the matter.

Mr. BASHEIN. Let me proceed, sir, and possibly——

Senator DONNELL. Just a minute, Mr. Bashein. Just pay attention to the question, please, sir. Mr. Arens will state just what he is asking for.

Mr. ARENS. I am specifically concerned at this moment in ascertaining from the witness where the facts come from upon which these determinations are made.

Senator DONNELL. By whom?

Mr. ARENS. By the Displaced Persons Commission.

Now, I understand you have recited the law. What are the elements of a displaced person? I want to know where the Displaced Persons Commission's representative gets his facts upon which he makes his determination as to whether or not the applicant is an eligible displaced person within the meaning of our law.

Mr. BASHEIN. From the factors with which he must comply, plus such things as a good-conduct certificate——

Mr. ARENS. I do not believe you have it yet.

Mr. BASHEIN. A good-conduct certificate, a police certificate, the CIC report, and any other documents of recommendation from Americans with whom he has had contacts or from his employers.

Mr. ARENS. Well now, right at that point, may I pose this query: I understood you to say a few moments ago that the CIC, in your judgment, should not inquire, in its investigation, as to whether or not the applicant is a displaced person within the purview of the law. Is that what you mean to tell the committee?

Mr. BASHEIN. That is my opinion, sir.

Mr. ARENS. Well, then the only other source of information which is available to the Displaced Persons Commission is ascertaining whether or not the applicant is an eligible displaced person is the information which the Displaced Persons Commission has transmitted to it from the IRO; is that right?

Mr. BASHEIN. With one correction, sir. When you say that the person is an eligible displaced person, that is incorrect. If you confine it to the statement that the person is a displaced person, that is correct.

Mr. ARENS. No, I do not mean as to whether he is a displaced person.

Mr. BASHEIN. As to whether he is an eligible displaced person is the function of the Displaced Persons Commission to determine.

Mr. ARENS. I do not in any sense mean to be confining the witness, Mr. Chairman. I do not believe the witness has yet clarified the factual material which I am undertaking to elicit from him, namely, in the ascertainment——

Senator DONNELL. Do you have a copy of the Displaced Persons Act?

Mr. BASHEIN. I have one in my brief case which I will find in just a moment.

Mr. ARENS. While you are looking for that, Mr. Bashein, I will pose this question.

In the ascertainment of who is an eligible displaced person, where does the Displaced Persons Commission get its facts?

Mr. BASHEIN. From all of the information contained in the dossier of the applicant.

Mr. ARENS. Which is submitted by the IRO; is that right?

Mr. BASHEIN. Part of which is submitted by the IRO, part of which is submitted by the applicant, and part of which is submitted by the CIC.

Mr. ARENS. Now, what part of that which the CIC submits bears on the ascertainment or the determination of whether or not the applicant is an eligible displaced person?

Mr. BASHEIN. If the CIC report does not contain information which is so derogatory as to cause us to reject the applicant under section 10 or section 13 of the Displaced Persons Act, and in the absence of any other conflicting information, he is deemed to be an eligible displaced person.

Mr. ARENS. That is just the point I was getting at a moment ago. In other words, the CIC, the investigative agency of the Government in its report does not produce factual material upon which it can be

determined that the applicant is an eligible displaced person; is that right? In other words, the CIC interrogation is in an entirely different area other than the area concerned with eligibility?

Mr. BASHEIN. That is correct, sir. That is my understanding.

Mr. ARENS. Is that the way it operates in your area?

Mr. BASHEIN. The CIC is concerned primarily with finding out any criminal or political activities of the applicant.

Mr. ARENS. Is that the way it operates in your area?

Mr. BASHEIN. I would say so.

Mr. ARENS. You are familiar with the operations in your area?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. Now, let us go over that again just so that the record can be perfectly clear.

Is it your testimony—and do not let me lead you astray at all, and if I make a misstatement stop me and correct me—is it your testimony here that the area of operation, the development of facts by the CIC does not deal with the eligibility of the displaced person under the displaced persons law except with reference to such elements as black marketeering, subversive activities, crimes, and that type of thing?

Mr. BASHEIN. That is my understanding, sir.

Mr. ARENS. Well, you are familiar with the operations in your area?

Mr. BASHEIN. Yes.

Mr. ARENS. That is the way it operates in your area?

Mr. BASHEIN. Yes, sir; it is.

Mr. ARENS. Well then, in other words, if the CIC does not develop factual material respecting the eligibility of the applicant under the displaced-persons law except with reference to subversive and undesirables, the only information which the Displaced Persons Commission has upon which to make its determination of eligibility is that information which is submitted to it either by the displaced person or by the IRO; is that correct?

Mr. BASHEIN. That is correct, sir.

Mr. ARENS. Now, you are sure of yourself on that?

Mr. BASHEIN. Yes.

Mr. ARENS. I have not mislead you in any way?

Mr. BASHEIN. No. I might elaborate by mentioning that the displaced person himself submits a good conduct statement, if he has been in an IRO assembly center or camp, a police certificate as to his conduct for the past period of time if he has been free living in a community, and a statement with respect to any employment he has had and for which he can produce recommendation.

Mr. ARENS. That is all in the form of documentation, though?

Mr. BASHEIN. Or any association with Americans officially or unofficially, who give testimony as to his character.

Mr. ARENS. Well, now, let us just get back over it again just so that the record is 100-percent clear. Do not let me in any sense mislead you nor do not in any sense make a misstatement.

Is it not a fact, at least in the operation of your area in Butzbach, that the only information available to the representatives of the Displaced Persons Commission respecting the eligibility of the applicant, other than the propositions of his criminality or subversive activities, is that information which is submitted by the International Refugee Organization or by the displaced person himself?

Mr. BASHEIN. That is a correct statement, sir.

Mr. ARENS. All right, sir. Now, if that is a correct statement, what happens in those instances in which CIC investigation does disclose that the applicant is not a displaced person within the law?

Mr. BASHEIN. Since, under the act, it is within the province of the International Refugee Organization to advise us who is a displaced person; in the absence of any conflicting factual testimony we cannot go behind the IRO certification.

Mr. ARENS. Now, is that your present practice in Butzbach?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. To your knowledge, is that the present practice in the European theater?

Mr. BASHEIN. I would say that that is my understanding of the instructions given by headquarters to everybody generally.

Mr. ARENS. Is that the way it operates in Butzbach?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. Now, at that point, let us assume that the CIC in its investigation, although you have previously stated that the CIC under the practice has no business in this area, determines, on the basis of information satisfactory to the CIC, that the applicant is not an eligible displaced person, in other words, that he does not conform to the specifications of the definition, and that the CIC submits that to the Displaced Persons Commission, but that the IRO, in the first instance, made its determination that the applicant is a displaced person. What will be the practice or the policy of the Displaced Persons Commission in that respect?

Mr. BASHEIN. Generally speaking, it is not the function of the CIC to determine who is or who is not a displaced person.

Senator DONNELL. Mr. Bashein, Mr. Arens asked you what would be the attitude or the action of the Displaced Persons Commission under the circumstances he recited.

Mr. BASHEIN. I was leading up to that.

Senator DONNELL. I know, but instead of leading up to it, please answer the question.

Mr. BASHEIN. I did not mean to digress.

Senator DONNELL. I understand. Naturally, you had that other train of thought, but what Mr. Arens wants to know specifically is what the Displaced Persons Commission would do if CIC had disclosed information of the type that he has mentioned on the subjet of whether or not the individual is an eligible displaced person even though that information so disclosed by the CIC is outside of the area properly applicable to the CIC. Is that your question?

Mr. ARENS. With the one qualification that I would not concede in the question that it is outside of the proper area of the CIC when the law itself says that nobody shall come into the country unless there shall be a thorough investigation respecting the applicant's eligibility by such agencies of the United States Government as the President shall designate. So I would not concede that the area of the CIC is properly limited only to criminal investigations and subversive activities.

Senator DONNELL. I understand your point.

Mr. ARENS. I wonder if I could rephrase the question?

Senator DONNELL. I think it would be well to do so.

Mr. BASHEIN. I think I understand your question.

Mr. ARENS. I would just like to rephrase the question so the record is clear.

Senator DONNELL. Go ahead.

Mr. ARENS. Mr. Bashein, let us assume that in a certain case the IRO certified that the applicant is a displaced person meeting certain specifications of the law, and that the CIC report develops material which shows that the individual is not a displaced person within the meaning of the law. Whose certification or whose factual material do you accept, that of the IRO or that of the CIC?

Mr. BASHEIN. If the CIC developed factual material that the person was not a displaced person, we would transmit that information to the IRO and request them to rescreen the person in the light of the information adduced by the CIC. But I think I can clarify it a bit further.

Mr. ARENS. Let us just stop there for a moment. Now, you would submit that back to the IRO. What would the IRO do in those instances?

Mr. BASHEIN. Most of the time, to my recollection, where any information is developed that the person is not a displaced person, the IRO rescreens that person and withdraws his eligibility, whereupon the case is canceled.

Mr. ARENS. What if the IRO does not rescind its prior determination? Is the determination then made by the IRO final and binding in practice?

Mr. BASHEIN. If the IRO affirms its determination of the person's eligibility in face of the factual material developed by the CIC or any other source that the person was not a displaced person, we would disregard the IRO certification. But I have been trying for several minutes, sir, if you will pardon me, to bring out one fact which may have misled you and which I stated before with respect to the CIC agent who said that the person under consideration was not a displaced person. In that case the agent was not familiar with the definitions. The person was a persecutee, but he did not know what a persecutee was. That is why I disregarded his statement that the person is not a displaced person.

Mr. ARENS. Well now, what would be the occasion for CIC to even delve into the question of whether or not the individual applicant is a displaced person or an eligible displaced person if, under the administrative arrangements in Europe at the present time, the CIC is prohibited from going into that question?

Mr. BASHEIN. The personal equation of the individual agent. No two agents operate exactly alike or write similar reports. Generally they follow a pattern, but occasionally a man may go off on a tangent.

Senator DONNELL. It is necessary that this subcommittee recess at this time.

The Committee on the Judiciary itself convenes in this room at 11 o'clock this morning. The subcommittee is therefore now in recess subject to the call of the chairman of that subcommittee. Mr. Carusi[1] will be informed by Mr. Arens as to the time and place fixed by the chairman of the subcommittee for the resumption of the testimony.

(Whereupon, at 11 a. m., the subcommittee recessed, to reconvene upon the call of the chairman.)

[1] Ugo Carusi, Chairman of Displaced Persons Commission.

DISPLACED PERSONS

WEDNESDAY, MARCH 8, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 10 a. m., in room 424, Senate Office Building, Hon. James O. Eastland presiding.

Present: Senators Eastland and Jenner.

Also present: Richard Arens, Frank Schroeder, and Tom Davis, professional staff members.

Senator EASTLAND. We will come to order.

TESTIMONY OF WATSON B. MILLER, UNITED STATES COMMISSIONER OF IMMIGRATION AND NATURALIZATION SERVICE, AND ALMANZA TRIPP, OFFICER IN CHARGE OF IMMIGRATION AND NATURALIZATION SERVICE DETAIL FOR THE EXAMINATION OF DISPLACED PERSONS IN EUROPE

Senator EASTLAND. You may proceed, Mr. Arens.

Mr. ARENS. You have already been sworn, have you not, Mr. Tripp?

Mr. TRIPP. I have.

Mr. ARENS. Mr. Tripp, in your last testimony before the subcommittee, you alluded to certain directives and other documents which you said you would procure and insert in the record. Do you have those documents with you today?

Mr. TRIPP. I have them here.

Mr. ARENS. Would you kindly identify them and comment upon them in such manner as you care to, and place them in the record?

Mr. TRIPP. I will. These documents were referred to in my first testimony. At that time I agreed to place them in the record after they had been cleared by the Department of Justice. I now have permission to place this material in the record.

The first of the documents is a letter from Commissioner Watson B. Miller, of the Immigration and Naturalization Service, dated August 18, 1949, written after consultation with representatives of the State Department and the Displaced Persons Commission, indicating the policy of those organizations, as well as my own, relating to the division of authority among the agencies engaged in the displaced persons program.

I now present that letter.

(The document referred to was marked "Tripp Exhibit 1" and is as follows:)

AUGUST 18, 1949.

ALMANZA TRIPP,
Officer in Charge, Bremen, Germany.

WATSON B. MILLER,
Commissioner, Central Office, Displaced Persons Activity:

Questions of jurisdiction and responsibility raised in your letter dated June 24, 1949, and referred to in subsequent communications concerning determinations as to who are "displaced persons" within the definition of annex I of the International Refugee Organization constitution and who are "eligible displaced persons" within the meaning of section 2 of the Displaced Persons Act have been made the subject of conferences between representatives of this Service, the Displaced Persons Commission, and the State Department, as a result of which the following conclusions which have been concurred in by our Department have been reached.

> The International Refugee Organization shall determine who is a "displaced person" within the definition of annex 1 to its constitution and is considered to be the only agency competent to determine when these persons are of its concern as required by section 2 of the Displaced Persons Act. This Service will not review or go behind the findings in this regard of the International Refugee Oragnization.
>
> The Displaced Persons Commission is responsible for determining from among those found to be "displaced persons" by the International Refugee Organization those who are "eligible displaced persons" within the meaning of section 2 of the Displaced Persons Act. This Service shall not review or go behind the findings of the Displaced Persons Commission as to who are "eligible displaced persons."

This Service is held to be responsible only for determining whether persons who have been classified as "eligible displaced persons" are admissible to the United States under the immigration laws and eligible displaced persons shall be examined only to the extent necessary to determine whether they are admissible under the immigration laws. The usual care should be exercised to insure that displaced persons who are not admissible under the immigration laws will be excluded. This means that when there is any reason to believe that an applicant for admission is not admissible under the immigration laws or regulations there should be no hesitancy in holding the applicant for such further action as appears appropriate. However, when during the course of examination for immigration purposes it comes to the attention of an officer of this Service that an error may have been made in the finding that an applicant is a "displaced person" or an "eligible displaced person" the facts should be brought to the attention of the appropriate representative of the Displaced Persons Commission. Also, if it appears during immigration inspection that an applicant has procured his "eligible displaced person" status through misrepresentation or fraud the facts should likewise be brought to the attention of the Displaced Persons Commission. However, when that Commission rules or confirms its finding on the basis of such facts which have been brought to its attention that an applicant is a bona fide "eligible displaced person," such ruling shall not be questioned by this Service. To use for an example a case you have cited, that of the applicant Erna Zale, who is shown to have resided in England from November 1947 through November 1948, this Service should not question the finding of the Displaced Persons Commission that she had a "constructive residence" on January 1, 1948, and that she was an "eligible displaced person."

It is hoped that the foregoing definitions of the respective responsibilities of the agencies concerned in the administration and enforcement of this act will relieve you and your staff of some of the difficulties under which the central office is aware you have been laboring. Due to lack of clarity in several respects of the act itself, it would be difficult to reach these interpretations by considering, by themselves, the several provisions of the act; but viewing the act as a whole and its purpose, the foregoing statement of jurisdictions and responsibilities has been concluded to be the only practical method of giving effect to the understood intent of Congress and the purposes of the act.

Mr. TRIPP. The second letter is a letter from Mr. Ugo Carusi, Chairman of the Displaced Persons Commission, directed to Mr. Alex Squadrilli, European Coordinator of the Displaced Persons Commission, referring to the letter of my Commissioner. I believe this letter is of interest to the committee because in it Mr. Carusi instructs the European coordinator to follow certain procedures referred to in the Commissioner's letter of August 18.

I now offer this letter.

(The document referred to was marked "Tripp Exhibit 2" and is as follows:)

AUGUST 19, 1949.

To: Mr. Alex Squadrilli.
From: Mr. Ugo Carusi.
Subject: Instructions issued by the Commissioner of Immigration to Mr. Tripp at Bremen under date of August 18.

Enclosed herewith is a copy of instructions issued by the Commissioner of Immigration to Mr. Tripp at Bremen under date of August 18. We have every reason to expect that this will help the program materially and bring about more expeditious results.

At the top of page two of the instructions Mr. Tripp is advised to call to the attention of the appropriate representative of the Displaced Persons Commission, any evidence or development which indicates that the determinations of the IRO or of the Displaced Persons Commission were based on fraud, mistake, or absence of later found evidence. This is to give to the appropriate officer opportunity to review the determination. This is an excellent suggestion and one which I spoke to you about on the telephone some time back. However, it is important that on receipt of such advice, the respresentative of the Displaced Persons Commission should make a very careful review of the case in the light of the new evidence, and order a reinvestigation if necessary. No purpose would be served if upon receipt of such information our representative merely adhered to his original decision on the theory that he was confident he was right the first time. All that has been said in this connection applies as well when a consular officer calls such a situation to our notice.

As you know, many cases reach visa issuance and are rejected at Bremen because they clearly come within the excluding provisions of the immigration law. This usually happens in those cases where a person has been convicted or admits the commission of a crime which renders him excludable. We all agree that, as a usual thing, our people should not reject cases upon grounds involving the regular immigration law. This is to be left to the consuls and the immigration officers, as it is their responsibility under the law. However, officials of the Immigration Service suggest that from time to time if one of our people has a case before him which, in his judgment, would in all likelihood be rejected by the immigration authorities, he ought to get a sort of advisory opinion either from a vice consul or from the immigration officers so that, in a clear case of ultimate rejection, the processing could stop early and much time and effort can be saved and needless movement of persons avoided.

Mr. TRIPP. The third letter is a copy of a memorandum prepared by myself, directed to the Coordinator of the Displaced Persons Commission at Frankfurt, Germany, outlining my conception of matters discussed with him, with Mr. Carusi, and Mr. Conan, the senior officer of the Displaced Persons Commission at Bremen, on September 21, 1949.

The letter also sets forth certain changes in procedure agreed upon, including the conditions imposed to the changes and procedures by me.

I now offer this letter.

(The letter referred to is as follows:)

SEPTEMBER 22, 1949.

To: Coordinator, United States Displaced Persons Commission, Frankfurt, Germany, APO No. 757.
From: Almanza Tripp, Officer in Charge, United States Immigration and Naturalization Service, Bremen, Germany, APO No. 751.
Subject: Conference of September 21, 1949.
Through: Senior Officer, United States Displaced Persons Commission, Bremen.

Reference is made to the conference attended by Mr. Carusi, Mr. Conan, yourself, and the undersigned at Bremen on September 21.

In order that there will be no misunderstanding of the conclusions arrived at, I am preparing this memorandum setting forth my conception of those conclusions together with the conditions this Service feels necessary to impose in connection with adoption of some changes in our procedure. When Service is referred to in this memorandum it relates solely to the views of the Immigration and Naturalization Service at Bremen and should not be regarded the official views of our central office at Washington until our views have received central office approval.

1. The Service will make available to the Commission its records relating to detentions and permit copies of existing records to be made. Effective September 23, card records relating to detentions will be prepared in duplicate and the carbon copy of same be delivered to the Bremen office of the Commission for its use. Likewise, records of cases closed out one way or another will be made available to the Commission daily in order that its indices may be kept current.

2. The Commission will designate an employee at Bremen to arrange for the procurement of any supplementary assurances or additional information required from sponsors in individually sponsored cases. The service will direct a request to the Bremen office of the Commission to obtain such assurances that it will thereafter be the duty of the Commission to obtain the assurance or information required by the service. The service will continue to communicate with sponsors and other interested persons in individually sponsored cases where bond is required. The service will likewise arrange with the office in the United States for the posting of such bonds.

3. The Commission has expressed the view that the service is too rigid in its requirements regarding aliens believed likely to become public charges. For the reasons stated at the conference, the service cannot recede from the stand heretofore taken in public charge cases. Any change in that stand will be made only on instruction from our central office at Washington.

4. The Commission will take immediate steps to clarify the investigative procedure discussed by the writer with Commission and CIC officials at Frankfurt on June 28 with the view of shortening the detention period of aliens ordered detained by the Bremen office of the service telegraphically at ports of entry.

5. The Commission desires that the service no longer direct correspondence, inquiries, or refer cases back to the office of the coordinator or to senior officers in charge of resettlement areas but desires that in the future such communications be directed to the senior officer at Bremen. The service accepts this suggestion with the understanding that the decisions of the senior officer at Bremen are to be regarded as final and as an official expression of the policies and interpretations of the Displaced Persons Commission. The service reserves the right to refer extraordinary cases to the office of the coordinator for confirmation.

6. The Commission requests that the service refrain from requesting investigations directly of CIC and to refrain from requesting records of conviction from court officials and other types of investigation, and in place of that procedure make all requests for investigations through the senior office of the commission at Bremen. The service is prepared to accept this suggestion tentatively with the imposition of certain conditions. The service does not recognize any right of the Commission to review the need for the investigation but expects the Commission to obtain a full report in each case where an investigation is requested, including all of the material desired by the service, even though the Commission may believe that the material desired is unnecesasry. This means that the Commission is not only required to bring about the investigations requested, but will be required to obtain full court records relating to convictions, including judgments entered in cases and informations to which subjects of cases pleaded, will be required to obtain consular files relating to prior refusals, and any other material believed necessary by the service to intelligently pass upon

an application for admission to the United States. The service reserves the right to request directly documents and investigations where the report of the Commission is believed incomplete or unsatisfactory. It is understood that the Commission assumes the responsibility for the expiration of visas which expire during the period a case is under investigation.

7. The Commission desires immigrant inspectors to refrain from asking applicants any questions relating to eligibility as displaced persons. The service agrees not to interrogate applicants for the purpose of establishing ineligibility but cannot agree to ask no questions the answers to which might establish ineligibility since questions relating to eligibility and to admissibility under the immigration laws are closely related. It is understood that when interrogation develops ineligibility as displaced persons, the cases of the subjects involved are to be referred to the senior officer at Bremen for his review and his decisions are to be regarded as the decision of the Displaced Persons Commission.

8. It is understood by the service that Mr. Carusi will personally inquire into the procedures of the Commission relating to the processing of persons in whose cases the investigative agencies have indicated communistic or other subversive affiliations with the view of bringing about more careful screening of such cases.

The foregoing is my conception of the conclusions reached at our conference, and is referred to you for your approval before adoption. A copy of this communication will be referred to our central office at Washington for its approval, and, on receipt of your reply, copies of same will be made available to our central office.

An early reply will be appreciated since we will not adopt the procedures described above—other than that in paragraphs Nos. 1 and 3—until we hear from you.

ALMANZA TRIPP, *Officer in Charge.*

Mr. TRIPP. The next material I have I agreed to supply at a recent hearing of the committee. This material consists of excerpts from title 8 of the Code of Federal Regulations, being parts 175.53 and 175.57.

I now offer this material.

(The material referred to is as follows:)

§ 175.57 *Entry not permitted in special cases.* (a) Any alien, even though in possession of a permit to enter, or exempted under these regulations from obtaining a permit to enter, may be excluded temporarily if at the time he applies for admission at a port of entry it appears that he is or may be excludable under one of the categories set forth in § 175.53. The official excluding the alien shall immediately report the facts to the head of his department, who will communicate such report to the Secretary of State. Any alien so temporarily excluded by an official of the Department of Justice shall not be admitted and shall be excluded and deported unless the Attorney General, after consultation with the Secretary of State, is satisfied that the admission of the alien would not be prejudicial to the interests of the United States. Any alien so temporarily excluded by any other official shall not be admitted and shall be excluded and deported unless the Secretary of States is satisfied that the admission of the alien would not be prejudicial to the interests of the United States.

(b) In the case of an alien temporarily excluded by an official of the Department of Justice on the ground that he is, or may be, excludable under one or more of the categories set forth in § 175.53, no hearing by a board of special inquiry shall be held until after the case is reported to the Attorney General and such a hearing is directed by the Attorney General or his representative. In any special case the alien may be denied a hearing before a board of special inquiry and an appeal from the decision of that board if the Attorney General determines that he is excludable under one of the categories set forth in § 175.53 on the basis of information of a confidential nature, the disclosure of which would be prejudicial to the public interest.

[Section superseded; considered effective July 1, 1945; published 10 F. R. 8995, July 21, 1945.]

§ 175.53 *Classes of aliens whose entry is deemed to be prejudicial to the public interest.* The entry of an alien who is within one of the following categories

shall be deemed to be prejudicial to the interests of the United States for the purposes of these regulations:

(a) Any alien who belongs to one of the classes specified in the Act of October 16, 1918, as amended. (40 Stat. 1012; 41 Stat. 1008–9; 54 Stat. 673; 8 U. S. C. 137.)

(b) Any alien who is a member of, affiliated with, or may be active in the United States in connection with or on behalf of, a political organization associated with or carrying out policies of any foreign government opposed to the measures adopted by the Government of the United States in the public interest, or in the interest of national defense, or in the interest of the common defense of the countries of the Western Hemisphere, or in the prosecution of the war.

(c) Any alien in possession of, or seeking to procure, unauthorized secret information concerning the plans, preparations, equipment, or establishments for the national defense of, or the prosecution of the war by, the United States.

(d) Any alien engaged in activities designed to obstruct, impede, retard, delay, or counteract the effectiveness of the measures adopted by the Government of the United States for the defense of the United States or for the defense of any other country, or the prosecution of the war.

(e) Any alien engaged in activities designed to obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or steps taken by any country of the Western Hemisphere in the interest of the common defense of the countries of such Hemisphere.

(f) Any alien engaged in organizing, teaching, advocating, or directing any rebellion, insurrection, or violent uprising against the United States.

(g) Any alien engaged in a plot or plant to destroy materials, or sources thereof, vital to the defense of, or the prosecution of the war by, the United States, or to the effectiveness of the measures adopted by the United States for the defense of any other country.

(h) Any alien whose admission would endanger the public safety, as provided in any Executive order issued in pursuance of the Act of Congress approved June 20, 1941 (ch. 209, 55 Stat. 252; 22 U. S. C. Supp. 228, 229).

(i) Any alien enemy: *Provided*, That this excluding provision shall not apply to aliens who

(1) Present valid permits to enter issued on or after November 14, 1941, or are exempted under these regulations from presenting permits to enter and are found to be otherwise admissible under these regulations; or

(2) Before September 1, 1939, became and still are citizens or subjects of any foreign country at war with Japan and who have not, since September 1, 1939, and before May 8, 1945, returned to any enemy or enemy-controlled territory; or

(3) Are under 14 years of age; or

(4) Are excepted from the excluding provisions of this subsection in the discretion of the permit-issuing authority or of the Secretary of State.

(j) Any alien found to be, or charged with being, a war criminal by the appropriate authorities of the United States or one of its co-belligerents, or an alien who has been guilty of, or who has advocated or acquiesced in activities or conduct contrary to civilization and human decency on behalf of the Axis countries during the present World War.

(k) Any alien who is not within one or more of the classes defined in (a) to (j), inclusive, but in whose case circumstances of a similar character may be found to exist, which render the alien's admission prejudicial to the interests of the United States, which it was the purpose of the Act of June 21, 1941 (55 Stat. 252), to safeguard.

[Section superseded; considered effective July 1, 1945; published 10 F. R. 8995, July 21, 1945.]

Senator EASTLAND. Thank you, Mr. Tripp.

Did you have any other material that was requested, Mr. Arens?

Mr. ARENS. Mr. Commissioner, do you have with you documentary material which evidences cases of displaced persons who have thus far been admitted into the United States who are under investigation in a deportation process?

Commissioner MILLER. Yes, Mr. Chairman.

Mr. ARENS. Would you kindly at this time, without revealing the identity of the individuals, give the committee the number of cases and the general categories in which they are listed?

Commissioner MILLER. Mr. Chairman, subject to a count which I will make accurate before I leave the room, we have a list of some 75 cases referred to the Immigration and Naturalization Service by the Displaced Persons Commission relating to displaced persons who have entered the United States and subsequent information was received showing that they applied for or received naturalization as citizens of Germany.

Thus, under the ruling of the IRO and the Displaced Persons Commission, they were not eligible for entry into the United States under the Displaced Persons Act.

These cases, shown on a pending status, referred to those where a report of investigation has not been received from the field office. A large number of these cases are shown as pending in the New York district. The assistant chief of the investigations section of the New York district office has advised us by telephone that each of the displaced persons cases referred to the New York office for investigation has been assigned to an investigator. They are not being held in the backlog of cases pending in that office. That manifestly is to secure prompt action.

Mr. TRIPP. Do you have the authority to release me, Senator?

Senator EASTLAND. Mr. Tripp, you are released.

Mr. TRIPP. Thank you, Senator.

Commissioner MILLER. The fact that these have been advanced, of course, is in the interest of expedition because there is a backlog of something like a thousand investigations in the New York office at the present moment, of various types, of course. They have not been held in the backlog of cases pending in the office. However, no special treatment is given to the investigation on displaced persons in order to place them ahead of other investigations.

Mr. Avery [1] further stated that in several of these cases the investigation had been completed and the records had been written up. It is expected they will be forwarded to the central office in a few days.

There is appended to each one of these names, Mr. Chairman, the district, the date sent to the district for investigation, and a record. This was compiled as of the 23d of February. Eight transmissions of investigation reports have been sent to us.

As to five names and numbers that I have here, reports have been received from the Displaced Persons Commission indicating that they were naturalized as citizens of Germany. However, these files have not as yet been referred to the field office for investigation. The Displaced Persons Commission files have been forwarded to Ellis Island for storage, and a letter has been written to that office requesting the files. As to 10 individuals, reports have been received indicating that they were naturalized citizens of Germany. The Displaced Persons Commission files have been requested from New York. When received, the cases will be referred to the appropriate field office for investigation.

[1] Thorold Avery, Assistant Chief, Investigations Section, Immigration and Naturalization Service, New York.

On one individual we have a report just received, and that was, as I have stated, the 23d of February, indicating the alien was not eligible for status as a displaced person, for the reason that he was employed as a Polish Red Cross officer. This alien arrived in the United States at the port of New York on November 7, 1949, and is presently residing in Delaware. On three names, a complaint was received from the sponsors of these aliens indicating that they did not live up to the terms of the contract and had departed. The files were referred to the New York office for investigation, to see if they obtained their status as eligible displaced persons through fraud or misrepresentation.

A report of investigation was received indicating that they did not obtain their visas by fraud or misrepresentation, nor do they appear to be subject to deportation on any other grounds. As to three names, a memorandum was received from the Federal Bureau of Investigation indicating that these aliens may have been inadmissible to the United States. Accordingly, on November 10, 1949, the matter was referred to the Chicago office for investigation. No report has as yet been received. The aliens were admitted to the United States on August 30, 1949, at the port of Boston.

One name, a Federal Bureau of Investigation report, dated January 3, 1950, was received indicating that the subject and one other person may have been implicated in illegal activities in Europe. No record could be located relating to the other person. The subject was admitted to the United States through the port of Boston on October 14, 1949, and was reportedly residing in Michigan. The Federal Bureau of Investigation report was forwarded to the district director of Detroit on January 23, 1950, for appropriate investigation.

Five names, including two relatives: The central office files relating to these individuals were forwarded to New York for investigation on February 10, 1950, a report having been received alleging that the aliens were naturalized as citizens of Germany.

A subsequent report was received indicating that two of the subjects and their relatives obtained entry into the United States upon presentation of fraudulent documents. This information was forwarded to New York on February 17, 1950, for consideration in connection with their investigation.

Three names: These aliens were admitted to the United States through the port of New York on October 5, 1949. They are presently residing in Bronx, N. Y.

The Displaced Persons Commission has recently forwarded a report to this office indicating that the male alien was refused a visa on August 31, 1948, by the American consulate at Frankfurt for false-residence certificate. These cases will be referred to the New York office for investigation.

One name: The subject was admitted to the United States through the port of New York on September 10, 1949. A report has now been received from the Displaced Persons Commission indicating that the subject was refused an immigration visa by the consulate at Frankfurt, Germany, in 1948, for the reason that he presented a false-residence certificate.

The CIC in Germany submitted an investigation report dated August 29, 1949, which indicated that the alien had never resided at the address claimed. This report further stated that—

In view of the absence of a conviction and the date at which the offense occurred, it may be difficult to establish subject's implication in a fraud.

This case will be referred to the New York office for appropriate investigation.

Three names: Subjects were admitted at New York on October 19, 1949. A report has now been received indicating that the male alien was also refused a visa by the American consulate at Frankfurt, on the ground that he had presented a false-residence certificate. Investigation with respect to this matter indicated that 94 persons had obtained certificates from the official files of the Wiesbaden Police Department showing that they resided in Wiesbaden prior to the date on which they actually began to reside in that city.

This list of 94 such persons was furnished this Service and in August 1948 a copy was given to each port of entry for consideration in connection with any applications for admission which might be submitted by the person shown thereon.

Several such persons have been held at the ports of entry, and investigation requested in Europe by the Displaced Persons Commission. In each case so detained, subsequent investigation has failed to establish evidence upon which to exclude such aliens.

The Displaced Persons Commission has consistently held that these aliens were eligible displaced persons.

Two cases: These indicate a criminal record in Europe. On January 27, 1950, a report was received from the Displaced Persons Commission indicating that subjects were arrested for receiving stolen property and illegal possession of United States currency.

On March 22 and March 24, 1949, the female subject was sentenced to 3 months' imprisonment. The sentence was suspended on payment of a fine of 500 Deutschmarks. The male alien was found guilty and fined 50 Deutschmarks. The aliens were admitted at New York on October 1, 1949, destined for Lebanon, Conn.

The Displaced Persons Commission file is in storage at Ellis Island and will be requested. Upon receipt of this file the matter will be referred to the appropriate field office for investigation.

I think we can assume that in that kind of cases the file has been secured. This memorandum is dated the 23d of February.

Four cases which involve one family—husband, wife, son, and daughter: A report has been recently received from the Displaced Persons Commission indicating that these aliens were victims of an armed robbery on July 19, 1948, whereby six watches, one camera, a portable phonograph, and various articles of clothing were stolen. The following day the male alien rebought the six watches from an intimate friend and, although questioned extensively by the CID, made sworn statements to the effect that none of the stolen articles had been recovered. The CID recommended that appropriate action be taken against the subjects for making false statements and withholding information. The assistant district attorney in Frankfurt stated that in view of the fact that the subject was an excellent state's witness at the robbery trial, action will not be taken against him. The matter of perjury prior to entry will be investigated and considered.

One name: The alien entered the United States on December 13, 1949, at New York. A report has now been received showing that the alien was sentenced on April 5, 1947, to 14 days in jail for dealing

in the black market. This sentence was suspended. The file will be referred to the New York office for investigation.

Three names: These aliens were admitted on October 5, 1949, at New York. A report has now been received from the Displaced Persons Commission indicating that the male alien was convicted in August 1946 for possession of weapons, theft, and resisting arrest, and was sentenced to 10 years' imprisonment, 4 years being suspended. A petition for clemency was denied on June 12, 1947. The aliens are now residing in Chicago and the files are being forwarded to that office for appropriate attention.

One name: The alien was admitted to the United States through the port of New Orleans, La., on November 15, 1949. A report has now been received from the Displaced Persons Commission indicating that on August 26, 1948, the subject was found guilty and sentenced to 6 days' imprisonment for acquiring ration of goods without purchase authority.

The alien's relating Displaced Persons Commission file is at Ellis Island for storage. This file will be obtained and any action justified will be taken.

There is a page about tuberculosis cases. In December 1949 the Department of State forwarded to this office a report from the Provost Marshal Division, Department of the Army, dated October 24, 1949, indicating that such and such a person, a German national employed as a doctor with the Public Health Service, attached to the consulate at Munich, Germany, was accepting bribes to pass displaced persons with tuberculosis. This report listed names of five such aliens who had reportedly entered the United States. The files were located relating to two such aliens. One was residing in Boston, Mass., and one in New York. Accordingly, on December 23, 1949, the relating files were forwarded to the appropriate district offices for investigation, with the request that the aliens be examined by the Public Health Service for determination as to whether they are afflicted with tuberculosis.

No response as yet has been received from the New York office covering their investigation of the man in New York. However, a report was received from the Boston office on February 13, 1950, reporting that the man there died at the Beth Israel Hospital, Boston, on September 10, 1949. The records of the hospital contain no report of tuberculosis.

Under date of January 9, 1950, the Department of State forwarded to this office a copy of a memorandum from the American consulate at Munich, dated November 7, 1949, reporting that criminal proceedings against the doctor had been dropped for lack of evidence. The Provost Marshal's office has requested that reports of investigation in these cases be forwarded to that office for their information.

Then there is another page. This page refers to allegations that bribes have been accepted by medical employees.

Mr. TRIPP. German employees of the United States Public Health Service.

Commissioner MILLER. As to cases, being some half dozen, or nine, in number, where despite the existence of tuberculosis they nevertheless received clearance and came to this country, investigations are

now under way as to whether the charges against the doctor can be sustained and whether the subjects have or have not tuberculosis.

In one instance, where investigation has been completed, the displaced person, as said before, has died in a Boston hospital. The records of the hospital contain no report as to tuberculosis.

In one instance an applicant was reported to have been given a favorable medical report in spite of her condition. Mr. Tripp forwarded to our office a memorandum from the American vice consul at Munich indicating that the only person by that name to have been given a visa was a person—and the name is given—whose visa was issued on May 6, 1949. This file has been located and it indicates that this alien was admitted to the United States through the port of New York on May 30, 1949, and is now residing in the Detroit area. This entire file has been forwarded to the Detroit district office for investigation.

Another case is that of a subject admitted to the United States as a displaced person on November 25, 1949, being presently hospitalized in a hospital in Wisconsin, with active tuberculosis and probably a cancerous condition. The officer in charge at Milwaukee, Wis., has been directed to conduct an appropriate investigation.

I think that is the substance of that one.

Now, I will take up the so-called fraudulent document cases.

In October of 1949 the Department of State forwarded to our office a copy of a memorandum dated September 9, 1949, from the American consulate general at Munich, indicating that 15 displaced persons who had been admitted to the United States obtained entry upon presentation of fraudulent documents. The names are in this record I have here.

All of these aliens, with the exception of one principal applicant and wife, are residing in the territory under the jurisdiction of the New York office. The two mentioned are said to be residing in the territory under the jurisdiction of the Los Angeles office.

On November 2, 1949, the entire central office files relating to these aliens were forwarded to the appropriate offices for investigation. Reports have been received in the cases of the two subjects from Los Angeles. Reports have also been received from New York in the case of two subjects.

These reports indicate that further investigation in Europe is necessary.

The matters were discussed with the Displaced Persons Commission, and a request was made that reports on all 15 cases be referred to them for this further investigation in Europe. Accordingly, the reports on the 4 cases received are being held pending the completion of the investigations in the other 11 cases.

Mr. Tripp sent us a report on January 10, 1950, listing 76 aliens who apparently obtained their status as eligible displaced persons upon presentation of fraudulent residence certificates issued at Schnaitsee. In his letter of transmittal Mr. Tripp stated that probably most of these persons have already been admitted to the United States. By check of central-office files we have located 68 files which have been tentatively identified as relating to the persons mentioned in this report.

A copy of this list was sent to the New York office with a request that any Displaced Persons Commission files relating which may be on Ellis Island for storage be forwarded to the central office. We have received a report from New York indicating that only 29 relating files could be located. As soon as possible, these files will be reviewed and an investigation instituted where it appears that a fraudulent residence certificate was obtained.

The next heading is: "Cases where warrants of arrest have been issued."

A report was received indicating that this subject has been readmitted to the United States under the Displaced Persons Act subsequent to previous deportation.

Permission to apply for admission to the United States after deportation had not been granted. This report was forwarded to the district director for Baltimore for appropriate investigation. It was found that the alien was then residing in the State of Maryland.

The report of investigation was received from Baltimore on October 10, 1949, and a warrant for subject's arrest in deportation proceedings was issued on November 9, 1949. No hearing under this warrant of arrest has yet been held, and, based on the decision of the Supreme Court on February 20, 1950, in the Sung case, hearing on this warrant will necessarily have to be held in accordance with the Administrative Procedure Act.

A report was received indicating that four subjects had been admitted to the United States as displaced persons, but that the male alien had been a naturalized citizen of Germany. The entire central-office files relating to these subjects were forwarded to the district director in Detroit on August 6, 1949, for investigation. The Detroit office found that the aliens were residing in territory under the jurisdiction of the Chicago office. Accordingly, the files were forwarded to the Chicago office in September of 1949. Report of investigation was received in the central office on November 9, 1949, together with application for warrants of arrest. Such warrants were issued on November 18, 1949.

It is the understanding of the Investigation Section that all those persons are cleared with the Federal Bureau of Investigation in Washington. Copies of reports where a record is found by the Bureau are submitted to the central office.

On several occasions it has been found that these reports have been received subsequent to the alien's admission to the United States. In one particular case, the report, dated August 18, 1949, was received in the central office on August 23, 1949. This report says that a person of this name was born as such other name, as a citizen, under the heading of "Collaborators" on a list of Latvian war criminals. A lookout notice was posted against this alien's entry into the United States. However, it was found that he was admitted to the United States on April 5, 1949.

There is following a list of seven displaced persons who also entered the United States prior to the receipt of the Federal Bureau of Investigation report, or prior to the time that a notice of the information contained in these reports could be forwarded to the port of entry. These seven cases are under investigation at the present time.

In January of 1950 Mr. Tripp advised the Commissioner by telephone that he had received approximately 90 reports from the Provost Marshal's office resulting from a check of fingerprints. Mr. Tripp further stated that 33 of these 90 persons are now in the United States. He further stated that in 11 of the 33 cases they are deplorable without further check. He was requested by me in this telephone conversation to submit reports to the central office covering this whole matter. However, the Investigation Section has no record of this report having been received as yet. We have received individual cases of displaced persons who have been admitted to the United States and where subsequently a criminal record was located.

Mr. Chairman, could we say that the report has been prepared by Mr. Tripp and in the haste of his leaving Europe at request of the committee he did not bring it, but it will be forwarded upon his return? Is that all right?

Senator JENNER. Yes.

Commissioner MILLER. There are a lot of data opposite each one of these names on the last list I have in hand.

Mr. ARENS. Let me ask you just two or three questions, if you please?

Commissioner MILLER. Yes.

Mr. ARENS. How many persons are involved in these cases which are presently under investigation?

Commissioner MILLER. I have not counted them, but I think that we could say that 250 to 300 would be a fair estimate.

Mr. ARENS. Of displaced persons who have been admitted into the United States who are now under investigation, with the end in view of deportation?

Commissioner MILLER. That is correct.

Mr. ARENS. How many displaced persons who are inadmissible to the United States under the immigration laws have thus far been deported?

Commissioner MILLER. So far as I know, none. Not more than two, anyway. A few have been excluded.

Mr. ARENS. Under the deportation problems of the Immigration and Naturalization Service, what is the prospect of deporting any of these people?

Commissioner MILLER. Is it an appropriate thing, in your opinion, to give these people in the public record a notion of their possible administrative and judicial remedies?

Senator JENNER. They have legal organizations set up, and they know all the remedies and they are going to be protected. In other words, in order to protect this country we have to go into that. We have to either change our system or do something else. There is no question about it that we are bringing in subversives, Communists, robbers, criminals of all kinds, black marketeers, perjurers, defrauders. There is no question about that, is there, Mr. Tripp?

Mr. TRIPP. There is no question but what a number of people of those categories are being admitted, and probably from the standard of efficiency it would be much better to prevent their entry than to try to effect their deportation after entry.

Senator JENNER. In other words, if we have the proper screening and the proper check we can avoid these people coming here because,

as you have stated, the chance of deportation is practically nil because of the complicated procedure and the many hedges and protections and so forth.

Mr. TRIPP. I do not believe for a minute that we can achieve perfection, but I do believe that we could improve on the present system.

Senator JENNER. For example, when a lookout order goes over there, there is no reason why a man like that should come into this country as a displaced person, is there?

Mr. TRIPP. It is my opinion that where there is any doubt at all regarding the applicant's eligibility under the act he should be rejected until that doubt has been removed.

Mr. ARENS. May I ask you a question right here, Mr. Tripp, or Commissioner, if you please? How many of these approximately 250 people—I believe you said—concerning whom you now have investigations looking toward deportation proceedings were sent into this country under this calculated-risk theory?

Mr. TRIPP. Probably all of those individuals who are under investigation as a result of information from the provost marshal's office are here under that theory, and all of those individuals and their families who are under investigation because of naturalization or service in elements of the Axis armies.

Mr. ARENS. In other words—and I do not want to put words into your mouth in any sense at all, I just want to bring this thing to a crystal-clear statement of fact—is it a fact that of these 250 people that the Commissioner has been speaking about, who are presently under investigation in this country, the information would have been available on them prior to the time they were sent into the country?

Mr. TRIPP. In the cases of about 80 principal applicants, and their families, contained in the Commissioner's record, entry could have been prevented if the provost marshal's check and the Berlin document center check had been completed prior to the embarkation in Europe.

Senator JENNER. What delay would come about by securing the check from the provost marshal and from the Berlin Document Center?

Mr. TRIPP. Early in the program I, in a report to my central office, stated that a complete stoppage of the program for about 3 weeks would probably occur if the check was completed prior to embarkation. I am still of that opinion.

Senator JENNER. Mr. Commissioner, is it permissible to put these names in the record?

Commissioner MILLER. I seek your permission to clear that, if I can, with the Department of Justice. I have not been able to do so. I raised the question with Mr. Arens and Senator Eastland a few minutes ago, whether the insertion of the name would put a lot of people on notice and open law cases by people who specialize in this field and maybe result in their hiding out some place where we could not get to them even for the investigation. There is also the question that some moral damage might be done these people if we find they are in the clear.

I think Senator Eastland does not completely feel in accord with that general observation that I made. But, at any rate, one thing that can be inserted, in my opinion, without question, is the number of these cases and the nature of the cases may also be entered into the record.

Senator JENNER. With that understanding, we would like to have that placed in the record.

Commissioner MILLER. This is the only record I have. I have to clear it.

Mr. SCHROEDER. Mr. Commissioner, if you get the clearance from the Attorney General, would you furnish the committee with a copy so we can put it in the record?

Senator JENNER. The chance to deport these people is practically nil, and I would like you to furnish for the record why they are practically nil.

Commissioner MILLER. I think, Mr. Chairman, that the practical possibilities of deporting displaced persons who have been admitted to this country and later discovered to have acquired that admittance through fraudulent means are very slender. The administrative procedure consists of hearing by a hearing examiner, set up under the Administrative Procedure Act of 1946. Before that tribunal there will be an official of the Government, who will act as what I call a public advocate to place the viewpoint of the Federal Government before the hearing examiner, and a record will be taken.

There will be undoubtedly numerous requests for change of venue, continuances, and the like. The normal procedure in deportation will be greatly lengthened.

I mean it is our thought that where a board of special inquiry is convened under our long-time procedure, it could dispose of, say, a hearing at its level within a single day, but it is my feeling that under the new procedure imposed by the late decision of the Supreme Court it may require from 2 days to perhaps a week. The recommendation of the hearing examiner is subject to consideration by the Commissioner of Immigration and Naturalization, and the right of appeal to the Board of Immigration Appeals is inherent in both the old and the new procedure.

Thereafter, if the final conclusion shall be that the alien be deported, the case then, as frequently occurs even in patent cases, such as discovered escaped stowaways, mala fide seamen, ship jumpers, and so forth, the writ of habeas corpus, due process under the fifth amendment, declaratory judgments, and, as stated before, the AP procedure may be invoked.

At that point if all administrative and judicial remedies have failed, the alien is then eligible for deportation if practically possible.

It is entirely unlikely that many, because of the perplexing international situation in a political sense, could be deported to the places of their birth.

Senator JENNER. As far as the initial steps are concerned, as I understand it, this is approximately true, is it not—and you can correct me if I am wrong—that now you have about 500,000 cases under, and subject to, investigation that are persons probably eligible for deportation? Is not that right, something like that?

63475—50——58

Commissioner MILLER. No, sir; I don't think there are that many.

Senator JENNER. I mean a backlog of that many.

Commissioner MILLER. We have a backlog of something like 20,000 cases, as we estimate it.

Senator JENNER. I am talking about the whole immigration procedure.

Commissioner MILLER. Yes, that is true, if we include the many who cross our land frontiers illegally despite the vigilance and hard work of our numerically inadequate border patrol force.

Senator JENNER. That will be all of this morning.

Thank you, gentlemen.

(Thereupon, at 11:35 a. m., the committee recessed, to reconvene subject to call of the Chair.)

DISPLACED PERSONS

FRIDAY, MARCH 10, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 10:30 a. m., in the District room, the Capitol, Hon. James O. Eastland presiding.

Present: Senators Eastland, O'Conor, Ferguson, Donnell, and Withers.

Also present: Richard Arens, Frank W. Schroeder, and Thomas J. Davis, professional staff members.

Senator EASTLAND. The committee will come to order.

Mr. Bashein.

TESTIMONY OF MEYER D. BASHEIN, SENIOR OFFICER, UNITED STATES DISPLACED PERSONS COMMISSION, BUTZBACH, GERMANY—Resumed

Senator EASTLAND. You have been sworn, sir, have you not?

Mr. BASHEIN. Yes, sir.

May I make a request of the chairman at this time, please?

Senator EASTLAND. Yes, sir.

Mr. BASHEIN. There were two things that I should have mentioned in my last examination. One of them affects me personally. The other goes to the questions of Mr. Arens with regard to the area of operation of CIC. May I mention them at this time, sir?

Senator EASTLAND. Surely.

Mr. BASHEIN. In giving my personal background, I did not mention the fact that upon graduation from Cornell University, I had enlisted in the Navy and served as an engineer abroad a submarine chaser.

Going to the other question, of the area of operation of CIC, it is our policy and practice that in requesting an investigative report from CIC, we submit to them the IRO registration form, together with a set in duplicate of fingerprint cards of the applicant. And in addition to all the other checks that the CIC makes, they are supposed to notify us whether their investigation discloses any discrepancy from the information given on this IRO registration form.

In other words, that information that they adduce would go to the eligibility of the applicant if, for instance, in personal interview, even though the IRO registration forms said he was born in Poland, they develop the fact that he was born in Russia.

Senator EASTLAND. Who makes up those fingerprint cards?

Mr. BASHEIN. They are made by the IRO in the local area.

Senator EASTLAND. By whom in the IRO?

Mr. BASHEIN. I presume by one of the employees in the IRO.

Senator EASTLAND. As a matter of fact, those employees as a rule are not Americans, are they?

Mr. BASHEIN. I think you are right, sir.

Senator EASTLAND. I would like to know, then, how there can be a fingerprint check when the Fingerprint Division in CIC that checks them says that the prints are illegible and a lot of them are written in such poor English that they cannot tell anything about it. That being true, what is a fingerprint check worth?

Mr. BASHEIN. I will tell you, sir. On numerous occasions, when the fingerprint cards were illegible or the information given thereon was insufficient, the CIC returned them to us, with the request to get more accurate fingerprint cards. And we did that, sir.

Senator EASTLAND. I know. Did you return those cards?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. There is a terrible mistake somewhere, then, because they say that they would send them back with a request that they get more legible prints and that the prints are not returned.

Mr. BASHEIN. Well, sir, I cannot testify on——

Senator EASTLAND. Do you know that they are returned?

Mr. BASHEIN. I cannot testify as to what takes place in other areas, but in my areas they were invariably returned.

Senator EASTLAND. I am glad to know that, because the testimony here in the record, by people that take those prints and check them, is that the are not returned.

Mr. BASHEIN. I was going to say, sir, that I would like to point out that even with respect to the American employees of the Displaced Persons Commission, all of whom were fingerprinted and sworn in in Washington before they were sent to Europe, we have received from time to time requests for additional fingerprint cards, because of some error in the original ones which were taken.

Senator EASTLAND. That is from the Displaced Persons Commission, now. That is not in IRO where they have aliens making up cards, displaced persons making up cards.

Mr. BASHEIN. The only thing I want to point out, sir, if I might, is that even in the making up of our own fingerprint cards in Washington here, there have been occasions when they have requested duplicates to be taken over there and sent back here.

Senator EASTLAND. Yes, but the CIC, if I am informed correctly, says that this is not an occasional matter; that the prints are, as a rule, defective; that the reports are written in such poor English they they cannot tell anything about it and that, as a rule, they are illegible. Also, that they return those cards and ask for additional cards, and that they do not get them from the Displaced Persons Commission. Is that testimony true, or is it false?

Mr. BASHEIN. That is not true with respect to the areas served by Butzbach, sir. I would like to qualify that. It is true that there are illegible cards submitted to CIC, but when they return them to us and ask for new ones, we get the new ones and resubmit them, because otherwise CIC would not give us the final investigative report and the case would hang in limbo indefinitely.

Senator EASTLAND. Does the Displaced Persons Commission take prints?

Mr. BASHEIN. No, sir.

Senator EASTLAND. Why do you not take prints? It seems to me that it is the very grossest kind of negligence that the Displaced Persons Commission itself does not take prints and send those prints to the Berlin document center, to CIC, to the provost marshal's office for checking.

Why do you rely on an international organization that is staffed by foreign people to do that?

Mr. BASHEIN. Well, sir, that is a question that is really beyond my province. That is something that should have been—if I may so say—included in the law, determined on the highest policy-making level of the——

Senator EASTLAND. You want included in the law everything, every detail that common sense should demand be done to protect this country. We have to rely on people to carry out the promulgated policies under an act, people that are reasonable.

Mr. BASHEIN. As I say, that is something that is outside of my province and should be taken up on the highest policy level. However, I would like to also point out to you, sir, that the United States vice consul, before interviewing the applicant with respect to his application for a visa, also takes fingerprints of the applicant.

Senator EASTLAND. Yes, but the heat is put on him to rush them through. You take what is called a calculated risk, do you not? Is not that your policy?

Mr. BASHEIN. If I may differ with you, sir, there is no heat put on the consul. I have always considered that the consul is absolute in his domain.

Senator EASTLAND. You might not put the heat on him; I am not accusing you, but the testimony shows, I think, time and again that the heat is put on the consul to rush them. If he takes those prints and checks them, why do you have this calculated risk policy?

Mr. BASHEIN. I, sir, cannot answer that.

Senator EASTLAND. Do you know about the calculated-risk policy?

Mr. BASHEIN. I have heard of it in passing. I am not a party to it.

Senator EASTLAND. It is true, is it not?

Mr. BASHEIN. It is true to the extent, as far as my personal knowledge goes, that there is a calculated risk taken only with respect to the checks from the Berlin Document Center, which show German naturalization.

Senator EASTLAND. What about the provost marshal's office? Do not leave that out.

Mr. BASHEIN. I won't leave that out, sir.

The Berlin document check is only to disclose German naturalization of foreigners or applications for naturalization or membership in any one of the Nazi organizations of Germans or foreigners.

With respect to the provost marshal, may I say, sir, that I have never heard anything about a calculated risk; that from my knowledge and observation in my area, the provost marshal checks were invariably returned with the investigative report of CIC; that on some occasions subsequent to the investigative report from CIC being submitted to us, we got additional information from the provost marshal.

But, to my knowledge, I want to again reiterate the CIC did not return its investigative report without a check of the provost marshal.

Senator EASTLAND. Then why is it that the Commissioner of Immigration testified here 2 days ago that he had a number of deportable cases in this country, some of whom were criminals, that had come into this country as a result of a calculated risk policy, because they were rushed through and sent here before they could check them?

Mr. BASHEIN. My only answer to that, sir, is a guess that with respect to the Berlin document center checks, some of them may have come in late, and with respect to the provost marshal——

Senator EASTLAND. Where is the rush? If it comes in late, why is not the man held there until you get the report to see that this country is protected from subversives?

Mr. BASHEIN. Sir, I am not on the policy-making level. If I have any reason to suspect that there would be a positive report from BDC, I have no hesitation whatsoever in holding up that case until I get the report, one way or another; and that has occurred.

Mr. ARENS. How are you going to know what is going to be in the report until you get the report?

Mr. BASHEIN. There have been times, for instance, when it was indicated that the applicant was a member of one of the Baltic legions, and possibly, that he was a prisoner subsequently of the Americans. There we have a reasonable question raised as to whether some of those Baltic legionnaires did not apply for or obtain German naturalization. And in a case like that, we would hold for the BDC check.

Mr. ARENS. You know, as a matter of fact, that the policy is not to wait for BDC reports or provost marshal reports.

Mr. BASHEIN. I will not concede that part of your statement which deals with provost marshal reports, sir.

Mr. ARENS. You heard Mr. Squadrilli's testimony upstairs in the full committee room, did you not, the other day, Mr. Bashein?

Mr. BASHEIN. Yes.

Senator EASTLAND. What did he say?

Mr. BASHEIN. I don't recall what he said on that point.

Senator EASTLAND. I want the record there to show now at that point that I think it is the grossest kind of negligence that an agency of the American Government does not take those prints, but relies on the prints by an international organization. That is especially true by the testimony here from CIC and the Berlin Document Center.

Now go ahead, Mr. Arens.

Mr. ARENS. You testified, as you started here this morning, with reference to some qualification on your statements with regard to the area of operation of CIC.

Mr. BASHEIN. Yes, sir.

Mr. ARENS. Would you restate that as explicitly as you can? I am not quite sure I got your point.

Mr. BASHEIN. In my testimony in the last session, you were questioning me with regard to any information that CIC could adduce with regard to the eligibility of the applicant.

I spoke particularly of their investigation of any criminal or political activities of the applicant. But on two occasions, I tried to bring in their check with respect to the information shown on the IRO registration form, as to whether there was any discrepancy between the

personal interview or interview with neighbors or any other information available to them as against the information shown on this IRO form.

Now, that IRO form, I might explain, contains the name, address, and vital statistics of the applicant. It shows his marital status; it shows his date of entry into Germany, Austria, or Italy, according to the records of IRO; it shows his nationality, shows his employment for the last 12 years, shows his education, and, in addition, contains a certification by IRO as to his displaced-persons status and the fact that he is the concern of the IRO.

Senator EASTLAND. Those findings are important in the admission of a person to this country, are they not?

Mr. BASHEIN. Correct, sir.

Senator EASTLAND. And if they are tinkered with and doctored up, then undesirable people could get into this country, provided that information was fraudulent; is that correct?

Mr. BASHEIN. That is correct, sir.

Senator EASTLAND. In fact, is it not true that if there was fraud in IRO, that Russian agents could be filtered into this country by doctoring those records?

Mr. BASHEIN. Generally speaking, I suppose that could be true.

Senator EASTLAND. The officials of IRO are not employees of the American Government, are they?

Mr. BASHEIN. No, sir.

Senator EASTLAND. They are not responsible to the American Government, are they?

Mr. BASHEIN. No, sir; not to my knowledge.

Senator EASTLAND. Then we are wide open there—and I want you to answer this question—we are wide open and this country is in the hands, then, of people who are not citizens when it comes to fixing vital documents that pave the way for the entry of a displaced person into the United States?

Mr. BASHEIN. May I, in answer to that question, sir, say this?

Senator DONNELL. Mr. Chairman, may I suggest the witness answer the question directly and then he can explain his answer?

Senator EASTLAND. Yes.

Mr. BASHEIN. I will answer your question by saying "yes." However, the information which is submitted by IRO to us is not binding on us if there is anything in conflict, or if anything can be developed contrary to the information as shown.

Senator EASTLAND. That puts this country at a terrible disadvantage, does it not? You have the information there that can be true and it can be false, and it frequently is false. Then the burden is on us to disprove the information that is put in that file by people not responsible to us.

Mr. BASHEIN. Sir, the only response I can make to that is that we are in the same vulnerable position with respect to the application of any normal immigrant for entry to the United States.

Senator EASTLAND. Would we be as vulnerable if trained representatives of the American Government made up those files and made up that information?

Mr. BASHEIN. There would be this difficulty, sir: There is no other agency in Europe, that I am familiar with, that would be capable of giving us background information to the extent that IRO does.

Senator EASTLAND. We could not get that information by our set-up in Europe?

Mr. BASHEIN. I don't think so, sir.

Senator EASTLAND. Then why is it that an international organization, a great many of whose employees that prepare this material are displaced persons, why is it that they are more responsible than the officials of this Government that we place there?

It looks like that is a terrible slander on the Immigration Service.

Mr. BASHEIN. I will not say that they are more responsible or go into the question of responsibility at all. What I am trying to say is that IRO has certain records which they have built up over a period of years since the war and that no other agency, including the United States Army, that I am familiar with, would be able to give us that information.

Senator EASTLAND. Our own set-up would have that information, would it not?

Mr. BASHEIN. Where would we get it from, sir?

Senator EASTLAND. We would get it from IRO. The British get it from IRO, do they not? But we are not bound by it.

Mr. BASHEIN. I agree. I see no objection whatever to that, sir.

Mr. ARENS. Mr. Bashein, you testified the other day, did you not, that the CIC in practice is precluded from investigating facts respecting the man's eligibility under the certifications made by IRO?

Senator EASTLAND. The CIC is the Counter Intelligence Corps, is it not?

Mr. BASHEIN. That is right, sir.

Mr. ARENS. Did you not testify the other day to the effect that the CIC investigation was confined to elements other than the elements of eligibility of the individual under the displaced persons law?

Mr. BASHEIN. If I did, I was in error. My point was that they were primarily concerned with criminal and political activities.

Senator EASTLAND. You say criminal and political activities. What does the word political mean? That is Communist, is it not? Communist, Fascist, or Nazi?

Just state whether it is true, or false, what you said the other day.

Mr. ARENS. Before you do that, may I just ask you if you did not tell about a particular case in which you caused a reprimand to be made against a CIC agent who concluded his report that:

It is incomprehensible how this subject can be considered a displaced person—

and did you not testify that that was not any of the CIC's business?

Mr. BASHEIN. I did not say that I caused a reprimand. I say that I discussed it.

Mr. ARENS. Did you not say this:

It is not within his province to determine who is a displaced person. His province is, as I understand it, from extensive talks with headquarters as to the function of CIC, to give us as much information on the criminal and political activities.

Did I not ask you this question and did you not give this answer:

Question: Well, now, right at that point, may I pose this query: I understood you to say a few moments ago that the CIC, in your judgment, should not

inquire, in its investigation, as to whether or not the applicant is a displaced person within the purview of the law. Is that what you mean to tell the committee?

Answer by Mr. Bashein:

That is my opinion, sir.

Did I not pose this question to you, and did you not give this answer:

Question: Is it not a fact, at least in the operation of your area in Butzbach, that the only information available to the representatives of the Displaced Persons Commission respecting the eligibility of the applicant, other than the proposition of his criminality or subversive activities, is that information which is submitted by the International Refugee Organization or by the displaced person himself?

Answer by Mr. Bashein:

That is a correct statement, sir.

When did you decide that CIC could also investigate with reference to eligibility under the act?

Mr. BASHEIN. While the interrogation was going on I tried to bring out on two occasions that——

Senator EASTLAND. Is that statement a true statement that he just read?

Mr. BASHEIN. That is correct, sir; excepting that Mr. Arens was directing his questioning toward that facet of the CIC investigative report and I lost the thread of their full responsibility in respect to pointing up discrepancies in the IRO registration form.

Mr. ARENS. May I ask you: With whom did you discuss this testimony since you gave it the other day in the full committee room?

Mr. BASHEIN. When we went out into the hall——

Senator DONNELL. Mr. Chairman, I renew my suggestion that the witness answer the question.

Senator EASTLAND. He started to answer it.

Senator DONNELL. He is starting out with when he went out somewhere. I would like to know with whom he discussed it, and then he can explain it by any further statement.

Senator EASTLAND. Yes.

Senator DONNELL. Pardon me just a minute, Mr. Bashein. The point that I am making is that we, ourselves, could easily lose this thread that they speak of here if the witness continues along with a great, long statement, without answering the question. I would like to have the question answered and then he can make any explanation or supplementation thereafter. Would you read him the question again so that there is no question about it?

Senator EASTLAND. He knows the question.

Senator DONNELL. Do you know what it is?

Mr. BASHEIN. Yes, sir. I mentioned to Mr. Rosenfield when I went out into the hall——

Senator EASTLAND. Who is Mr. Rosenfield?

Mr. BASHEIN. Mr. Rosenfield is one of the three Commissioners of the Displaced Persons Commission.

Senator EASTLAND. Whom else did you mention it to?

Mr. BASHEIN. I spoke to him directly.

Senator EASTLAND. Whom else?

Mr. BASHEIN. There were several of the employees of the Displaced Persons Commission standing around and they heard the conversation. I did not address myself to anybody else.

Senator EASTLAND. To whom else have you mentioned it?

Mr. BASHEIN. I have not discussed this with anybody, sir.

Senator EASTLAND. Who else has mentioned it to you, then?

Mr. BASHEIN. Nobody has mentioned it to me, sir.

Mr. ARENS. Are you today undertaking to tell this committee that the CIC does make interrogations respecting the applicant's eligibility under the displaced-persons law, as distinguished from those areas pertaining to criminality or politically undesirable features?

Mr. BASHEIN. Not strictly, sir. They make investigations with respect to the information shown on the IRO registration form to show whether there are any discrepancies. If they should find a discrepancy in the nationality or the marital status or the date of entry, they would bring that to our atteion.

Mr. ARENS. If they bring it to your attention, was it not your judgment, at least, on March 7, 1950, that they were operating beyond the proper area?

Mr. BASHEIN. No, sir. I believe I stated affirmatively that where they supplied us with information in conflict with the information given on the IRO registration form, we would determine whether their information was based on the true facts and we would accept their decision in the circumstance.

Mr. ARENS. Mr. Bashein, did you not testify upstairs, in room 424 of the Senate Office Building, on March 7, 1950, with reference to a case which I was asking you about, in which you had taken exception to a report submitted by a CIC agent? May I ask you if you did not in the course of that testimony make the following statement with reference to this particular agent:

> Because I remember a more particular case—I do not remember the name of it—he evidently took exception to the fact that this person had been given displaced person's status by the IRO, and he ended up his report by saying:
> "It is incomprehensible how this subject can be considered a displaced person."

Senator EASTLAND. Wait a minute. Are the other witnesses in the room?

Mr. ARENS. I assume they are, Senator.

Senator EASTLAND. I would rather that they would invoke the rule here now of exclusion. The chairman of the committee, Senator McCarran, has requested that the other witnesses not be present while one witness is testifying. I think the request is logical.

Senator DONNELL. Requested by Senator Eastland, too.

Senator EASTLAND. I think the Commissioner should be permitted to stay here.

Senator DONNELL. May the record show that all three of the Commissioners are present, Mr. Chairman?

Senator EASTLAND. I think they should stay.

Senator DONNELL. Mr. Chairman, all three of the Commissioners are present, are they not, at this time? May the record show that they are to remain and they were welcome to remain?

Senator EASTLAND. Yes, sir.

(Whereupon, the witnesses left the hearing room.)

Senator EASTLAND. I want to make a request of the Commissioners. Our sole object to to bring out the facts. I am sure that that is what you gentlemen want.

Mr. CARUSI. There is no question about that.

Senator EASTLAND. I am going to request you now not to talk to any of these witnesses and not to give instructions to your subordinates, not to talk to them and not to make any suggestions to them about what is testified here, but to let each witness come here and tell his own story.

Mr. CARUSI. Is that going to happen with respect to the witnesses that this group calls?

Senator EASTLAND. That will happen to all witnesses.

Mr. CARUSI. Quite frankly——

Senator EASTLAND. Even as far as Senator Donnell is concerned, we want the facts, and that is all. And I do not think that your organization, in connection with statements that a witness prepares, should go over him and make suggestions or write it for him or doctor it up. That certainly applies also to Mr. Arens and the witnesses who were called committee witnesses.

I do not know what anybody is going to testify to.

Mr. CARUSI. There is this, Senator. It is the reverse of what you are suggesting. That is that, in some likelihood, I don't know, but I assume that some day I may come in to make a general statement on the thing, and I can tell now that I shall find it difficult to make that general statement unless I ask the questions first and get some facts. Does that preclude me from doing that?

Senator EASTLAND. Of course, it does not preclude you.

Mr. CARUSI. I have no intention, and I agree with you it would be quite improper for anybody, whether it is the Commission or anybody else, to try to direct or color or suggest the testimony of anybody else.

Senator EASTLAND. Let me ask you this question: I think the Commission should have been given copies of this record. Have you received copies of this record?

Mr. CARUSI. Yes; they have been coming. Thank you for them.

Mr. ROSENFIELD. Mr. Chairman, if there is any implication that any of the members of the Commission have been directing testimony——

Senator EASTLAND. There is no implication at all, just an admonition.

Mr. ROSENFIELD. I want the record to be clear about that, Mr. Chairman.

Senator EASTLAND. Are you Mr. Rosenfield?

Mr. ROSENFIELD. I am, sir.

Senator EASTLAND. Mr. Squadrilli tells me you edited his testimony.

Mr. ROSENFIELD. That is right, at his request.

Senator EASTLAND. At the request of a witness. I do not want that to happen any more. We just want to get the facts, the witness' own story.

Mr. ROSENFIELD. Does the evidence show that Mr. Arens also discussed the testimony with three witnesses before they came in?

Senator EASTLAND. I do not know. I am not blaming you about what happened in the past.

I am not blaming you or him for what happened in the past. That is not the question. It is not a fight between you and Arens, and it is not a fight——

Mr. ROSENFIELD. We are looking for the facts, Mr. Chairman.

Senator DONNELL. Mr. Chairman, I object to this gentleman interrupting the session of the committee. We are in regular session here.

Senator EASTLAND. He is not going to take the committee over. The point I am making is that henceforth I do not want that to happen any more from the Commission or from Mr. Arens.

Mr. ROSENFIELD. I beg your pardon, Mr. Chairman.

Senator DONNELL. I move the regular order, Mr. Chairman.

Senator EASTLAND. You may proceed.

Mr. ARENS. If the chairman please, I would like to back up and read again what I started to read in order to have it continuous here. Mr. Bashein, have you ever had any informal conversations with me at all.

Mr. BASHEIN. No, sir.

Mr. ARENS. Have you had any informal conversations with any member of the staff of the subcommittee, to your knowledge?

Mr. BASHEIN. No, sir.

Senator DONNELL. Has he had any conversations with anybody, formal or informal, with any members of the staff?

Mr. BASHEIN. No, sir.

Senator DONNELL. You have just come here and testified?

Mr. BASHEIN. That is right, sir.

Senator DONNELL. And you have not talked to any member of the staff?

Mr. BASHEIN. No, sir.

Mr. ARENS. On Tuesday, March 7, 1950, with reference to the CIC agent concerning whom you were then testifying, did you say with reference to him:

> He evidently took exception to the fact that this person had been given displaced-person status by the IRO, and he ended up his report by saying:
> "It is incomprehensible how this subject can be considered a displaced person."

Did you further say:

> It is not within his province to determine who is a displaced person. His province is, as I understand it from extensive talks with headquarters as to the function of CIC to give us as much information on the criminal and political activities.

Is that what you said?

Mr. BASHEIN. I said that, sir.

Mr. ARENS. Did you not say repeatedly through the record, did you not testify to the effect that the CIC function was not to delve into the matter of the applicant's eligibility under the displaced-persons law?

Mr. BASHEIN. I did say that, sir. But I also want to say, as I have tried to say continuously in this session——

Senator EASTLAND. Did you try to say something in this session and they did not permit you to testify?

Mr. BASHEIN. Yes, sir. Mr. Arens was directing his questioning at this one angle of the CIC investigative report.

Senator DONNELL. Mr. Chairman, I request again that the witness answer the question "Yes" or "No" and then explain. He gets off in

these long statements and I cannot keep the thread of them. Maybe everybody else can.

Mr. BASHEIN. I am sorry. I will try to be more responsive, sir.

Senator EASTLAND. Just answer it "Yes" or "No," and then explain.

Mr. BASHEIN. Yes, I made the statements, but I had in mind the thread of the complete obligation of the CIC with respect to its investigative report.

Senator EASTLAND. My question was: Did Mr. Arens refuse to permit you or did Senator Donnell refuse to permit you to make a full answer to the question and give full information? I want that answered.

Mr. BASHEIN. No.

Senator EASTLAND. Then tell me why you did not do that at that time?

Mr. BASHEIN. Because I was directing my attention to the specific question and lost the thread myself of what I wanted to say in amplification.

Senator EASTLAND. Now, I think the witness should be permitted to follow out the thread of his thought fully right now.

Senator DONNELL. I think so, too.

Mr. BASHEIN. That is why, at the end of the last session, I realized that I had not brought in the statement that the CIC checks the IRO registration form for discrepancies, and I was sorry for it, because it made my answer incomplete.

And when I stepped out into the hall, I said to Mr. Rosenfield and the group, "I overlooked something that I had been trying to bring in. Do you suppose I will get another chance to state that on the record?" And that is why, sir, this morning at the opening of this proceeding I made that statement after having requested your indulgence so to do.

Senator EASTLAND. All right.

Mr. ARENS. I would like, if the chairman please, to read two more questions.

Senator EASTLAND. If he is through, you may read the questions. Are you through?

Mr. BASHEIN. Yes.

Mr. ARENS. Did I not ask you this question in a subsequent part of your testimony—I have already read some of your testimony—did I not ask you this question:

Question. In other words, the CIC, the investigative agency of the Government, in its report does not produce factual material upon which it can be determined that the applicant is an eligible displaced person; is that right?

In other words, the CIC interrogation is in an entirely different area other than the area concerned with eligibility?

Answer. That is correct, sir. That is my understanding.

Question. Is that the way it operates in your area?

Answer. He is concerned primarily with finding out any criminal or political activities of the applicant.

Question. Is that the way it operates in your area?

Answer. I would say so.

Now, let us go over that again, just so the record can be perfectly clear. This is a question:

Is it your testimony—and do not let me lead you astray at all, and if I make a misstatement, stop me and correct me—is it your testimony here that the area

of operation, the development of facts by the CIC, does not deal with the eligibility of the displaced person under the displaced-persons law except with reference to such elements as black marketeering, subversive activities, crimes, and that type of thing?

Answer. That is my understanding, sir.

Question. Well, you are familiar with the operations in your area?

Answer. Yes.

Question. That is the way it operates in your area?

Answer. Yes, sir; it is.

Senator EASTLAND. That looks mighty plain to me.

Mr. ARENS. Let me read one more question and answer to follow this. This is the question:

Well, then, in other words, if the CIC does not develop factual material respecting the eligibility of the applicant under the displaced-persons law except with reference to subversives and undesirables, the only information which the Displaced Persons Commission has upon which to make its determination of eligibility is that information which is submitted to it either by the displaced person or by the IRO; is that correct?

Answer. That is correct, sir.

Question. Now, you are sure of yourself on that?

Answer. Yes.

Question. I have not misled you in any way?

Answer. No—

and so forth.

Senator EASTLAND. Mr. Bashein, in the light of that testimony, I think your answers were responsive. I think you had every opportunity, not once, but three times, to make a full discharge of everything. I do not see how you can testify that you lost the thread of your thoughts and left out something.

Mr. BASHEIN. Well, sir, I realized that, as I say, immediately at the conclusion of the hearing, that the CIC does check the IRO registration form in order to point out to us any discrepancies which they develop.

Senator EASTLAND. Where is the authority, though? Where is the authority to make that determination of eligibility? It is in the Displaced Persons Commission, is it not?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. Mr. Bashein, while we are still on this subject, before we get to another area of inquiry, in order to make the record perfectly clear, would you restate the elements of the Stein case, in which you had occasion to have a conversation with a representative of the CIC with reference to his report on the Stein case, his adverse report?

Senator EASTLAND. Is that already in the record?

Mr. ARENS. Yes, sir; but he is changing his testimony now.

Senator EASTLAND. All right, if he changed his testimony with reference to the Stein case, we will go ahead.

Mr. ARENS. I construe his testimony as being changed from what he said before.

Senator DONNELL. Mr. Chairman, I am going to confess that I have difficulty in following this thread you all have been talking about. I do not know whether he has changed it or not. I want to read his testimony over to see.

Mr. ARENS. What approaches or what conversations did you have with reference to the CIC with reference to the Stein case?

Mr. BASHEIN. I do not recall that I had any conversations with CIC with respect to the Stein case and I do not recall that it was so testified to in the last hearing.

Senator DONNELL. Mr. Chairman, might I interrupt just a moment, with Mr. Arens' consent?

Mr. Bashein, do you consider yourself that your testimony this morning is contrary to or inconsistent with what you testified before?

Mr. BASHEIN. No, sir. I consider that my testimony with respect to the area of operation of the CIC is in amplification of what I said last time.

Senator DONNELL. You do not think that your testimony this morning is contradictory to what you said?

Mr. BASHEIN. No. That is not my intention, sir.

Senator DONNELL. Do you think the testimony is this morning contrary to what you said the other day?

Mr. BASHEIN. I do not think so, sir.

Senator DONNELL. I do not know whether it is or not. As I said a minute ago, I cannot keep it in my mind as well as I wish I could.

I wonder if I could ask him a few questions at this point, Mr. Chairman.

Senator EASTLAND. Yes, sir. Proceed.

Senator DONNELL. Mr. Bashein, when a man's name is submitted to you as a prospective candidate for admission into this country as an eligible displaced person, I suppose the first thing to do is to find out, before you find out he is an eligible displaced person, to find out whether he is a displaced person at all; that is right, is it not?

Mr. BASHEIN. Yes, sir. The way in which we do that——

Senator DONNELL. I am coming to that in a minute. But if you have John Smith——

Mr. BASHEIN. We have an assurance which is submitted to us.

Senator DONNELL. Just a minute. Let me follow along there and see if I can get this in my own mind. Give me a specimen name of somebody. I used the American name. You tell me just a specimen name; somebody that over there might be called upon to become an eligible displaced person.

Mr. BASHEIN. Joseph Vencius.

Senator DONNELL. We will start out with Joseph Vencius. The name of Joseph Vencius is suggested to you as a person as to whom it should be determined whether he is to come into this country as an eligible displaced person. I assume—and if I am wrong in this, please correct me—that the first step to take is to find out whether he is a displaced person.

Mr. BASHEIN. That is correct, sir.

Senator DONNELL. The displaced person, as I understand it, under the Displaced Persons Act of 1948, is—

> any displaced person or refugee, as defined in annex 1 of the Constitution of the International Refugee Organization and who is the concern of the International Refugee Organization.

That is right, is it not?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Therefore, in determining whether Joseph Vencius is a displaced person, I assume that the first thing you find out is whether he is a displaced person or refugee, as defined in annex 1 of the Constitution of the International Refugee Organization; is that right?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. That definition of a displaced person or refugee is found in part 1 of annex 1 to the Constitution of the IRO. That is correct, is it not?

Mr. BASHEIN. I have no personal knowledge of that.

Senator DONNELL. I have it right here before me. Here is the definition of refugee, you will notice here, in part 1 of annex 1. That is right, is it not?

Mr. BASHEIN. Yes.

Senator DONNELL. Then the definition of displaced person is in section B of part 1 of annex 1; that is right, is it not?

Mr. BASHEIN. Yes.

Senator DONNELL. So in order to determine whether Joseph Vencius is a displaced person or refugee, as defined in annex 1 of the constitution of the IRO, somebody must make a determination as to whether Joseph Vencius fits into the definitions set out in section A and section B of part of annex 1 of the constitution; is that right?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Who makes the determination of all those facts in section A and section B of part 1 of annex I of the constitution? Who does that?

Mr. BASHEIN. IRO. The International Refugee Organization.

Senator DONNELL. IRO makes that determination. All right.

Mr. BASHEIN. Yes

Senator DONNELL. Mr Bashein, are you familiar with the contents in section A and section B of part 1 of annex 1 of the constitution? of the IRO?

Mr. BASHEIN. No, sir; not in detail.

Senator DONNELL. You are not familiar with it?

Mr. BASHEIN. No, sir; not in detail.

Senator DONNELL. Have there been furnished to you any forms or papers which inform you what is in those two sections?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Section A and section B?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. You are familiar with those?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. When Joseph Vencius' name is submitted to you, do you then send the name of Joseph Vencius over to the IRO?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. And you ask whether or not he is, first, a displaced person or refugee, as defined in that section A and section B of part 1 of annex 1 of the constitution; is that right?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. It sounds like the house that Jack built, does it not? You ask that, do you not? You ask for the facts on the form, as I understand it.

Mr. BASHEIN. We ask for documentation of Joseph Vencius, and as part of the documentation, there is submitted to us by IRO the registration form, and the imperative part, so to speak, of that registration form is a statement of the IRO, certified to by a class 1 international officer, who may be an American, a Frenchman, or Englishman, certifying that this person giving his name is a displaced person,

refugee, persecutee, as defined in annex 1 of the IRO constitution and is the care and concern of IRO. That must be signed.

Senator DONNELL. That is signed and that comes back from IRO?

Mr. BASHEIN. That is right, sir.

Senator DONNELL. We have noted here this morning that the definition of a refugee and of a displaced person, as defined in annex 1 of the Constitution, are in this section A and section B of part 1 and annex 1 of the Constitution.

Mr. BASHEIN. Yes, sir.

Senator DONNELL. And you sent over to the IRO the name of Joseph Vencius, and you get back a certificate that the man is a refugee or displaced person, as defined in annex 1 of that Constitution; is that right?

Mr. BASHEIN. Yes, sir. May I interrupt for one moment?

Senator DONNELL. Certainly.

Mr. BASHEIN. If the man is not a displaced person, refugee, or persecutee, then IRO sends us a different kind of report, saying that he does not come within the definition of a displaced person and that case is immediately canceled.

Senator DONNELL. The second element under the Displaced Persons Act of 1948, in determining whether a person is a displaced person is whether or not this individual is the concern of the International Refugee Organization. The conditions under which a refugee and a displaced person will become the concern of that Organization are set forth in section C of part 1 of annex 1 of the Constitution, are they not?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. I am calling those to your attention by my pencil at this moment. That is correct, is it not?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Very well. That section C runs to the bottom of page 67 of this booklet, which is Report No. 950 of the Senate of the Eightieth Congress, second session. That is right, is it not?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. I understand that you get back from IRO the certificate which says that he is a refugee or displaced person, as defined in said annex 1, and that is also a person who is the concern of the International Refugee Organization; is that right?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. I am talking about the man, now, who has an affirmative statement from IRO. We will leave out the fellow who has the negative one for the moment.

Mr. BASHEIN. Yes.

Senator DONNELL. There are quite a number of things here. In fact, this runs in small type for a page and a third, I should judge, of this Senate Report No. 950, which enter into those determinations of those two points, namely, whether Joseph Vencius is a displaced person or refugee, and, secondly, whether he is the concern of IRO. That is correct, is it not?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. As to all those things, what you get back from IRO do you accept tentatively as being conclusive?

Mr. BASHEIN. Yes, sir. We accept those tentatively in our preliminary determination of eligibility.

Senator DONNELL. You accept them tentatively. I want to follow that up in a moment as to what you do ultimately.

Mr. BASHEIN. Yes, sir.

Senator DONNELL. The determination of all these facts entering into whether or not a man comes within the term of refugee or displaced person and is the concern of the International Refugee Organization is thus made by individuals in an organization which is not a United States of America organization.

Mr. BASHEIN. Yes, sir.

Senator DONNELL. It is true, of course, that the United States of America contributes a very large proportion of the expenses of that organization.

Mr. BASHEIN. Yes, sir; and has some personnel on there.

Senator DONNELL. But the organization is an international organization.

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Composed of quite a number of nations of the world; is that right?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. The determination of all these things, then, beginning with part 1 on page 66 and running through the entire page 67 of this Senate Report No. 950, is made by that organization, IRO; that is correct, is it not?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Suppose you get back an affirmative report from IRO as to Joseph Vencius, you have another step to take, have you not, namely, to find whether he is an eligible displaced person under the Displaced Persons Act of 1948?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. You have read that act, I assume?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. And you are familiar with that?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Let me ask you this: Suppose you get back the report from IRO that you have told us about, the certificate that the person is a displaced person and is the concern of the International Refugee Organization; suppose that you have reason to think that that statement by IRO is wrong. What do you do then? Do you just accept IRO finally?

You said you accept it tentatively. Do you accept it finally if you think there is something wrong with that certification?

Mr. BASHEIN. As I recall my instructions, we are to accept this certification as prima facie.

Senator DONNELL. Prima facie?

Mr. BASHEIN. Yes; subject to any contrary information that may be developed.

Senator DONNELL. Do you take any steps to develop whether there is any contrary information to that called for in this part 1, on pages 66 and 67 of this Senate Report No. 950?

Mr. BASHEIN. Yes, sir. There might be occasions when the facts shown on the report do not substantially show that the conclusion

of IRO was correct, in which case we would send it back to them to confirm that and to point out what we might think deprives that person of the IRO eligibility. I can even cite an example of that, sir.

Senator EASTLAND. Where is the authority, though? The authority is in IRO. You send it back and point out to them.

Mr. BASHEIN. Yes, sir.

Senator EASTLAND But they make the final decision?

Mr. BASHEIN. No, sir. If we are not satisfied because of some doubts raised, we would not accept their final decision.

Senator EASTLAND. You do not even interview him; do you?

Mr. BASHEIN. No, sir; not unless there is a question. Then we may interview him.

Mr. ARENS. Any question that might arise in your mind on the case would be a question which was derived from a file which IRO handed you?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. Then if the file which IRO handed you was all right on the face of it, you would not go behind that?

Mr. BASHEIN. No, sir.

Senator DONNELL. Mr. Bashein, do you have with you here a form of the certificate that you get back from the IRO stating whether or not this man is a displaced person or refugee, or whether or not he is the concern of the organization?

Mr. BASHEIN. Yes, sir; I have here an instruction bulletin.

Senator DONNELL. I am talking about the form. I would just like to stay right along this line. Do you have a specimen form of what you get back from IRO?

Mr. BASHEIN. I have not got an actual form. All I have here is an instruction bulletin from our Frankfurt headquarters of the Displaced Persons Commission, setting forth the language in which IRO must certify——

Senator DONNELL. Do you have that right here?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Let us see that.

Mr. Bashein, the chairman would like to ask you a question along some other line. We will suspend at this point on this subject, but I would like to resume later.

Senator EASTLAND. Mr. Bashein, I am reading from testimony in this hearing:

Benzce Stein, No. 25774: The IRO report says he was rejected by Canada for immigration, also rejected by United States previously. He and his brother Moses allegedly acquired false documents for the purpose of immigration. Possesses illegal kennkarte.

This is a German identity card.

This party is quoting:

Estimated to have 1,000,000 reichsmarks, acquired through large-scale black-market activities. Before currency reform in June 1948, bought quantities of goods, plus automobile. Estimated at present (August 16, 1948) to have $50,000 United States dollars result of black marketing in Ulm. Refused visa from consul at Stuttgart because of false documents.

It winds up with:

Counter Intelligence Corps wishes to be notified if subject will proceed to the United States.

I want to know if you approved that man for entry into this country as a displaced person, and I want you to answer that question "Yes" or "No," sir.

Mr. BASHEIN. Yes.

Senator EASTLAND. Did you answer "Yes?"

Mr. BASHEIN. Yes.

Senator EASTLAND. All right, now can you explain it.

Mr. BASHEIN. The case was favorably considered and a report prepared submitting it to the American vice consul for further action.

Senator EASTLAND. And the vice consul stopped him, because he was a criminal, but as far as you were concerned you approved him?

Mr. BASHEIN. The vice consul had the case at subsequent——

Senator EASTLAND. I want you to think about your answers now. You are under oath. I want you to think about your answers when you talk about the consul.

Mr. BASHEIN. The vice consul had the case after we submitted it to him and my recollection is that I recalled it from the vice consul for reconsideration.

Senator EASTLAND. You recalled it from him?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. Is it not true that the vice consul refused the visa, because he was a criminal? Is that not the truth of the matter?

Mr. BASHEIN. No; I do not believe so.

Senator EASTLAND. But you did pass him; you did approve him?

Mr. BASHEIN. Yes; in the first place.

TESTIMONY OF JOHN W. CUTLER, ANALYST, DISPLACED PERSONS COMMISSION IN EUROPE—Resumed

Senator EASTLAND. Mr. Cutler, stand up sir. Are you an employee of the Displaced Persons Commission?

Mr. CUTLER. Yes, sir.

Senator EASTLAND. You have been previously sworn and are under oath; is that right?

Mr. CUTLER. Yes, sir.

Senator EASTLAND. What position do you hold?

Mr. CUTLER. Well, I was an analyst.

Senator EASTLAND. You testified—and I am reading from the record:

> While we were in this meeting on June 21—can I add something else to what was said? Mr. Bashein said we must all testify that all applicants are of good character or behavior, or else—

Quoting him—

> if you cannot reconcile that with your conscience, quit the job.

I would like to ask you, sir, if this man here is the Bashein who made that statement.

Mr. CUTLER. Yes, sir. That was in regard to cases of black marketing that I didn't want to pass and neither did some of the other fellows.

Senator EASTLAND. Where was that meeting about which you testified?

Mr. CUTLER. Butzbach.

Senator EASTLAND. Where he was present and he told you that if you could not pass those applicants as people of good character and reconcile it with your conscience to quit your job. Those were the instructions to you and whom else?

Mr. CUTLER. Mr. Chaig, Mr. Gullion, Mr. Tierney, Mr. Martinell, Mr. Barron.

Senator EASTLAND. Right there I want to ask Mr. Bashein this question—and you are under oath, sir—is that statement correct?

Mr. BASHEIN. No, sir; it is not.

Senator EASTLAND. What did you say, then?

Mr. BASHEIN. If you will notice, Mr. Cutler qualified his answer when he said that I had made the statement with respect to black marketing.

Senator EASTLAND. Did you make it with respect to black marketing?

Mr. BASHEIN. I do not recall this particular occasion which he mentions, but on numerous occasions I told the staff that the policy of headquarters was to overlook small black marketing.

Senator EASTLAND. Such as the Stein case?

Mr. BASHEIN. No.

Senator EASTLAND. You did not overlook that one?

Mr. BASHEIN. The Stein case is in another category, sir.

Senator EASTLAND. It is black marketing. What is the other category?

Mr. BASHEIN. The Stein case was a case in which there was no conviction for black marketing.

Senator EASTLAND. Did there have to be a conviction in a criminal court for black marketing before a black-market criminal was barred from this country, sir? Was that your policy?

Now answer my question. There would be no conviction. I asked you if, before you refused to approve a black marketeer for entrance to the United States as a displaced person, there had to be a conviction in a criminal case?

Mr. BASHEIN. Yes, sir. There had to be a conviction in a criminal court or very good evidence to the effect that he was a black marketeer—more than mere estimates.

Senator DONNELL. Just a minute, Mr. Chairman. I do not think he finished. Did you finish?

Mr. BASHEIN. Other than mere estimates.

Senator EASTLAND. Such as statements by the Counter Intelligence Corps? You did not take them; did you?

Answer my question.

Mr. BASHEIN. I don't know how to answer it, sir, because there are several parts to it.

Senator EASTLAND. Just tell the truth.

Mr. BASHEIN. That is what I am endeavoring to do, sir.

Senator EASTLAND. Let us get it. Read him the question.

(The pending question, as above recorded, was read by the reporter.)

Mr. BASHEIN. No, sir; I did not take the Counter Intelligence Corps statements.

Senator EASTLAND. From the Counter Intelligence Corps of the United States?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. Did you take an oath when you became employed by the Displaced Persons Commission?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. That oath provided you to enforce the laws of this country?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. Did that include the Displaced Persons Act of 1948?

Mr. BASHEIN. That included every function.

Senator EASTLAND. Do you know what is in the Displaced Persons Act?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. Where is the burden of proof?

Mr. BASHEIN. On the applicant.

Senator EASTLAND. Then why did you not take that, sir?

Mr. BASHEIN. Because in that case I made an error, which I was able to correct subsequently.

Senator EASTLAND. You have stated that your policy was that in black-market cases you overlooked black-market activities. Now, those were criminal activities; were they not?

Mr. BASHEIN. Small black market cases.

Senator EASTLAND. But yet you passed Stein.

Mr. BASHEIN. I said, sir, that that was an error.

Senator EASTLAND. You say small black-market activities. Those were criminal acts; were they not?

Mr. BASHEIN. No, sir. It has been held that small black marketing by——

Senator EASTLAND. Held by whom?

Mr. BASHEIN. Laid down to us as policy by headquarters.

Senator EASTLAND. Do you mean by the Commission here? Is that what you mean?

Mr. BASHEIN. By the Commission in Frankfurt.

Senator EASTLAND. By Squadrilli?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. That you would overlook small black-market activities?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. But yet the responsibility was on you, was it not, to enforce this law?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. And this law placed the burden of proof on the applicant and he was to be a man of good moral character, was he not?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. Yet you condoned criminal activities; that is what you are saying, is it not?

Mr. BASHEIN. No, sir; I did not condone criminal activities.

Senator EASTLAND. Black-market activities are not criminal activities, sir?

Mr. BASHEIN. Small black-market activities are not considered criminal.

Senator EASTLAND. Are they criminal acts? Answer my question "yes" or "no."

Mr. BASHEIN. No. Small black-market activities are not criminal acts.

Senator EASTLAND. Is it in violation of the law?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. They are criminal acts, then, are they not? You know the difference between right and wrong now, Mr. Bashein, and you can answer that question.

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. Then they are criminal acts, are they not?

Mr. BASHEIN. Yes; in the same sense that a violation of an ordinance is a criminal act.

Senator EASTLAND. I certainly disagree with you there, sir. Did you have four people under you go to Frankfurt to complain about the way you were conducting your area?

Mr. BASHEIN. Yes; but I would like to explain the circumstances of it.

Senator EASTLAND. I will ask you this question.

Mr. BASHEIN. If you will permit me——

Senator EASTLAND. I am going to permit you, sir, but I am going to direct the questions. Were those men transferred to another area?

Mr. BASHEIN. Three of them were eventually transferred.

(Witness Cutler left the hearing room at this point.)

Senator EASTLAND. You may proceed. The record is that four of them went to Frankfurt to headquarters and complained about your activities, the way you were running the office in your area, and three of them were transferred.

Were the conditions that they complained about rectified?

Mr. BASHEIN. You said, sir, that you would permit me to explain the circumstances of their going to Frankfurt.

Senator EASTLAND. I will permit you, but I am in charge of this questioning, and I am going to decide when you are going to make an explanation and I am going to give you every opportunity to do so.

Mr. BASHEIN. You asked whether the conditions were rectified.

Senator EASTLAND. Yes, sir; the conditions of which they complained.

Mr. BASHEIN. The conditions of which they complained were not rectified, because they were upheld by the Frankfurt headquarters.

Senator EASTLAND. All right; you can make any explanation you want to.

Mr. BASHEIN. All right, sir.

I should like to point out when most of the employees for overseas duty of the Displaced Persons Commission were engaged here in Washington, they were told that when they went to Europe they would do the selection of applicants—in other words, they would be sort of circuit riders going around to various camps—and that they would pick out the people who would come to the United States.

Mr. Cutler in particular was very much disappointed when he was assigned to duty in Butzbach that he could not go to the highways and byways——

Senator EASTLAND. Wait a minute. This is a question of word between you and Mr. Cutler and I want Mr. Cutler present.

(Witness Cutler was summoned to the hearing room.)

Senator EASTLAND. Mr. Cutler is present now. Will you go back and repeat what you just said?

Mr. BASHEIN. May I have the stenographer read it, sir?

Senator EASTLAND. Certainly.

(The record was thereupon read by the reporter, as above recorded.)

Mr. BASHIEN. And select prospects for immigration to the United States, because it had been determined on account of the mass assurances which were being sent in that the selection was in effect being done by the sponsors in the United States and that our function was to obtain such information as was necessary under the law for submission to the consul for use in his discretion as to whether to issue a visa.

Thereafter, in the handling of cases for preliminary selection, Mr. Cutler frequently raised the question of bringing in applicants for personal interview. Because of the difficulties of transportation, billeting, and messing of applicants by IRO when they were to be called in for interview, I was instructed by Frankfurt headquarters to reduce interviews to a minimum and only to interview applicants in such cases where I considered it necessary.

Senator EASTLAND. The policy was, then, that people who were selected to come to the United States, that they were not even interviewed by the selectors and by the Displaced Persons Commission?

Mr. BASHEIN. That is right, sir.

Senator EASTLAND. All right.

Mr. BASHEIN. Along about the middle of December, on a Saturday morning——

Senator EASTLAND. Why were these three men transferred?

Mr. BASHEIN. You said, sir, that you would permit me to make the statement.

Senator EASTLAND. All right.

Mr. BASHEIN. Along about the middle of December, on a Saturday morning, I went into Frankfurt headquarters to discuss some general matters, and I found there four members of my staff, Mr. Cutler, Mr. Gullion, Mr. Forbes, and Mr. Korfonta. They had come to see Mr. Squadrilli without my knowledge, and Mr. Squadrilli called me into the room with them.

Mr. Cutler then presented his case to the effect that he was not being permitted to interview everybody that he wanted to and Mr. Squadrilli told him that the senior officer, which was myself, was in charge, that I would make the determination as to who was to be called in for interview.

The interview with Mr. Squadrilli and the four members of the staff was rather short. They departed.

Subsequently, Mr. Forbes and Mr. Korfonta apologized to me for having gone in, stating that they did not know the purpose for which Mr. Cutler had invited them to go along with him to Frankfurt.

Senator EASTLAND. That does not make sense. What you say now does not make sense. How far is Butzbach from Frankfurt?

Mr. BASHEIN. Twenty-five miles, sir.

Senator EASTLAND. They made a trip of 25 miles to lodge a complaint about their superiors and you say two of them did not know what they were going to complain about?

Mr. BASHEIN. That is right, sir.

Senator EASTLAND. You do not ask this committee to believe that, do you?

Mr. BASHEIN. I do, sir. Both of these men are alive and I am sure that they will testify as to the truth of my statement.

Senator EASTLAND. Why were these men transferred?

Mr. BASHEIN. We would have to take it up categorically. Mr. Cutler—Do you want Mr. Cutler to be present at this?

Senator EASTLAND. I want Mr. Cutler to be present at whatever you say about him.

Mr. BASHEIN. All right.

From the very beginning, Mr. Cutler was unreconciled to the whole DP program.

Senator EASTLAND. But he was given a promotion; was he not?

Mr. BASHEIN. I will come to that, sir.

During the first month of operation, we had very few cases. We were organizing the office and I endeavored to obtain from him certain administrative services in connection with assisting me to organize the office, the same as I requested from the other two men who were there in the beginning. He was very uncooperative and I had to relieve him of duties with respect to supply or transportation, which I had asked him to take care of.

He proceeded throughout to indicate his discontent with everything that was going on, going into very minute things, which are almost childish, such as the fact that certain forms to be filled out by a selector had to be done in ink. He persisted in doing them in pencil. When I pointed out the requirement to do them in ink, he said he had no fountain pen. I said I would provide him with Government ink and pen, and he said he could not use that.

Senator EASTLAND. What you are saying, sir, is that Mr. Cutler was an inefficient employee; is that what you are saying?

Mr. BASHEIN. No, sir. I am not saying that he was inefficient. I am saying that he was rebellious, discontented, and obstructive.

Senator EASTLAND. Then why was he promoted?

Mr. BASHEIN. I am coming to that, sir.

Senator EASTLAND. I want you to answer that question right now.

Mr. BASHEIN. He was eventually promoted, because he had told me that he had a change of heart; that he understood that the requirements which I was laying down to the staff were not of my making.

Senator DONNELL. You say he was eventually promoted. When was that?

Mr. BASHEIN. He was promoted, I think, in May or June, about 5 months later.

Senator DONNELL. This is December you are speaking about, when the Frankfurt matter took place, December 1948?

Mr. BASHEIN. That is right, sir.

Senator DONNELL. And Mr. Cutler was promoted about May of 1949?

Mr. BASHEIN. That is right, sir.

Senator DONNELL. Very well.

Mr. BASHEIN. When he indicated his willingness to go along and to conform with policies laid down by headquarters, and I had need of another man to do case analysis, because I knew he had the ability, I assigned him to that work. And because of the fact that in doing that work he was entitled to more pay, I recommended him for an adjustment of grade and salary.

Does that answer your question, sir?

Senator EASTLAND. You were explaining. You have answered the question and you were making an explanation. I am listening to the explanation. Is that all that you desire to say on that?

Mr. BASHEIN. That is all with respect to the promotion.

Senator EASTLAND. Is there any other explanation you desire to make?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. Go ahead.

Mr. BASHEIN. After his return from the Frankfurt headquarters——

Senator DONNELL. Was that in December 1948?

Mr. BASHEIN. In December 1948.

Mr. Squadrilli indicated to me that he had a question in his mind as to whether to retain Mr. Cutler further on the staff, because of the fact that Mr. Cutler was going home in January on leave, as previously arranged, because his wife was to give birth. Because I felt that I could eventually persuade him of the justice of the policy of headquarters, I was unwilling to go along with Mr. Squadrilli's idea of terminating Mr. Cutler. And the night before Mr. Cutler departed for America, which was early in January 1949, we had a talk, at which time he agreed that he understood that the policies laid down were those of headquarters and not of myself, and that he would go along.

When he came back after several weeks, he proceeded to do his duties and then came the time when I needed another analyst. However, after the period when he had been promoted as analyst, he requested a leave in order to go on a little tour with his wife. And during his absence the consul returned to me several cases in which Mr. Cutler had written the Commission report and, in writing it, had so evaded the requirements of the law and of the Commission that the consul could not entertain the reports.

In other words, in the statement required in the report that the applicant is of good character, Mr. Cutler had omitted that statement; had put in an asterisk, and down at the bottom in one case he said the person had come in voluntarily and, therefore, was not a displaced person.

Senator EASTLAND. If he did not think that an applicant was a person of good character, was it not his duty by the Government of the United States to so say in the report?

Mr. BASHEIN. No, sir.

Senator EASTLAND. Why was it not?

Mr. BASHEIN. Mr. Cutler had three options in the handling of a case. He could pass upon the case favorably and write a report, which would go to the consul, or he could put a memo that the case

was to be rejected, or he could request further information. He had three options.

Senator EASTLAND. He did not have an option, then.

Mr. BASHEIN. He had three options.

Senator EASTLAND. Listen to my question, now. He did not have an option, under the directives laid down by the Displaced Persons Commission to say, as a selector, whose duty it was to select people to come to this country as displaced persons, that the applicant was not a man of good moral character; did he?

Now answer my question "Yes" or "No."

Mr. BASHEIN. I cannot answer that particular question "Yes" or "No," sir, because we are dealing in two different areas. I am speaking of his work as an analyst and you go back to speak of his work as selector. As a selector he also had three options.

Senator EASTLAND. I asked you what the policies laid down by the Displaced Persons Commission were.

Mr. BASHEIN. He had three policies as a selector. He could pass a case, he could recommend that it be rejected or disqualified, or he could ask for further information.

Senator EASTLAND. And he did not have the option to state that a man was of good moral character?

Mr. BASHEIN. The question of good moral character comes into the writing of the Commission report by the analyst, not on the selector's level.

May I take the liberty of explaining to you, sir?

Senator DONNELL. Pardon me, but what was Mr. Cutler? A selector or analyst?

Mr. BASHEIN. In the beginning he was a selector.

Senator DONNELL. When did he become an analyst?

Mr. BASHEIN. Sometime in April or May.

Senator DONNELL. Of what year?

Mr. BASHEIN. Of '49.

The work is departmentalized. When the documentation is first submitted by IRO it is sent to the selector, who determines preliminarily whether the applicant is eligible. Then the case is sent to CIC. When the report comes back from CIC it goes to the analyst, who then makes a determination of final eligibility.

So that in his work as a selector he has no information as to whether the person is of good, bad, or indifferent character.

Senator EASTLAND. Was Mr. Craig employed by you?

Mr. BASHEIN. He was.

Senator EASTLAND. I am going to read you something:

Mr. ARENS. Then you are bound by the IRO certfication?
Mr. CRAIG. We are.
Mr. ARENS. Was the Bashein directive effective in the French zone?
Mr. CRAIG. No. No, it was in the American zone.

Now, that is preliminary. Here is what I want you to answer, sir:

Mr. ARENS. Under the Bashein directive, was the Counter Intelligence Corps ordered to investigate the date line and not to investigate black market activities?
Mr. CRAIG. The only thing I know on that is that the statement which Mr. Bashein made at this meeting I have referred to, that there will be no more derogatory reports given.

Is that testimony true, or is it false?

Mr. BASHEIN. It is absolutely untrue and ridiculous, if I may say so, sir. Mr. Craig never officially saw a CIC report, because he only worked on the selection.

Senator EASTLAND. That was not what he said, now. Let us not do Mr. Craig an injustice.

Mr. BASHEIN. Please let me continue.

Senator EASTLAND. I know, but you are stating that he did not do anything about a directive. That was Mr. Arens' statement.

Mr. CRAIG. The only thing I know on that is that the statement which Mr. Bashein made at this meeting I have referred to, that there will be no more derogatory reports given.

Did you make such a statement?

Mr. BASHEIN. I did not make such a statement, ever. It was not within my power, by the furtherest stretch of the imagination, to make such a statement.

You must remember that I am only an employee of the Displaced Persons Commission, that I exercise no dominion or control over the CIC, and that it would have been absurd for me to have said there will be no more derogatory reports.

Senator EASTLAND. Did you admit complaining to CIC about one of their men in your previous testimony?

Mr. BASHEIN. I did not, sir. All I stated was that I had reported to my headquarters about the nature of reports that a certain CIC agent was writing.

Senator EASTLAND. Mr. Bashein, how long have you been employed by the Displaced Persons Commission?

Mr. BASHEIN. Since October 4, 1948.

Senator EASTLAND. Where were you employed before that time? What is your business?

Mr. BASHEIN. I originally, since my discharge from the Navy, was engaged in real-estate and construction business.

Senator EASTLAND. Where?

Mr. BASHEIN. In New York and New Jersey. Subsequently, in 1942, I was with the Defense Plant Corporation, a subsidiary of RFC, as division engineer in charge of defense-plant construction in Brooklyn and Queens.

Thereafter, in 1945, I went to Europe as a representative of the American Joint Distribution Committee, working first in Germany on the welfare program.

Senator EASTLAND. Was it their job to get displaced persons into the United States?

Mr. BASHEIN. No, sir. They did not go into an immigration program until later and I had nothing whatever to do with their immigration activities.

Senator EASTLAND. Did you work for them?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. While they did have an immigration program?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. But you were not in that division?

Mr. BASHEIN. I had no contact with it whatsoever.

Senator EASTLAND. Mr. Cutler.

Mr. CUTLER. May I make a statement?

Senator EASTLAND. Yes, sir.

Mr. CUTLER. In view of the fact that I have been charged as being inefficient in my duties and so on, I would like to say two things: One is that I would like you to ask the senior officer of Munich if he had found any fault in my work, who is here; and, two——

Senator EASTLAND. The fact that you were given a promotion, sir, after this occurred, is persuasive.

Mr. CUTLER. And, two, on the point of writing those reports in pencil, the reason I did that was that on a lot of these cases that I wanted to reject and recommend for rejection, they were passed in any case, so I took that means of doing it; which was irregular, I admit.

Senator EASTLAND. But then why did you do an irregular act? Was it to protect your country?

Mr. CUTLER. Yes.

Senator EASTLAND. What kind of people was it that you wanted to turn down?

Mr. CUTLER. Well, some of these black-marketing cases.

Senator EASTLAND. Were they all trivial black-marketing cases, as he has testified

Mr. CUTLER. I think if you could read my testimony on it——

Senator DONNELL. Cannot you tell us, Mr. Cutler, without reference to your testimony, whether they were trivial cases, or not?

Mr. CUTLER. I didn't consider them trivial; no, sir. In other words, I considered that if a man had been fined 15,000 Deutschmarks and had been bringing coffee in from outside, I considered that illegal, in my opinion.

Senator EASTLAND. Did you turn those people down?

Mr. CUTLER. I attempted to turn them down.

Senator EASTLAND. Did you approve them?

Mr. CUTLER. So far as I know, that particular case was approved. That was the Kramer case.

Senator EASTLAND. Mr. Bashein, I think that it is fair, where these conflicts are, to iron them out, they can be ironed out, if they can be reconciled. I want to ask you about this:

Mr. ARENS. Did Mr. Bashein indicate in this staff conference that he was the moving force which caused the transfer of the CIC man who had been giving the derogatory reports?

Mr. CRAIG. He did.

Mr. BASHEIN. That is absolutely untrue, because I have no knowledge of any CIC man working in the four CIC regions from whom we obtained reports ever being transferred.

Mr. CUTLER. I was present at that meeting, and as I recall, the words were—Mr. Bashein did not say that he himself, but he said the CIC man had had his ears pinned back—I remember those words distinctly—for making reports such as—and then the reports that he had been making. And this man was from Berlin. His name was Oeherin. Then he was subsequently transferred.

However, that should be checked.

Senator EASTLAND. Let me check the testimony.

Mr. CRAIG. He said that individual that had been giving these derogatory reports, that he had put pressure on, and that the individual who had been giving these derogatory reports had been transferred.

Senator GRAHAM. He had put the pressure on whom?

Mr. CRAIG. On the CIC.

Mr. BASHEIN. That is absolutely untrue, for the reason I have stated before. What Mr. Cutler says is correct, that I had stated——

Senator EASTLAND. Call Mr. Craig.

(Witness Craig was summoned to the hearing room.)

Senator EASTLAND. That he had had his ears pinned back?

Mr. BASHEIN. Yes, ears pinned back.

Senator EASTLAND. A Counter Intelligence Corps man of your country, sir, was giving derogatory reports and you wanted to get these people into this country?

Mr. BASHEIN. No, sir. It was undoubtedly a poor choice of words, but what had happened——

Senator EASTLAND. I should say it was, sir.

Mr. BASHEIN. Will you permit me to——

Senator EASTLAND. Yes, sir.

Mr. BASHEIN. I had informed the Frankfurt headquarters of the nature of the reports being made by this man. Frankfurt headquarters had notified the head of the whole CIC operation dealing with the Displaced Persons Commission.

I heard that the head of the CIC had personally gone to Berlin and had discussed with this agent the nature of the reports that he was making and had instructed him to follow the standard operating procedure in the future with respect to making reports.

I admit, sir, that possibly my language in talking to my staff was not as choice as it should have been when I said he had had his ears pinned back.

With respect to the matter of his transfer, may I say this: That his tour of duty was expiring shortly thereafter, that I met him in Berlin, that we enjoyed the most cordial relations, that he told me he was going back to the United States. I had nothing whatever to do——

Senator EASTLAND. Now you make those statements, but what was the purpose in your telling your staff at the meeting, as you admit you did, that a Counter Intelligence Corps man who had been making derogatory reports had gotten his ears pinned back?

Mr. BASHEIN. Because, sir, he was going into areas which were based, as I said in my testimony last time, that were not supported by facts.

Senator EASTLAND. Yes; but that did not have anything to do with your relations with your staff.

Is this not the truth now—now listen to me—that you told your staff that in an attempt to impress them of your power that they were to rush these people through regardless of their standing or regardless of what they had done?

Mr. BASHEIN. No, sir.

Senator EASTLAND. Then why did you tell your staff that?

Mr. BASHEIN. Because my staff was very properly affected by the type of report that this man was submitting, and I told them——

Senator WITHERS. I want you to answer one question. What do you mean by that term "had his ears pinned back"? What would that indicate? You tried to convey some thought or idea by that kind of expression.

Mr. BASHEIN. That he was instructed by his superior officer to confine his reports to the standard operating procedure laid down by the CIC in connection with the Displaced Persons Commission.

Senator EASTLAND. Who had gone to his senior officer? Did you go to his senior officer?

Mr. BASHEIN. No, sir.

Senator EASTLAND. Who did?

Mr. BASHEIN. Somebody in Frankfurt headquarters.

Senator EASTLAND. How did you know he had gotten his ears pinned back? Where did you get that information?

Mr. BASHEIN. I had subsequently heard from my Frankfurt headquarters that the Chief of the CIC had personally gone to Berlin to see this man.

Senator EASTLAND. Who had contacted him to do that? Somebody had put the heat on him. That is what you are saying.

Mr. BASHEIN. I do not know what took place after I notified my Frankfurt headquarters.

Senator WITHERS. Did you want to discredit him with your men?

Mr. BASHEIN. No; I didn't want to discredit him.

Senator WITHERS. Would not that have a tendency to discredit him, to say he had had his ears pinned back?

Mr. BASHEIN. I admit, sir, that it was an unfortunate choice of words.

Senator WITHERS. Did you do so at the time?

Mr. BASHEIN. No, sir. It was one of those slips of the tongue. But I had a personal conversation with the CIC agent in Berlin; an informal, friendly conversation. The first time that I went to Berlin, I pointed out to him that he was writing reports of a different character than all of the other agents in all of the other regions.

Senator EASTLAND. But you said these were derogatory reports and you said he got his ears pinned back for it.

Now, is it not true that you told your staff that to impress your staff that they were to pass favored people regardless?

Mr. BASHEIN. No, sir.

Senator EASTLAND. Is not that what a logical man would think when a superior officer tells his staff something like that?

Mr. BASHEIN. The purpose of my telling my staff that was because they had been so affected by the type of reports that this man was writing.

Senator DONNELL. So that you wanted to discredit him thereafter, did you not?

Mr. BASHEIN. No, sir; that I wanted to convey to them that thereafter he was to stay in the standard operating procedure.

Mr. EASTLAND. Do you let your employees see your files on cases there?

Mr. BASHEIN. The employees of the Displaced Persons Commission?

Senator EASTLAND. Yes, sir.

Mr. BASHEIN. Every file is open to any member of the Displaced Persons Commission, at any time.

Senator EASTLAND. What about the voluntary agencies; do they have access to your files?

Mr. BASHIEN. No person not in the employ of the Displaced Persons Commission—you asked me a question, sir, and I endeavored to answer. You asked me did any voluntary agencies have——

Senator EASTLAND. I thought you answered that, that they did not.

Mr. BASHEIN. No voluntary agency and no person not employed by the Displaced Persons Commission had any right or authority or power or access to our files.

TESTIMONY OF LOUIS CRAIG, SELECTOR, DISPLACED PERSONS COMMISSION IN EUROPE—Resumed

Senator EASTLAND. Mr. Craig, you have heard your name mentioned in this testimony.

Mr. CRAIG. Today?

Senator EASTLAND. Yes.

Mr. CRAIG. No.

Senator EASTLAND. Anyway, I am going to read you your testimony. By whom are you employed?

Mr. CRAIG. Displaced Persons Commission.

Senator EASTLAND. Where are you stationed?

Mr. CRAIG. Rastatt, Germany.

Senator EASTLAND. Who is your superior officer?

Mr. CRAIG. Alfred Gardner.

Senator EASTLAND. Were you under Mr. Bashein?

Mr. CRAIG. I was under Mr. Bashein from April 28 until September 28, 1949.

Senator EASTLAND. Has anybody connected with the Displaced Persons Commission attempted to talk to you about this hearing?

Mr. CRAIG. No, sir.

Senator EASTLAND. I want to read you some testimony.

Mr. CRAIG. I might amend that a little bit. We have discussed among ourselves the—just generalities, nothing in——

Senator EASTLAND. Yes, I see. Now, here is the testimony I want to read:

Mr. ARENS. At Butzbach, were you, as an employee of the Displaced Persons Commission, permitted to be in the file room where the files were?

Mr. CRAIG. Not after sometime in June, I think.

Mr. ARENS. Were other employees in the same category as yourself, other selectors or case analysts, permitted in the file room?

Mr. CRAIG. There were three people permitted in the file room: Mr. Bashein, Mr. Barran, and Mr. Tierney. Later Mr. Tierney went into the position of analyst, and his job was taken over by Mr. Weiner, who was permitted to go into the file room.

Is that testimony true?

Mr. CRAIG. That is true.

Senator EASTLAND. Who is the HIAS?

Mr. CRAIG. That is the Hebrew Immigrant Aid Society.

Senator EASTLAND. That is a private organization, is it not?

Mr. CRAIG. That is a voluntary agency.

Senator EASTLAND. Whose duty it is to get immigrants into this country?

Mr. CRAIG. That is right.

Senator EASTLAND. I will read you this testimony:

Was the HIAS representative permitted in the file room?

Mr. CRAIG. It was stated that he was.

Mr. ARENS. Who stated that he was?

Mr. CRAIG. The Hebrew Immigrant Aid Society representative.
Mr. ARENS. What is the HIAS?
Mr. CRAIG. That is the Hebrew Immigrant Aid Society.

Is that testimony true?

Mr. CRAIG. That is true.

Senator EASTLAND. I want to read you some more testimony and I want to know if this is true:

Mr. ARENS. Did Mr. Bashein indicate in this staff conference that he was the moving force which caused the transfer of the CIC man who had been giving derogatory reports?
Mr. CRAIG. He did.

Let me read you all of it, and I will let you comment.

Mr. ARENS. What did he say on that point, specifically, as you recall?
Mr. CRAIG. He said that individual who had been giving these derogatory reports, that he had put pressure on and that the individual who had been giving the derogatory reports had been transferred.
Senator GRAHAM. He had put the pressure on whom?
Mr. CRAIG. On the CIC.
Senator GRAHAM. Do you mean the headquarters of CIC?
Mr. CRAIG. He did not elaborate on that.

Now, is that testimony true?

Mr. CRAIG. That testimony is true.

Senator EASTLAND. Did any of the voluntary agencies have the free run of Mr. Bashein's office?

Mr. CRAIG. The only thing that I testified——

Senator DONNELL. Mr. Chairman, I suggest this witness do the same as Mr. Bashein, that he answer the question and then explain it. He has been asked a question that can be answered yes or no.

Senator EASTLAND. Just answer "yes" or "no" and then explain.

Mr. CRAIG. Yes; from this statement at the Butzbach military mess: The representatives of the NCWC, at a noon meal discussed with us that he had been thrown out of the file room that morning and Mr. Lipman, of the HIAS, said:

Well, that's funny; I can go there any time I want. Any information you want, I will get it for you.

From that I presume—I do not know—that Mr. Lipman was permitted in the file room.

Senator EASTLAND. Mr. Craig, I desire to read to you some more testimony, sir.

Mr. CRAIG. On occasion Mr. Bashein held staff conferences. The only time that that matter came up was at one meeting, I think sometime in late May or early June in which he stated that black marketeering was not to be considered a crime for derogatory information on displaced persons. He stated that he had contacted the CIC and had put the pressure on them and that there would be no more derogatory reports issued by them. He said further that the individual who had been issuing most of the derogatory reports had been transferred.

Is that testimony true?

Mr. CRAIG. That testimony is true.

Senator EASTLAND. He told the staff meeting that?

Mr. CRAIG. Yes.

Senator EASTLAND. What was his purpose in telling the staff, his employees, that he had had an intelligence agent of this Government transferred for giving derogatory reports?

Mr. CRAIG. Sir, I cannot answer the purpose of it, because that was not within my field. My field was the preliminary selection. That was more in the field for the analysts.

Senator EASTLAND. How did you understand it?

Mr. CRAIG. How I would understand it would be that black marketing was not to be considered a crime and it was not to be considered in the final report.

Senator EASTLAND. And he was to pass them even though they were guilty of black-market operations?

Mr. CRAIG. That would be my interpretation.

Senator EASTLAND. Is what this gentleman says true? Did you make those statements?

Mr. BASHEIN. No, sir.

Senator EASTLAND. You did not make any such statements?

Mr. BASHEIN. No, sir.

Senator EASTLAND. But you did say that he had his ears pinned back?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. It is 12:30. We will recess now until 2 o'clock.

Senator FERGUSON. Could you make it at 3? We have an appropriation hearing at 2. I was in appropriations all morning.

Senator EASTLAND. I want to be agreeable, Senator Ferguson, but the chairman of the committee wants these hearings closed this week end so that this record can be printed and we have to rush and probably hold some night sessions. We might have to meet Sunday. I do not know.

I would like to meet at 2 o'clock.

Senator FERGUSON. I would be very glad to run tonight, sir.

Senator EASTLAND. I am going to set the meeting at 2 o'clock and you can come in at 3.

That will be all now. We will announce the room for the afternoon session as soon as we check on it.

(Thereupon, at 12:30 p. m., the committee recessed, to reconvene at 2 p. m., of the same day, in room 424, Senate Office Building.)

AFTERNOON SESSION

Senator EASTLAND. The committee will come to order. You may proceed with Mr. Bashein, Mr. Arens.

Mr. ARENS. Mr. Bashein, may I invite your attention to the case of Stephen Wityck. Do you have a recollection of that case?

Mr. BASHEIN. I believe that I have a recollection of the material facts.

Mr. ARENS. Would you tell us about that case and what disposition was made by you of that case?

Mr. BASHEIN. Yes, sir. It was a case that was handled in the Berlin area, which was a part of the Butzbach area. The procedure was to send a team consisting of one or more Americans of the Displaced Persons Commission, together with German employees of the Displaced Persons Commission, together with an American vice consul and American secretaries. So that the processing could be done in Berlin, on account of the transportation difficulties between Berlin and the western zones, that was done.

That case was handled during the last week of July and I only learned of it after Mr. Cutler's testimony had been released by Senator McCarran, and Mr. Rosenfield, one of the Commissioners of the Displaced Persons Commission, came to Germany around December of 1949.

It appears that on of the members of my staff—an American member by the name of Mr. Bennet Y. Ryan—was the man who accompanied me on the trip to Berlin when the Wityck case was processed. I remained in Berlin only about 2 days and for the balance of that week Mr. Ryan was in charge in Berlin.

According to Mr. Ryan's statement made to Mr. Rosenfield in my presence in December of 1949, he had received this case from CIC which indicated that the applicant is or was a member of an organization which was hostile to the United States Government or the former government. Instead of following instructions which were specifically laid down by headquarters instructions and by my staff memos and by my verbal instructions to the staff, he of his own motion went to the CIC agent.

Senator DONNELL. By "he," do you mean Mr. Cutler?

Mr. BASHEIN. Mr. Ryan.

Senator EASTLAND. Who is Ryan?

Mr. BASHEIN. Mr. Ryan is the member of my staff from Butzbach who went to Berlin to process the cases.

Senator DONNELL. Mr. Ryan is not here?

Mr. BASHEIN. He is not here; no, sir.

He went to the CIC agent and he said that he did not think the information upon which this declaration which I have just stated was sufficiently strong to warrant such a declaration; namely, indicating that the applicant was a subversive.

Mr. ARENS. May I make a query here? That was not the only element in the case; was it?

Mr. BASHEIN. It was the principal element.

Mr. ARENS. Were there not some black-marketing elements in the case?

Mr. BASHIEN. No, sir.

Mr. ARENS. Was the man not convicted for black marketing?

Mr. BASHEIN. No. My recollection is that in the Wityck case——

Senator EASTLAND. This is from your file, sir. I do not want to misstate anything.

Mr. BASHEIN. I am speaking from recollection, Senator.

Senator EASTLAND. That is the reason that I want to read this to you now.

Mr. BASHEIN. I am going to go right up to the nub of it.

Senator EASTLAND. I want to read you the facts from the record now. You are wrong in your facts so far.

Mr. BASHEIN. May I say the nub of it deals with the subversive character of the case. The preliminary facts I do not consider important at this moment, if you will permit me to say so.

Mr. ARENS. May I pose a question so the witness will not feel that we are in any sense misleading him or so that he can be confronted with all of the facts?

Is it not true that in the Wityck case, in addition to the proposition of subversive aspects of the case, Wityck had been convicted of black marketing in Potsdam?

Senator EASTLAND. On August 5, 1948.

Mr. ARENS. And given a sentence in jail?

Mr. BASHEIN. I believe so.

Mr. ARENS. Did you overlook that in your appraisal of the case?

Senator EASTLAND. You have overlooked it here.

Mr. BASHEIN. I am not overlooking it, sir. I am coming to the point upon which the CIC based its opinion that this man was a subversive.

Mr. ARENS. I wanted you to be aware of the fact that the file also showed this.

Mr. BASHEIN. The man had been arrested, the applicant had been arrested. I personally am not concerned with the charge upon which he was arrested, as long as it is shown here he is a subversive. That case is finished as far as I am concerned. But what Mr. Ryan did was to go to the CIC agent, according to his own statement, and say, "Look here. The only reason that you called this man a subversive is because he was arrested and was released through the intervention of the Polish military mission."

Furthermore, according to his statement, the CIC man said, "Well, that is all we have got on him."

Senator EASTLAND. Here is what the CIC man said:

> The fact that subject did get help in securing his release from the Polish mission which recognized him as a Polish national and his previous conviction as a black marketeer tend to make him a possible security suspect.

Mr. BASHEIN. I agree with that absolutely, sir.

Senator EASTLAND. But you say that the nub of it now was not black market but the security angle?

Mr. BASHEIN. That is right.

Senator EASTLAND. But the Counter Intelligence Corps says that the black-market angle was one of the elements that made him a security suspect.

Mr. BASHEIN. Sir, if you will——

Senator EASTLAND. And the subject was attempted to be evacuated from Berlin in September or October 1948 with other Berlin DP's but was refused security clearance by S–2 of the Berlin military post. Did you know anything about the case at the time?

Mr. BASHEIN. No, sir; that is what I was coming to.

Senator EASTLAND. You had nothing to do with it?

Mr. BASHEIN. No, sir. Mr. Ryan acted against our express instructions and I would like you to know that.

Senator EASTLAND. I am not complaining if you knew nothing about it. But the fact is that they attempted to evacuate from Berlin a man who Counter Intelligence said was a possible security suspect and cleared him for admission to the United States. Is that true?

Mr. BASHEIN. Yes, sir. That is the content of the CIC report but will you permit me to make my point, sir?

Senator EASTLAND. Yes, sir.

Mr. BASHEIN. When a man is charged with being a security suspect, I am not interested in any other aspect of the case. He is a reject as far as I am concerned. I am more sensitive to any possible Communist infiltration into this country than any member of the staff, because the implications are very great.

Senator EASTLAND. The responsibility is on you.

Mr. BASHEIN. That was correct, sir.

Now, in this case the man was definitely charged with being a security suspect.

Senator EASTLAND. Yes.

Mr. BASHEIN. That case should have been rejected forthwith, instead of which the member of my staff went to the CIC agent and argued with him. The CIC agent, according to the statement made by Mr. Ryan to Mr. Rosenfield, said, "Well, that is all we have got on him. If you do not think it is strong enough, possibly you are right."

Mr. Ryan should have said——

Senator EASTLAND. Here is the record now; here is the record.

Mr. BASHEIN. Will you please permit me to make my point?

Senator EASTLAND. All right.

Mr. BASHEIN. Mr. Ryan at that point should have said: "Well, if you do not consider the subversive angle of it strong enough, will you please withdraw your statement that it appears that he is or has been hostile to the United States Government or the form of government?"

Instead of that, he took the case directly to the vice consul who had an undoubted right to reject that case and the vice consul issued the visa.

Senator EASTLAND. Stop shouting at me. You be polite now.

Mr. BASHEIN. I want to show you the compounding of an error which is charged to me.

Senator EASTLAND. I can hear you without that shouting and I have not charged that error to you.

Mr. BASHEIN. I want to say further, sir, that if Mr. Cutler as a good American—and his wife is sitting here now and she can make notes of this—who became aware of this case, not because he handled it but because it was being discussed——

Senator DONNELL. Just a moment, sir. Will you wait, please? If Mr. Cutler's name is to be brought in, I respectfully submit Mr. Cutler should be given an opportunity to be here, too.

Senator EASTLAND. Here is what I want to know now: I am not charging in this particular case that you personally cleared this man but I think that this is the trouble, that the law says that the burden of proof shall be on the applicant.

Mr. BASHEIN. That is correct, sir.

Senator EASTLAND. That is the law. Now, if that rule had been applied by the Displaced Persons Commission in Germany, that the burden of proof was on the applicant, that man or no other man like that would have been eligible to come to this country.

Mr. BASHEIN. I agree with you absolutely, sir.

Senator EASTLAND. Now the testimony has been that the rule laid down in the law was not followed—that the burden of proof was on the applicant.

Now, have you testified that you would require proof from CIC, that you would require proof that the man was not a security suspect and if he was not proven to be, then he was admitted to this country?

Mr. BASHEIN. No, sir; I never debated with CIC their charge that a man was a security suspect. May I proceed with what I was going to say, sir?

Senator EASTLAND. Yes; you may proceed.

Mr. BASHEIN. What I wanted to say is this: Mr. Cutler did not personally handle this case. He was present when it was discussed in the office without my knowledge. If Mr. Cutler was in good faith and anxious to protect this country of ours, he should have come to me and have made prompt outcry, "Bashein, they are passing a case which is classified as subversive by the CIC," and if he could not, for any reason, or did not want to, for any reason, come to me, he could have gone to Mr. Squadrilli, he could have cabled to Washington, he could have done something.

Senator EASTLAND. He has come to Washington.

Mr. BASHEIN. Instead of which he let the case pass through.

Senator EASTLAND. He has come to Washington, all right and I do not think that his going to you or Mr. Squadrilli is well taken, because four men went to Mr. Squadrilli about your conduct and you testified three of them were transferred. So, I would think that there would be a natural hesitancy to go to you.

Now, I am not criticizing you about this case. As far as I am concerned, there is nothing in this case against you and as far as your word against Cutler's is concerned, that is not what worries me about this case. Here is a record, here is a CIC file, and that file speaks for itself.

Mr. BASHEIN. I grieve about that case as much as you do, Senator, because the error was compounded not once by the vice consul but a second time by the United States immigration inspector.

Senator EASTLAND. Who is S–2?

Mr. BASHEIN. S–2 is the Intelligence Branch of the Army, sir.

Senator EASTLAND. All right, then. It was not the consul that refused him a visa?

Mr. BASHEIN. The consul should have refused him a visa, sir.

Senator EASTLAND. He was refused this security clearance by S–2 of Berlin military post. Was that G–2?

Mr. BASHEIN. That is the same as S–2. That was all prior to our processing of the case. When we got the case and he was dubbed a security prospect, the case should have been rejected right then and there. It should not have been submitted to the consul for a visa. The consul should have stopped it dead in its tracks when he got it.

Senator EASTLAND. I want to know this: Who were the officers in charge of the Counter Intelligence in Berlin?

Mr. BASHEIN. I do not remember the name of the senior officer; I only remember the name of the agent who was doing the field work and his successor after he was returned to the United States from his regular tour of duty. His name was George Henri. He was a warrant officer.

Senator EASTLAND. Do you remember when the Counter Intelligence caught the Russians attemtping to pass military personnel and filter them through into Berlin and get them into this country as displaced persons? Do you know anything about that?

Mr. BASHEIN. I have heard considerable discussion about that on the floor of the Senate, sir. I have no knowledge of my own that such a thing ever transpired.

Senator BASHEIN. They never brought that to your attention?

Mr. BASHEIN. No, sir? Now, if you please, sir——

Senator EASTLAND. As to Cutler, we have sent for him. Is there anything you would like to say about him in addition to what you have said?

Senator DONNELL. Let us wait until he get here.

Mr. ARENS. Mr. Bashein, do I understand you correctly that in this case in which the applicant had been convicted according to the CIC report of black marketing and was deemed, according to this report by the CIC, to be a security risk, that one of your associates passed the case?

Mr. BASHEIN. That is right, sir.

Mr. ARENS. And that one of your associates thereafter took the case and made representations to the consul to get him to pass the case?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. Who is that man?

Mr. BASHEIN. Mr. Bennet Y. Ryan.

Mr. ARENS. Where is he now?

Mr. BASHEIN. He is now in Frankfurt.

Mr. ARENS. What is his job with the displaced persons?

Mr. BASHEIN. He is now personnel and administrative officer.

Senator EASTLAND. Do you think that he is a proper man to occupy a position with the Displaced Persons Commission?

Mr. BASHEIN. I do, sir. He is a war veteran with an excellent record and he is disabled. In addition, he comes from a fine family. That was an error made by him in good faith. I think he was genuinely moved by the fact that the charge of subversiveness was found merely on the fact that he had the protection of the military mission.

Senator EASTLAND. Not that he was a black marketeer?

Mr. BASHEIN. That is subordinate to the subversiveness.

Senator EASTLAND. All of that was one of the elements that made him a security risk. That is what the file says.

Mr. ARENS. Aside from the allegations in the CIC report with reference to his subversive security risk, did not the file show that he was convicted of black marketing?

Senator EASTLAND. He has answered that.

Mr. BASHEIN. According to what you are telling me, yes, of course.

Mr. ARENS. Let us assume that the man was not a subversive. Would not his conviction as a black marketeer be sufficient to cause him to be refused by the Displaced Persons Commission?

Mr. BASHEIN. Yes; depending on the seriousness of the charge and the conviction. What is the charge, please?

Mr. ARENS. According to the report, if I may read it:

A check of local court records on subject revealed he was convicted of black marketing in Potsdam, Soviet zone, on the 5th of August 1948 and given a sentence of 10 days in jail or 120 reichsmarks fine.

Mr. BASHEIN. Under normal procedure, that would have been sent back to CIC to obtain the court record and ascertain what the black marketing involved, whether it was mere possession of something which was illegal at the time or whether it was a flagrant violation of some law of the military government.

Mr. ARENS. What was that man's name, Ryan?

Mr. BASHEIN. Ryan, yes.

Mr. ARENS. But Mr. Ryan took this case with this CIC report in and not only passed it but went to the American consul?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. And made representations of some character to the American consul, who thereafter issued a visa to the man, is that true?

Mr. BASHEIN. That is my recollection of Mr. Ryan's statement to Mr. Rosenfield. I was shocked when I heard of that.

Senator EASTLAND. You have had experience in the administration of this act. Do you not think that it would be best for the United States to give the United States immigration people and the consular service the right to refuse a visa, the right to refuse to clear an individual on the grounds that he is a displaced person, as defined in the act?

Mr. BASHEIN. Yes. And may I add that under the present practice the consul gets the entire dossier for a review of our findings. The immigration inspectors not only get——

Senator EASTLAND. Not on the eligibility under the act.

Mr. BASHEIN. Yes; on eligibility they get the entire dossier.

Senator EASTLAND. If he is not satisfied he sends it back to the Commission for review?

Mr. BASHEIN. That is right, sir.

Senator EASTLAND. I am speaking now of power. But the power is in the Commission to make the final determination?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. He cannot go behind that, there is no question about that?

Mr. BASHEIN. No. If we should confirm that the man is an eligible displaced person, the consul, in the absence of very serious conflict, would not refuse him a visa.

Senator EASTLAND. Do you not think that he should be given that authority? Do you not think that would better protect this country if we had that additional check?

Mr. BASHEIN. No, sir; because the close cooperation between the vice consul and the Commission is such that we are more than happy to have their views in every case and in every instance where they think that we have made an error.

I might go even further and say that in certain circumstances, where the consul has adduced information from the applicant in personal interview which he has not transmitted to me, but issued the visa and sent the man on to the immigration inspector, I have complained because he did not return the case to me to review in the light of the additional information that he obtained.

Senator EASTLAND. The consular service can veto the Immigration Service?

Mr. BASHEIN. No, sir.

Senator EASTLAND. On any point?

Mr. BASHEIN. No, sir; that is not correct. In point of time the consul issues the visa before the man goes to the Immigration Service.

Senator EASTLAND. All right.

Mr. BASHEIN. Therefore, the Immigration Service may deny admissibility to the applicant which is, in effect, vetoing the consular service but the converse of that is not true.

Senator EASTLAND. Well, they testified that it is true.

Mr. BASHEIN. It must be a misunderstanding, sir. In practical application, it cannot.

Senator EASTLAND. The visa division and Immigration Service have sat in this room and discussed how it was handled. Do you not think that that same power should be extended to decisions of the Displaced Persons Commission in the field in which it has the final power today?

Mr. BASHEIN. No, sir, because I do not see what additional force such power would have beyond what they have now because we invite and we entertain every comment that they have to make.

Senator EASTLAND. Yes, but you make the decision and you are not subject to review in that decision. The testimony reads that in Salzburg the vice consul at Salzburg told me that there were 50 cases being held by the consul and they have been rejected in the face of strong pressure, and six of these cases are security cases.

Senator Graham, did you want to ask a question?

Senator GRAHAM. I am a little confused here on one point. The IRO passes on eligibility of a displaced person, do they?

Mr. BASHEIN. May I give you the correct terminology, sir? The IRO certifies who is a displaced person.

Senator GRAHAM. Yes.

Mr. BASHEIN. The Commission passes upon who is an eligible displaced person under the act.

Senator GRAHAM. Mr. Chairman, are these steps correct? If they are not, I would like to be corrected myself.

The IRO makes up the list of displaced persons. The Displaced Persons Commission then, according to what was just said, decides on the eligibility of the displaced person. Then the consul has full power to issue or not to issue a visa according to his standards.

Mr. BASHEIN. That is correct, sir.

Senator EASTLAND. Wait a minute. Under the general immigration law.

Senator GRAHAM. Under the general immigration law. The consul is not passing on the eligibility of the person as a displaced person.

Senator EASTLAND. He would, under the Ferguson amendment and under this bill.

Senator GRAHAM. I think I am going to support the Ferguson amendment. Before we get to the Ferguson amendment, the only person who can issue a visa is the consul?

Mr. BASHEIN. That is correct, sir.

Senator GRAHAM. You cannot do it?

Mr. BASHEIN. No, sir.

Senator GRAHAM. The Displaced Persons Commission cannot do it and IRO cannot do it.

Mr. BASHEIN. No, sir. As I understand it, the President of the United States cannot instruct a consul to issue a visa if the consul does not wish to do so.

Senator GRAHAM. If the consul finds that the man is guilty of an act involving moral turpitude or subversive activity, he can deny him a visa?

Mr. BASHEIN. That is right.

Senator GRAHAM. Then if he is granted a visa, the immigration officer then can reject him as inadmissible to the United States?

Mr. BASHEIN. That is correct, sir.

Mr. ARENS. May I pose a question there?

Senator EASTLAND. Is that statement correct?

Senator GRAHAM. That is what I am asking him for.

Senator EASTLAND. Is that statement correct?

Mr. ARENS. I would say insofar as it goes. There are some elements that are vital that have been left out. I do not mean deliberately, Senator; I do not think there has been complete exploration here of where the trouble is.

Senator DONNELL. Mr. Chairman, may I say that it was along those lines that I was interrogating this morning intending to carry on further, and I would like to carry it on.

Senator EASTLAND. Let us agree on the facts about it.

Senator GRAHAM. I have heard some confusion here and I wanted to get it for my own sake what the facts are.

Mr. ARENS. There are three of four points, I believe, that are not in issue that would clarify it, Senator.

First of all, the Immigration Service and the consular service under the administrative agreement make no determinations respecting the eligibility of the applicant under the displaced persons law, is that true?

Mr. BASHEIN. Yes, as far is I know.

Senator GRAHAM. That is what I said.

Mr. ARENS. Secondly, the Displaced Persons Commission in making its determination of eligibility of the applicant makes its determination on the basis of information submitted to the Displaced Persons Commission by the International Refugee Organization, is that not true?

Mr. BASHEIN. Yes, partly. Also upon the information submitted by the CIC, by information submitted by the applicant himself, and information submitted by any interested party who is in favor or against the particular applicant.

Mr. ARENS. Yes, but in the run-of-the-mill case, the typical case, is it not true that the Displaced Persons Commission gets a file which is prepared by the International Refugee Organization?

Mr. BASHEIN. Yes, sir; that is correct.

Mr. ARENS. And if that file, the basis of the certification made by IRO on the face of the file, showed that the applicant is a displaced person and an eligible displaced person, he is passed by the Displaced Persons Commission?

Mr. BASHEIN. Yes, he is preliminarily passed. That is subject to CIC investigative reports.

Mr. ARENS. Now, you stop me the minute I make a mistake. The IRO prepares a file which is prepared in part by displaced persons working for IRO, and in many cases aliens——

Mr. BASHEIN. And in all cases aliens.

Mr. ARENS. That file on the applicant goes over here to the Displaced Persons Commission?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. And in the run-of-the-mill case, the Displaced Persons Commission looks the file over and, if it looks, on the basis of the certifications made by IRO, that the individual is not only a displaced person but also an eligible displaced person he is preliminarily passed?

Mr. BASHEIN. Mr. Arens, that is right.

Mr. ARENS. The CIC then makes its report?

Mr. BASHEIN. Yes.

Mr. ARENS. But you have testified, have you not, and it is a fact, is it not, that in the CIC investigation the CIC does not concern itself with whether or not the individual is a displaced person or is an eligible displaced person; is not that true?

Mr. BASHEIN. Yes. They merely, in addition to searching records of criminal and subversive activity, check the applicant personally and with neighbors to determine the truth of the information given on the IRO registration form with respect to his vital statistics, date of entry, and so on.

Mr. ARENS. Now we move from the Displaced Persons Commission over next to the American consul.

Mr. BASHEIN. Yes.

Mr. ARENS. The American consul has the same file prepared originally by IRO?

Mr. BASHEIN. Plus a report from the Commission which is written up in accordance with the law.

Mr. ARENS. Based on the passage of it by IRO?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. Then the consul officer looks at that file and under the administrative agreement, he, the consular officer, is not supposed to concern himself with whether or not the individual applicants are displaced persons or eligible displaced persons, is he?

Mr. BASHEIN. No, sir; that is not strictly true.

Mr. ARENS. Do not let me say anything that is not true.

Mr. BASHEIN. Because the vice consul is issuing the visa not under the general immigration law but under Public Law 774, and that is set forth on the visa. Therefore, he is interested in seeing whether Public Law 774 is complied with in his issuance of the visa.

Mr. ARENS. But the final determination of whether or not the man is a displaced person or an eligible displaced person is made by the Displaced Persons Commission; is it not?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. The same applies with reference to the Immigration Service and Displaced Persons Commission; is not that true?

Mr. BASHEIN. Yes, sir; but I should qualify it to this extent: That if they find anything in conflict, not only will we entertain, but we will welcome, any information or any doubts which they submit to us.

Mr. ARENS. Now, I think that we are getting to the heart of the matter.

May I pose this question for the benefit of Senator Graham, particularly. Most of the fraud that is committed is committed before the matter even gets to the American consul by the man undertaking to establish that he is a displaced person or an eligible displaced person?

Mr. BASHEIN. Yes; I imagine that is true.

Mr. ARENS. Now, when the American consul picks up this file—and let us assume that it is a fraudulent case—when he picks up the file the fraud has only just been committed in an area with which he, under the administrative agreement is not to concern himself; is not that true?

Mr. BASHEIN. No, sir. If he has the slightest doubt——

Mr. ARENS. How can he get a doubt if he works on a file that is submitted to him?

Mr. BASHEIN. By examining the contents of it. That is why it is submitted to him, sir.

Senator GRAHAM. May I ask this question that is very pertinent?

Senator EASTLAND. Yes, sir.

Senator GRAHAM. Does not the file that goes to the consul include the report of the Counter Intelligence Service?

Mr. BASHEIN. Yes, sir.

Senator GRAHAM. That is in the file?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. But the Counter Intelligence Service under the administrative agreement over there is not supposed to inquire respecting the man's eligibility under the law as to whether or not he is a displaced person, are they?

Mr. BASHEIN. No, sir. Let us put it this way: That the Counter Intelligence Service is not interpreting the displaced-persons law.

Mr. ARENS. Let me make a statement here and you see if this is it.

Senator GRAHAM. You are getting to the heart of this thing as far as my inquiry is concerned. Suppose there was ground for suspecting that a fraud was committed. Now, that becomes a matter of what I consider to be criminal or moral turpitude or lack of character. That is within the province all along the line from then on, if it is a matter of a person's integrity that is involved. If he is a man who commits a fraud the consul can pass on that.

Mr. BASHEIN. Yes, sir; that is correct.

Senator GRAHAM. Or, the immigration officer can pass on that.

Mr. BASHEIN. Yes, sir.

Mr. ARENS. But the consul has no way of knowing whether fraud has been certified or whether this man had been certified by the Displaced Persons Commission, has he?

Mr. BASHEIN. Let me explain.

Senator EASTLAND. Answer the question "Yes" or "No" and then explain it.

Mr. BASHEIN. I can answer it either way. I will say "Yes," the consul has no way of knowing any more than the Displaced Persons Commission has any way of knowing, unless there is a suspicion and then we would refer it back to whatever source we thought could give us the correct information.

Mr. ARENS. But the consul is bound by the IRO certification, is he not?

Mr. BASHEIN. Not if he has any suspicions or if he has any doubts.

Mr. ARENS. Under the administrative directive which the Senator, Senator Eastland, read on the floor of the Senate, the other day, it says quite clearly, does it not, that the Immigration Service—and the same directive went to the consul—is bound by the determination made by IRO?

Mr. BASHEIN. No; that is not the language of it.

Senator EASTLAND. That is what I understood.

Mr. BASHEIN. No, sir.

Senator EASTLAND. I want something cleared up.

Suppose this: Suppose that an applicant has submitted a document which established the date of entry, which established his eligibility as a displaced person, that was forged. And on those documents he clears IRO, clears the Displaced Persons Commission, and gets to the consul for a visa.

Can the consul then say, "No, the document that you qualified as a displaced person which is a forged document and I am not going to give you a visa"? And he refuses it. Or would he return the file to the Displaced Persons Commission and state that in his opinion the documents were fraudulent?

Mr. BASHEIN. According to my understanding, he can do one of two things. Since he has the applicant before him and he can determine from the applicant and from the document whether it is fraudulent; he has the right to reject or he may return it to the Displaced Persons Commission and say, "I believe you should investigate this further."

Senator EASTLAND. Yes.

Senator GRAHAM. If he found that there was fraud in the document, it seems to me it would be his duty to reject him.

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. Now, of course, it would, but yet you are faced with an order that tells them that their determination is final and they cannot go behind that, sir, that original order that was placed in the record here the day before yesterday by the Commissioner of Immigration of the United States.

Senator GRAHAM. In my opinion, fraud should follow a man even if he got through Ellis Island and make him subject to deportation.

Senator EASTLAND. If the bill is passed, the consul has that authority. That is the reason that I have understood from the representations of the Chief of the Visa Division, in the letter which he wrote me, that they need that authority and request it, and we put it in the bill at his request or on his recommendation.

Now, it is a matter of my information that the consul would return the file to the Displaced Persons Commission and state, "We think those documents are fraudulent. We do not think that this is a man who is a bona fide displaced person." Their decision is final, and he cannot go behind it. I read from the letter which was placed in the record day before yesterday:

> The International Refugee Organization shall determine who is a displaced person within the definition of annex I to its constitution and is considered to be the only agency competent to determine when these persons are of its concern as required by section 2 of the Displaced Persons Act.
>
> This service will not review or go behind the findings in this Report of the International Refugee Organization.

Senator DONNELL. What is "this Service"?

Senator EASTLAND. That is the Immigration Service. This is the original order from Watson Miller, Commissioner of Immigration, to Almanza Tripp, who is in charge of their detail in Europe. This is law here that we acted on; it is an administrative ruling; it is the law. Continuing with the order:

> The Displaced Persons Commission is responsible for determining from among those found to be displaced persons by the International Refugee Organization those who are eligible displaced persons within the meaning of section 2 of the Displaced Persons Act. This Service shall not review or go behind the findings of the Displaced Persons Commission as to who are "eligible displaced persons."

Senator GRAHAM. Right at that point, I would like to ask a question: Suppose the IRO lists a person as a displaced person and suppose the displaced person is then listed by the Displaced Persons Commission as an eligible, not only displaced person but an eligible displaced person after all of its investigation, and then it goes on to the consul?

Senator EASTLAND. They make no investigation of that.

Senator GRAHAM. Counter Intelligence does.

Senator EASTLAND. Oh, no.

Mr. ARENS. Counter Intelligence Corps, so he testified, does not interrogate or does not go into that subject.

Mr. BASHEIN. Excuse me, sir. I did so testify, that the Counter Intelligence Service takes the IRO registration form, interrogates the applicant personally, interrogates at least three neighbors, makes the necessary checks, and points out to us any records in existence showing criminal or subversive activities, together with any discrepancies from the IRO registration form. In other words if, as has frequently happened——

Senator EASTLAND. I want that cleared up, too, but before we go into that, I was reading the order. Let me finish.

However, when, during the course of the examination for immigration purposes, it comes to the attention of an officer of this Service—

speaking of the Immigration Service—

that an error may have been made in the finding that an applicant is a displaced person or an eligible displaced person, the fact should be brought to the attention of the appropriate representative of the Displaced Persons Commission. Also if it appears during immigration inspection that an applicant has procured his eligible displaced person status through misrepresentation or fraud, the fact should likewise be brought to the attention of the Displaced Persons Commission.

However, when that Commission rules or confirms its findings on the basis of such facts, which have been brought to its attention, that an applicant is a bona fide eligible displaced person, such ruling shall not be questioned by this Service.

Now, I agree with the Senator that, by all means, when the Immigration Service knows of facts that lead it to believe that an applicant's status as a displaced person has been secured by fraud, he should have the power to refuse to admit him into this country and that the consul should have the power to refuse to give him a visa. And that is the reason that we have that provision in the bill.

I believe Mr. Tripp did testify—and whether it is correct or not these gentlemen can answer—that the Displaced Persons representative made representations to him not to even interview them as to their eligibility and how they secured it. So I think that this is conclusive of the question.

Senator GRAHAM. The thing that interests me here is this: I see you cannot have too much duplication of functions or you will have great confusion. The IRO makes up the list. The Displaced Persons Commission makes up the eligible list. But if a crime has been committed, or if fraud has been committed, or it later develops that fraud has been committed, and it is proved on the record, that becomes not a matter of status as a displaced person or eligibility as a displaced person. That becomes a matter of personal integrity and therefore, on that ground, he is not trying to duplicate another function there; he is deciding that this man is of such moral character, or is guilty of such dishonesty, that that becomes the basis.

Senator EASTLAND. Anyway, that is not what is happening. I agree with you.

Mr. BASHEIN. Mr. Chairman, may I give you a specific example which has occurred a number of times, which shows that not only does the Immigration Service inquire into eligibility but also rejects as not being admissible, after we have written a report submitting the case to the consul, and after the consul has issued the visa? Let me tell you what has happened in such cases.

Senator EASTLAND. Sure. But the point about it is that if it already is in the law, if the displaced person's claim was procured by fraudulent means and the consul knows it, the Immigration Service knows it, and if they have got the authority today—because that makes him of bad character, because it shows moral turpitude—to refuse to admit him, then why in the world is there objection to spelling it out in the bill, if it is already in the law?

Mr. BASHEIN. Because it is already in practice, sir.

Senator EASTLAND. Why, in practice? In the face of the order, there, from the head of the Immigration Service? He says it is not.

Mr. BASHEIN. Will you permit me to give you an example?

Senator EASTLAND. The consular service say it is not and your employees say it is not.

Mr. BASHEIN. Will you permit me to give you an example?

Senator EASTLAND. Yes; I will permit you to give me an example.

Mr. BASHEIN. There have been cases where the CIC report did not disclose the fact that an applicant was convicted of some crime. The applicant went to the consul, and in the preparation of his application, which is a very detailed form, he admitted that he had been charged with and convicted of a crime. The consul did not consider that the crime was of such magnitude or involved such moral turpitude as to deny the man a visa and he issued the visa and passed the case to the immigration inspector. Thereupon, the immigration inspector held up the case and asked that the complete court records be produced, something which the consul had not done although he had the right.

In several of those cases, they were returned to us. We obtained the court record. We did not agree with the consul that the applicant was of good moral character. We returned the visas to the consul for cancellation and we rejected the case.

Senator EASTLAND. Of course, you can do that. Certainly you can do that.

Mr. BASHEIN. Showing you, sir, that the Immigration Service had the power of examining the case and, if they found that it was not in order, to throw it back.

Senator EASTLAND. To you?

Mr. BASHEIN. Yes, sir.

Senator EASTLAND. Correct. There is no doubt about that. We are not disputing that at all. I am making the point that you have the final determination of a person's eligibility as a DP and you determine that even though he procured his documents and his status by fraudulent means. Of course, you do. You have that authority. But we want to give that authority also to the consul and the Immigration Service.

Mr. ARENS. What is the interpretation of the Commission on this: The law provides:

* * * Except as otherwise expressly provided in this act, the administration of this act under the provisions of this act and the regulations of the Commission as herein provided, shall be by the officials who administer the other immigration laws of the United States.[1]

Senator EASTLAND. I do not want to go into that. He is not a policy-making official and he is not responsible for policy. He does not have anything to do with policy.

Senator DONNELL. Mr. Chairman, I would like the record to show at this point that it seems to me that the authority that the chairman is referring to, which is exercised by the Displaced Persons Commission, is an authority which that Commission has usurped and which does not exist under the law.

Senator EASTLAND. Well, they did not usurp it. It was by agreement with the Department.

Senator DONNELL. But they had no right to do it.

Senator EASTLAND. Correct.

Senator DONNELL. The statute, the part that Mr. Arens was about to read, there, obviously, as I see it, leaves that ultimate determination to the immigration and the consular officials. And, I take it, the chairman was not meaning to imply by the use of the word "authority" that the Displaced Persons Commission has the rightful authority. It is exercising that authority, but under the law it has no actual power to do it.

Senator EASTLAND. What I said was that as a matter of law, the Immigration Service, the consular service, do have the authority, but that actually the authority is being exercised by another agency that we never contemplated when we passed the act.

Senator DONNELL. That is exactly what I meant when I said it had been usurped by the Displaced Persons Commission. It is an authority which, under the law, is not vested in the Displaced Persons Commission, but which nevertheless it is undertaking to and does exercise.

Senator EASTLAND. And even that authority, that is exercised by the Displaced Persons Commission—part of it has been further delegated to IRO, an international organization. And it gets down to where we are going to follow the system used by Great Britain and the other countries or we are going to run off after the international organizations.

Now, you want to say something else as to Mr. Cutler? I want to get him out of here.

Mr. BASHEIN. The chairman stated that a visit had been made by four members of the staff of Butzbach and gave the implication that that visit was made to Frankfurt, because they were dissastified with the way the senior officer at Butzbach was conducting the office. Some time ago, one of the four persons who made that visit and who knew the purpose of it—besides Mr. Cutler, who, as I previously testified, didn't—this man Mr. Philip P. Gullion, wrote out the following statement with respect to that visit, and if the chairman will indulge me, I would like to read this into the record.

Senator EASTLAND. Surely. I would like to know where you got it and give us the facts about it and how it was procured to begin with. I want you to do that.

[1] Public Law 774, sec. 10.

Mr. BASHEIN. This letter was written on November 9, 1949, by Mr. Gullion to Mr. A. E. Squadrilli, coordinator for Europe, United States Displaced Persons Commission, headquarters, Frankfurt. The subject: December Meeting of Selectors From Area 1 in Your Office. Butzbach is area 1, by way of explanation.

Pursuant to our telephone conversation on the eighth of November, here following is an account of a meeting that transpired some time in December 1948 in your office in Frankfurt.

Senator DONNELL. What is the date of this letter?

Mr. BASHEIN. November 9, sir.

Senator DONNELL. 1949. That is 11 months after the meeting.

Mr. BASHEIN. That is right, sir. Yes, that is right.

Senator DONNELL. The meeting was in December 1948 and this letter was written in what part of November?

Mr. BASHEIN. November 9.

Senator DONNELL. November 9, 1949.

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Do you know the exact date of the meeting in December of '48?

Mr. BASHEIN. I think it was about the 17th of December.

Senator EASTLAND. Where does this gentleman work now?

Mr. BASHEIN. This gentleman is still in Butzbach.

Senator EASTLAND. Under you?

Mr. BASHEIN. Under me, and he was one of the four men who went in to see Mr. Squadrilli.

Senator EASTLAND. Is he the one who was not transferred?

Mr. BASHEIN. He wasn't transferred; no, sir.

Senator EASTLAND. The other three were transferred?

Mr. BASHEIN. One was transferred at my request. The other two were transferred at the pleasure of the headquarters.

Senator EASTLAND. But they were transferred after they had protested about you?

Mr. BASHEIN. About 16 members of the staff in Butzbach——

Senator EASTLAND. Answer my question "Yes" or "No."

The other two were transferred after lodging complaints against you?

Mr. BASHEIN. For this reason, sir——

Senator EASTLAND. Well, answer my question. They were transferred, were they not?

Mr. BASHEIN. They were transferred, yes, but it had nothing to do with this, sir.

Senator EASTLAND. Did you approach that gentleman to get a letter from him?

Mr. BASHEIN. No, sir.

Senator EASTLAND. Why did he give you the letter?

Mr. BASHEIN. Mr. Squadrilli called him on the phone and asked him for the letter.

Senator EASTLAND. I see.

Senator DONNELL. How did Mr. Squadrilli happen to be calling for a letter 11 months after that——

Mr. BASHEIN. Because of the publicity given to Mr. Cutler's statement about this meeting in December.

Senator EASTLAND. His big boss called him and told him to give a letter taking care of his superior officer?

Mr. BASHEIN. Excuse me, sir. His boss called him, as far as I know, and asked him to merely give a simple statement of his recollection of the meeting.

Senator EASTLAND. Well, read the letter.

Mr. BASHEIN. He called me for the same purpose, sir.

Preceding the meeting there had been many discussions concerning what we had been told in Washington by the headquarters and the actual job in the field. Not one of the persons involved found that they were actually doing the job that they were expected to find in the field.

It occurred to myself and Jack Cutler and John Korfonta and Lucius Forbes, erstwhile members in Butzbach, that we would go into the Frankfurt office and discuss the matter with you. Our senior officer knew nothing of the meeting, and his presence there was purely coincidental.

Meeting: As I remember, the meeting was held in the old office at No. 6 Taunusalange. The time was approximately 11:30 a. m. Saturday. Just as we were to be seen by you, Mr. Ugo Carusi was coming out of your office. Mr. Cutler asked him if he could have a word with him. However, Mr. Carusi explained that he had a luncheon date and had to leave at that moment. The four of us entered your office, and I believe that Mr. Bashein was sitting there. Those present were myself, Jack Cutler, Lucius Forbes, and John Korfonta, Mr. Bashein, and yourself. I think Mr. Kaplan was in the room.

The basic purpose of the meeting was to establish the fact whether we could interview the applicants ourselves. We have several times talked to the DP's, but it was discouraged by our senior officer, with the explanation that our finding would be to no avail and that too much time would be spent in the interview.

(Parenthetically it must be noted that Mr. Bashein would later call in anyone we asked to have an interview if there was some specific point that needed clarification.)

The point of discussion was arrived at when Mr. Cutler quoted and showed an underlined passage in the Instruction Bulletin No. 1 where "at the discretion of the selector the senior officer would arrange with IRO that an applicant may be interviewed." This clause was acknowledged by you, but I think you said, in words to the effect that it was impractical to send a team to a certain locality when the exact number to be interviewed could not be ascertained.

At this point I stated that while I had worked on several resettlement missions while I was in UNRRA and an IRO director in Austria and that I felt I could satisfactorily conduct an interview with most displaced persons, then you asked me if I could speak several different languages, to which I answered negatively to all but the German language. Mr. Korfonta then stated that he had a certain amount of experience in screening candidates for employment, and asked if any arrangements had been made to actually seek out the proper candidates for the proper types of employment; to this Mr. Kaplan answered no, but arrangements were being made to meet this difficulty. Then I think you said that when an anonymous requisition for employees would come through, that you would suggest that the factory or organization concerned would send over their own representative for selection.

During the entire meeting, I do not think Mr. Forbes entered into the discussion. At the close of the meeting you asked all of us if we had any reservations, to which we said nothing. Perhaps we used generalities.

The entire meeting lasted around half an hour, perhaps a little more. On our way back to Badnauheim we discussed among ourselves how we felt about the meeting. The general tenor of the group was that we felt you had not specifically answered our questions and that very little satisfaction had come from the entire interview.

Personally I could not agree with your answer to my one question, and in fact I had the impression that you were critical of the fact that I knew what I was talking about. Only for the group can I say that I felt you were annoyed when we were confronted with that instruction bulletin and that you wanted to get the meeting over as fast as possible. The above is recalled from memory, with no previous notes, and to the best of my knowledge it is what transpired.

PHILIP P. GULLION.

Senator GRAHAM. To whom was the letter written?

Mr. BASHEIN. To Mr. A. E. Squadrilli, coordinator for Europe. I have asked to spread this on the minutes only for the purpose of refuting the implication that they had gone there to complain about the way I was running things generally.

Senator EASTLAND. All right. Now, what are the duties of a selector?

Mr. BASHEIN. The duties of a selector are to examine the original documentation submitted by IRO. He must check several factors in determining preliminary eligibility. No. 1: There must be an assurance guaranteeing job and housing. No. 2: There must be a certification from IRO that he is a displaced person, refugee, or persecutee, and that he is the concern of IRO. No. 3: The selector must determine that he entered Germany, Austria, or Italy on or before December 22, 1945, and that he was in Italy, the three western sectors of Vienna, the three western sectors of Berlin, the three western zones of Germany, or the three western zones of Austria on January 1, 1948. The selector must also check the family composition, as shown on the assurance against the family composition shown on the IRO resettlement form. In other words, if the assurance was sent for a single individual, and during the interim that individual had married.

Senator EASTLAND. Well, what I want to know is this, now: Whose duty was it to personally interview applicants to come to this country as displaced persons?

Mr. BASHEIN. The CIC agent.

Senator EASTLAND. In your organization?

Mr. BASHEIN. In my organization there is no instruction that an applicant must be interviewed in determining his eligibility.

Senator EASTLAND. And as a matter of practice, they were not personally interviewed, were they?

Mr. BASHEIN. No. However, whenever there was any conflict or anything that would raise doubts in our minds as to the eligibility of the applicant, we would call him in for interview.

Senator EASTLAND. Now, what did the instruction book say?

Mr. BASHEIN. May I read from the instruction book?

Senator EASTLAND. No, just tell me. I will take your word for it.

Mr. BASHEIN. The instruction book says generally that the senior officer shall call in persons for interview.

Senator EASTLAND. Do you think it would be valuable in determining whether or not a displaced person would make a good citizen of the United States for him to be personally interviewed by representatives of this Government who were passing on him?

Mr. BASHEIN. Yes, I think it would be a good idea.

Mr. ARENS. That is what the boys were complaining about, is it not?

Mr. BASHEIN. Mr. Arens or Mr. Chairman, may I say this: On many of the complaints——

Senator DONNELL. Mr. Chairman, there has been a question asked and the witness persists in failing to answer the question.

Mr. BASHEIN. I said "Yes."

Senator DONNELL. You did not say "Yes." You made no such response at all.

Mr. BASHEIN. I mean "Yes."

Senator DONNELL. Very well.

Mr. BASHEIN. That was one of the things that the boys were complaining about.

Senator EASTLAND. Well, if you think, now, that that is valuable—and, of course, there is nothing that could be more valuable than looking at a man and sizing him up—why did you refuse to permit it?

Mr. BASHEIN. Because there was no valid question involved which necessitated bringing in the applicant for interview.

Senator EASTLAND. Because why?

Mr. BASHEIN. There was no valid question involved.

Senator EASTLAND. You did not think it was part of your responsibility, sir, to get good people to come to this country?

Mr. BASHEIN. It certainly is, sir.

Senator EASTLAND. You have stated that a personal interview was very valuable in determining that fact.

Mr. BASHEIN. But, sir, I was not making policy. I can tell you many things on which I agreed with the boys, but because of policy, I was carrying out my job.

Mr. ARENS. Is this not true that in the face of the directive——

Senator EASTLAND. Read the directive.

Mr. ARENS. The directive is not set forth in toto here. I have excerpts from the directive. Is this the directive?

At the discretion of the selector, the senior officer would arrange with IRO that an applicant may be interviewed.

Is that the directive?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. The boys in your office were complaining, because they were not given an opportunity to interview the applicant; is that true?

Mr. BASHEIN. Yes, sir.

Mr. ARENS. And you would not let them interview them, is that true?

Mr. BASHEIN. Yes, sir; except in specific cases.

Senator EASTLAND. Well, why? My God, why?

Mr. BASHEIN. Because after this instruction bulletin was issued, it was decided as a matter of policy by headquarters, and passed on to me, that we could not go into a great many interviews.

Senator EASTLAND. Now, do you think, then, if such a provision were written into the law, it would be beneficial to the United States?

Senator DONNELL. What provision does the chairman mean?

Senator EASTLAND. Personal interview.

Mr. BASHEIN. Yes, I think it probably would. However, it would probably require a staff 9 to 10 times as large as we have now in Europe.

Senator EASTLAND. I certainly cannot see that. I think Mr. Cutler might desire to say something.

Mr. CUTLER. On the question of the interview?

Senator EASTLAND. Yes.

Mr. CUTLER. That letter was in substance correct to the best of my knowledge. In fact, it says some things I don't exactly remember, but I think that is pretty nearly perfectly right.

However, I got also the impression that we were not supposed to reject anybody, and if we wanted to reject anybody, we were supposed to bring it into Mr. Bashein who could overrule us.

Senator EASTLAND. Is that correct?

Mr. BASHEIN. That is correct. That is contained in instruction bulletins which I have here.

Senator EASTLAND. And did you overule them?

Mr. BASHEIN. I did, sir.

Senator EASTLAND. Did you see the people, where you overruled their decisions? And where you did overule their decisions, it was generally to admit people to this country, was it not?

Mr. BASHEIN. I didn't understand.

Senator EASTLAND. When you overruled them, it was generally to admit people to this country, was it not?

Mr. BASHEIN. Yes, you might say that.

Senator EASTLAND. Now, where you would overrule the judgment of the men under you, would you interview the applicant?

Mr. BASHEIN. Yes, in many cases I would. But may I also explain that we had a procedure for this, that I did not myself do the overruling; that one member of the staff handled all problem cases which the selectors or the analysts either had questions about or wanted to disqualify or to reject.

Mr. ARENS. Who was that?

Mr. BASHEIN. At one time, it was Mr. Gullion. At one time, it was Mr. Vaughan. For the recent past it has been Mr. Barron.

Senator EASTLAND. Could I ask you a question right now because I want to turn the meeting over to Senator Donnell? I have got to go for a few minutes. Is the statement true that many—many, now—displaced persons who were coming to the United States did not interview an American citizen until they sat down and talked to that consul?

Mr. BASHEIN. No, sir. All the agents of the CIC are American citizens.

Senator EASTLAND. Did they see every one of them?

Mr. BASHEIN. Yes, sir. That was their standard of procedure.

Mr. ARENS. But their inquiry was not with respect to their eligibility. That was whether or not they were subversives or whether or not they had a criminal record; is that not true?

Mr. BASHEIN. No, sir; they were not interpreting the law. They were giving us information as to criminal or subversive activity and they were pointing up any discrepancies in the IRO registration form which contained the personal history and the vital statistics of the applicant.

Mr. ARENS. Well, did you know that officials of the State Department, or one official of the State Department, has told this committee, from his investigation in Europe, that many, many displaced persons did not see an American until they looked at the consul, to get a visa?

Mr. BASHEIN. No, sir; I did not know that. But if that is true, it is a serious reflection on the Counter Intelligence Corps of the United States Army.

Senator EASTLAND. And other people.

Senator, will you act as chairman?

Is there anything else for Mr. Cutler now? I would like to get him out of here.

Mr. CUTLER. Yes, I would like to say a few words, sir. On that meeting, I didn't realize before, but it seemed to me that the other two fellows knew why we were going to Frankfurt. If they didn't, I certainly didn't understand that at the time and I still don't.

Senator EASTLAND. Well, did they know whether you were going or not?

Mr. CUTLER. As far as I know, certainly.

Senator EASTLAND. Well, had you discussed it in advance?

Mr. CUTLER. Yes, that is why we went to Frankfurt.

Senator EASTLAND. Had you discussed what you were going to talk about?

Mr. CUTLER. Yes.

Senator EASTLAND. I think that is a perfectly reasonable thing.

Mr. CUTLER. But on the subject of my incompetency in the work, I would like to say that, to be fair, I think they also asked possibly the senior officer at Munich, where I also worked, if he had any complaints about my work. I worked there ever since July of 1949.

Senator DONNELL. What is his name?

Mr. CUTLER. Mr. Main.

Senator DONNELL. Oh, Mr. Donald Main.

Mr. ARENS. I think one question might help clarify it. You were given a promotion, were you not, even while you were with Mr. Bashein?

Mr. CUTLER. Yes, sir.

Mr. ARENS. On his recommendation?

Mr. CUTLER. Yes, sir.

Senator DONNELL. Is there anything further, Mr. Cutler, that you would like to submit?

Mr. CUTLER. On the question of these black-marketing cases that I didn't want to pass, could I——

Senator DONNELL. They have already been testified to, have they not, Mr. Cutler? I do not see that is necessary to repeat the testimony.

If there is anything you want to add to the testimony, it will be all right for you to add it.

Mr. CUTLER. In that case, then——

Senator DONNELL. There is nothing further?

Mr. CUTLER. No, sir.

Senator DONNELL. Now, Mr. Bashein, I would like to ask you a few questions. This morning, I had asked you about who makes the determinations as to whether a person is a displaced person and whether he is the concern of the International Refugee Organization and you had told me, in substance, that the International Refugee Organization makes those two determinations.

Mr. BASHEIN. That is right, sir.

Senator DONNELL. Then I asked you whether or not there is any form that the International Refugee Organization uses which you have here in your possession in making that determination, and you said, as I recall it, that you had something else which set forth what the form was that was to be used; is that correct?

Mr. BASHEIN. That is right, sir.

Senator DONNELL. Do you have a copy of that document which sets forth the form that the IRO was to use?

Mr. BASHEIN. Yes; I have here Instruction Bulletin No. 3.

Senator DONNELL. Will you tell us, please, Mr. Bashein, what was stated on the report which the International Refugee Organization gave to the Displaced Persons Commission, bearing in mind this point: Did the IRO merely arrive at the conclusion that the Joseph Vencius that we talked of this morning, is or is not a displaced person or refugee as defined in annex 1 of the constitution, and that the said Joseph Vencius is or is not the concern of the International Refugee Organization, and then was there somebody's name signed to that and was that the certificate? Or did the IRO back that up with the data on which that determination was made and submit that data along with the certificate?

Mr. BASHEIN. The certificate was part of the IRO registration form and the certificate said, in substance——

Senator DONNELL. That is what I wanted to get at.

Mr. BASHEIN (reading):

> It is hereby certified that Joseph Vencius is a displaced person, refugee, within the meaning of annex 1 of the IRO Constitution, and that he is the concern of IRO. It is further certified that he entered Germany, Austria, or Italy on (date)—

which they would fill in.

Senator DONNELL. Go ahead, Mr. Bashein.

Mr. BASHEIN. And that he was present in one of the required areas on January 1, 1948. That was signed by a class I international officer of IRO, whom we had previously been advised was authorized to sign such certifications and of whose signature we had certified copies in our office; so that nobody else could make the certification except an authorized person.

Senator DONNELL. Well, now, Mr. Bashein, you have told us one very interesting point, there. You have said that this certificate not only certified to the fact that Joseph Vencius was a displaced person or refugee as defined in annex 1 of the constitution and is the concern of IRO, but you have said that the certificate issued by IRO goes further and says that Joseph Vencius entered Germany, Austria, or Italy on a given date and was present in one of the required areas on January 1, 1948.

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Well, I can't see anything in the Displaced Persons Act of 1948 that even remotely would give the IRO anything to do with making that latter determination, namely, the determination of when Joseph Vencius entered Germany, Austria, or Italy or whether he was or was not present in one of the required areas on January 1, 1948.

Mr. BASHEIN. You are correct, sir. However, that was the only source of our information as to when the applicant entered one of the required areas and where he was on January 1, 1948.

Senator DONNELL. Those two facts, if I might interrupt you, as to when the man entered Germany, Austria, or Italy, and whether or not he was in the required areas on January 1, 1948, are elements to be taken into consideration in determining whether he is an eligible displaced person?

Mr. BASHEIN. Exactly, sir.

Senator DONNELL. As distinguished from whether he was a displaced person?

Mr. BASHEIN. Exactly. I might add this further fact.

Senator DONNELL. Very well.

Mr. BASHEIN. That the dates that they gave did not always necessarily make the person eligible. In other words, they might say that he entered Germany, Austria, or Italy on July 15, 1946, or that he was not present in Germany on January 1, 1948, and that we would take into consideration and immediately disqualify the case.

Senator DONNELL. Mr. Bashein, you were then taking the determination of the IRO on the illustration that you have just given us, even though the IRO has nothing at all to do, under the law, the displaced-persons law, the Displaced Persons Act of 1948, in determining whether or not a person is an eligible displaced person?

Mr. BASHEIN. Yes, sir, in the same way that we were taking all the other information from IRO as to the person's history, education, employment, and so on.

Senator DONNELL. Did you not understand, Mr. Bashein—I am not saying this critically—but did you not understand that the duty of making the determination under the law as to who is an eligible displaced person, as that duty had been interpreted, as I think wrongfully, but as it had been interpreted by the Displaced Persons Commission, rested on the Displaced Persons Commission?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. And yet you were accepting the statements of fact on these important and decisive factors of the date of entry into Germany, Austria, or Italy, and the presence in one of the required areas on January 1, 1948, as those facts were reported to you by the International Refugee Organization, which is not a United States organization but is an international organization. Is that right?

Mr. BASHEIN. Yes, sir, because that was the authorized source for our information as to those elementary facts about the applicant.

Senator DONNELL. What do you mean by "authorized source"?

Mr. BASHEIN. From our headquarters.

Senator DONNELL. From your headquarters. There is nothing in the Displaced Persons Act of 1948 that makes the International Refugee Organization the authorized source of that information as to the date of entry into Germany, Austria, or Italy, or the presence in one of the required areas on January 1, 1948?

Mr. BASHEIN. That is right, Senator. There is nothing in the bill which indicates from which source documentation shall be obtained about the applicant. And as I remember, in one of our early meetings in the Frankfurt headquarters there was considerable discussion as to how information about the history and education and the movements of displaced persons was to be furnished to us and it was finally determined that that was to be furnished to us by IRO.

Senator DONNELL. Yes. Well, now, Mr. Bashein, suppose that IRO certified to you that Joseph Vencius entered Germany, Austria, or Italy on July 10, 1945. I am picking a date earlier than December 22, 1945.

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Would you accept that statement of the International Refugee Organization without making further inquiry as to its correctness?

Mr. BASHEIN. In the absence of any conflict in the accompanying documents, we would accept that as prima facie evidence that he had entered on that date.

Senator DONNELL. As prima facie evidence?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Well, now, would you accept it as final evidence, unless there came to your attention some evidence to the contrary?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Is that correct?

Mr. BASHEIN. Yes, sir, in that case it would be conclusive.

Senator DONNELL. Conclusive. And likewise, you would accept both as prima facie and, in the absence of countervailing and contradictory evidence, you would accept as final, the statements of the International Refugee Organization as to whether Joseph Vencius was present in one of the required areas on January 1, 1948. Is that correct?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Now, how did the Displaced Persons Commission go about finding out if there was any contradictory evidence as against these recitals on these dates of entry and the fact of presence in one of the required areas? How did the Displaced Persons Commission go about finding if there was any contradictory evidence to that presented by the International Refugee Organization as to those facts?

Mr. BASHEIN. In the normal case, if there were no doubts presented by the documents in the folder presented by IRO, the selector would pass the case as preliminarily eligible and send it to CIC. If CIC didn't come up——

Senator DONNELL. Now, wait a minute. I do not want to get into CIC yet. In the normal case, I presume—and if I am wrong, please correct me—the selector would not find anything in the documents contradicting the findings of the International Refugee Organization as to the date of entry into Germany, Austria, or Italy, or as to the presence in one of the required areas on January 1, 1948.

Mr. BASHEIN. That is correct, sir.

Senator DONNELL. So that in the normal average, as Mr. Arens calls it, a "run-of-the-mill case" or something to that effect, the finding of the International Refugee Organization was, in effect, final as to those two facts, namely, the date of entry into Germany, Austria, or Italy, and the presence in one of the required areas on January 1, 1948?

Mr. BASHEIN. Yes, excepting that I wouldn't call it a finding of the IRO.

Senator DONNELL. A statement?

Mr. BASHEIN. A statement.

Senator DONNELL. Very well.

Mr. BASHEIN. Which they always said was "according to their records."

Senator DONNELL. The statement of IRO?

Mr. BASHEIN. Yes. We made the finding.

Senator DONNELL. The selector, in other words, as I understand it, would not ordinarily initiate an inquiry other than to look over the documents in his possession to the correctness of these statements of IRO as to the date of entry into Germany, Austria, or Italy, or the presence in one of the required areas on January 1, 1948.

Mr. BASHEIN. That is right, sir.

Senator DONNELL. Very well.

Now, after the selector had received this information from the International Refugee Organization that you have told us of, what was the next step, after he looked over the documents? What was the next step that the selector or anyone else in the Displaced Persons Commission would take?

Mr. BASHEIN. He would approve it, and the IRO registration form and the fingerprint cards would be sent to CIC with a request for an investigative report.

Senator DONNELL. Very well.

Now, I want to ask you about those fingerprint cards. Who made those and when were they made?

Mr. BASHEIN. They were made in what is known as the subareas, the actual district in which the applicant lived, by IRO employees.

Senator DONNELL. By IRO employees?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. And those had been made perhaps months or even years before the time that the request was made of IRO for the information under the Displaced Persons Act of 1948?

Mr. BASHEIN. No, sir. My understanding is that those fingerprint cards were made at the time that we received an assurance and notified IRO that we wanted the documentation.

Senator DONNELL. Very well.

Mr. BASHEIN. They then called in the applicant, sat him down, interviewed him with respect to all his various movements and vital statistics and education, and took the fingerprint cards at that time. They they sent it to what is known as the IRO control center, which contains the permanent records of IRO for that area, these records consisting of forms known as Care and Maintenance Form No. 1. Those are forms which were prepared in 1946 and 1947, when the Army rescreened all the displaced persons who were then living in the camps. And if IRO control center found any discrepancy as against the documentation that was made in the local area, they would make corrections accordingly.

In other words, if the man sat down with his interviewer in IRO in the local area and said he came in in June 1945, and it went to the control center and they saw that according to their original records he didn't come in until June 1946, they struck it out. They wrote "June '46," They initialed it.

Senator DONNELL. That is what the IRO did?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. And they did that before making this report to the Displaced Persons Commission?

Mr. BASHEIN. Before submitting it to us. That is correct, sir.

Senator DONNELL. But the only time that fingerprints were taken, as you understand it, in the normal case, was after the name of Joseph

Vencius had been submitted by the Displaced Persons Commission to IRO; is that correct?

Mr. BASHEIN. That is my belief, sir.

Senator DONNELL. There had not been any earlier fingerprinting a year or two before that in the local area of Joseph Vencius?

Mr. BASHEIN. Not to my knowledge.

Senator DONNELL. Was there any considerable amount of trouble occasioned by the inefficiency of those who made the fingerprints?

Mr. BASHEIN. I would say over a period of 15 or 16 months in Butzbach, I did not have more than 20 to 25 sets—and I am giving you an absolute outside quantity—of fingerprint cards returned by CIC for illegibility, with the request that new ones be provided.

Senator DONNELL. So as a general rule, the fingerprint cards as prepared by IRO proved in your district to be satisfactory, with some 20 or 25 exceptions that you have noted?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Very well. Now, you have told us about the report from IRO. You have told us about the inspector looking over that report, those documents. And in the absence of finding anything on those documents which contradicted the statement of IRO, the selector then sends all the documents, does he, to CIC? Is that right?

Mr. BASHEIN. No, sir.

Senator DONNELL. What does he send to CIC?

Mr. BASHEIN. No; originally we sent all the documents to CIC.

Senator DONNELL. As time developed what did you do?

Mr. BASHEIN. Then CIC requested that we send them only the registration form and the fingerprint cards.

Senator DONNELL. The registration form?

Mr. BASHEIN. Prepared by IRO.

Senator DONNELL. That was the document that had come back and certified to these various facts?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. So that two things only, then, went, under the practice as it developed finally, from the selector, namely, the fingerprint card and this registration form that had emanated from IRO; is that correct?

Mr. BASHEIN. That is right, sir.

Senator DONNELL. And then what were the instructions to CIC, or the request to CIC? What was it to do?

Mr. BASHEIN. Our request was couched in very simple terms.

Senator DONNELL. Did you have a form for that, by the way?

Mr. BASHEIN. Yes. "Please submit investigative report on the following-named applicant." Then we would give the name of the applicant, the name of his wife, children, his local address, and his case number.

Senator DONNELL. That would be sent to CIC?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. What would CIC then do? Of course, you could not be there to see what it did, but what in the way of a report did it ultimately furnish to you in the ordinary case?

Mr. BASHEIN. It furnished us a report consisting of a cover letter in each case, transmitting the report, which consisted of a work sheet showing various points on which checks had been made.

Senator DONNELL. And what were those points?

Mr. BASHEIN. I think there were seven of them.

Senator DONNELL. Can you tell us what they were? You may refresh your memory, if you have them here.

Mr. BASHEIN. No; I haven't them here.

Senator DONNELL. Can you tell what they were?

Mr. BASHEIN. Central registry files.

Senator DONNELL. You mean they would send you the central registry files?

Mr. BASHEIN. No. They would merely mark opposite that "negative" or "positive."

Senator DONNELL. Now, what did that mean, "central registry files"? What does that mean, and "negative" or "positive"?

Mr. BASHEIN. I confess that I am not thoroughly familiar with that, I presume that it means the central registry files of the CIC. I do not know where they are located.

Senator DONNELL. If a man marked "negative"——

Mr. BASHEIN. "Negative" meant "good."

Senator DONNELL. If it was negative, there was nothing against him?

Mr. BASHEIN. That is right. "Positive" meant there was something against him.

Senator DONNELL. But you do not know what kind of an investigation the CIC made in order to determine whether or not a negative or positive report should be given under the heading of the "Central registry files"?

Mr. BASHEIN. No, sir.

Senator DONNELL. Very well. Now, what was the second point?

Mr. BASHEIN. Provost Marshal.

Senator DONNELL. And what kind of a report would be given on that?

Mr. BASHEIN. The same, negative or positive.

Senator DONNELL. Negative meant good and positive meant bad; is that right?

Mr. BASHEIN. That is right, sir.

Senator DONNELL. Could I go back to No. 1, there—these central registry files—would there be any elaboration of that by CIC?

Mr. BASHEIN. Oh, yes.

Senator DONNELL. Any notes telling what made it advisable to say "negative" or advisable to say "positive"?

Mr. BASHEIN. Yes. If there were a derogatory report in the central registry files as to some previous difficulty that the applicant had had, it would usually say "see note," "see annex," "see attached sheet."

Senator DONNELL. And there would be a note or an annex or an attached sheet telling what that was?

Mr. BASHEIN. That is right.

Senator DONNELL. And is that likewise true in regard to the provost?

Mr. BASHEIN. The provost marshal; yes.

Senator DONNELL. That is to say, if——

Mr. BASHEIN. If there was something derogatory.

Senator DONNELL. But if it was favorable, there would be no note?

Mr. BASHEIN. Just "negative."

Senator DONNELL. It would just simply say "negative." And likewise if it was favorable, under the heading of central registry files, just simply the word "negative"; is that right?

Mr. BASHEIN. That is right.

Senator DONNELL. Very well. Now, what was the third point on the CIC report?

Mr. BASHEIN. Military government.

Senator DONNELL. And would that likewise have a "negative" or "positive"?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Meaning good and bad, likewise.

Mr. BASHEIN. Yes, sir. In other words, it would contain information about any action that had taken place in the military government courts.

Senator DONNELL. And likewise if there was something derogatory, there would be a note or annex or statement supplementing that word "positive"?

Mr. BASHEIN. That is right, sir.

Senator DONNELL. Now, what was the fourth point? Perhaps I could refresh your memory. There has just been handed to me here a document. You might take a look here at this, where it says "agency checks." I am showing you at this point Report No. 1507, Eighty-first Congress, second session, House of Representatives, and calling your attention to page 73, to refresh your memory.

Mr. BASHEIN. Thank you. I mentioned central registry. It gives here seven of them. The Berlin government center was not usually listed on there.

Senator DONNELL. The Berlin government center was not usually listed. Very well. What was the next one, the fifth one?

Mr. BASHEIN. CIC files.

Senator DONNELL. Well, that is a different thing from the central registry files; is it?

Mr. BASHEIN. That probably applies to the local area.

Senator DONNELL. CIC files. Likewise "negative" and "positive," meaning good and bad, respectively; is that right?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. What is next?

Mr. BASHEIN. The sixth one shows "other"; in other words, if they got information from other records, like German courts or German police.

Senator DONNELL. Likewise the word negative or positive?

Mr. BASHEIN. Yes.

Senator DONNELL. And with similar addenda in the event of something derogatory to the applicant?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Now, that is six. Is there a seventh or were there just six?

Mr. BASHEIN. The seventh, that I mentioned, is given here, but it did not appear on this report from the CIC—the Berlin document center.

Senator DONNELL. You have given me six so far and you included the Berlin document center in the sixth. You have given me five in addition to the Berlin document center.

Mr. BASHEIN. They have post provost marshal. I don't recall seeing that one, here.

Senator DONNELL. Very well. Now you have given us substantially what you recall of the report from the CIC.

Mr. BASHEIN. On their work sheet.

Senator DONNELL. On their work sheet; pardon me. Would that work sheet come back to you? Is that what would come back?

Mr. BASHEIN. Yes; the work sheet would come back to us.

Senator DONNELL. With these negatives and positives?

Mr. BASHEIN. Yes; typed up and signed either by the agent or by the visa office for that CIC region.

Senator DONNELL. Yes. Now, from these respective notations from CIC, what conclusions of fact would you then draw? Or may I supplement that, so that you will know what I am getting at: Would you then draw a conclusion regarding the character and history of the applicant? Is that what you would draw from that CIC report?

Mr. BASHEIN. Yes; plus what other information we had previously available to us.

Senator DONNELL. Now, where had you secured any other information?

Mr. BASHEIN. From IRO.

Senator DONNELL. Except what you had from IRO.

Mr. BASHEIN. And from the applicant himself.

Senator DONNELL. But you did not see the applicant himself ordinarily.

Mr. BASHEIN. No; documents or papers which the applicant submitted.

Senator DONNELL. Very well; documents or papers submitted by him. Now, after you got this report from CIC—in the first place, to whom would that report come? To you, as the head?

Mr. BASHEIN. That report would be addressed to the senior officer of the United States DP Commission, Butzbach.

Senator DONNELL. After that report came to you, what would you then do with respect to that report?

Mr. BASHEIN. I would take that report, combine it with the rest of the file, which we held, pending the receipt of that report, and then assign the cases to the analysts.

Senator DONNELL. Assign the cases to the analysts?

Mr. BASHEIN. Yes.

Senator DONNELL. We are taking up this Joseph Vencius now. We are following him right on through. You would assign Joseph Vencius' case with all this information you had received from IRO, from CIC, and any other things you had gotten from the documents submitted by Mr. Vencius himself to the analyst?

Mr. BASHEIN. To the analyst. I would like to make one exception there.

Senator DONNELL. All right, sir.

Mr. BASHEIN. Where a case was marked "confidential" or "secret" and contained prima facie derogatory evidence, that went directly to an analyst who handled only problem cases.

Senator DONNELL. In that particular type of case, you would send them to the specific analyst who handled the problem cases. But the ordinary cases——

Mr. BASHEIN. Were put into a hopper, so to speak, and the analysts would just take cases and analyze them and prepare the reports.

Senator DONNELL. Yes. Now, these analysts: Were they Americans?

Mr. BASHEIN. All of them; yes, sir.

Senator DONNELL. All of them were Americans.

Mr. BASHEIN. Yes, sir.

Senator DONNELL. All right. They then analyzed the documents and data that had been submitted to them as you have indicated?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. And what would the analyst then do after he had made his analysis?

Mr. BASHEIN. He had three choices.

Senator DONNELL. What were they?

Mr. BASHEIN. If he found everything to be in order and in accordance with the law, he would write a report summarizing the contents of the folder in a form which had been prescribed by headquarters in Frankfurt, and it would be submitted to the consul for his action, with a letter of transmittal.

Senator DONNELL. Would the analyst make a recommendation, there, of any kind, in this report of summary?

Mr. BASHEIN. I can read you the language of our report, if that would help.

Senator DONNELL. Well, I do not want to unduly encumber the record.

Mr. BASHEIN. The language of it went like this: The heading was "United States Displaced Persons Commission":

As required under section 10 of Public Law 774, Displaced Persons Act, and by Executive Order 1003, the following report is submitted in the case of—

And then we recited, according to this form, the investigation which had been conducted and described the character, the history, the eligibility.

Senator DONNELL. Pardon me. Are those the three things mentioned in the first sentence of section 10?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. All right.

Mr. BASHEIN. Then in the second paragraph, the Commission made certain statements with respect to the assurance given on behalf of the applicant and the occupation to which he was going and the address to which he was going.

Senator DONNELL. Now, pardon me. Under the term "eligibility" you mentioned "character, history, and eligibility." Would this summary report made up by the analyst state whether or not the man had the qualifications—namely, that he was, first, a displaced person or refugee as defined in annex 1 of the constitution of the IRO; second, that he is the concern of the International Refugee Organization; third, that he had entered Germany, Austria, or Italy on or before December 22, 1945, and that on January 1, 1945, he was in one of the required areas?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. That would all go into this report?

Mr. BASHEIN. That all goes into this report.

Senator DONNELL. And if the man fell under this category about a person who, having resided in Germany or Austria, was a victim of persecution by the Nazi government and was obliged to remain in or return to such persecution and was subsequently so returned as a result of enemy action, or of war circumstances, and on January 1, 1948, had not been firmly resettled therein, I assume that would go in the report likewise?

Mr. BASHEIN. Yes.

Senator DONNELL. Very well.

Mr. BASHEIN. Then the third and principal part of this report states:

> By virtue of the foregoing, the Commission finds that the principal applicant is a displaced person eligible for admission into the United States under section 2 (c) (1) and (3) of the act, and that such admission would be in accordance with the regulations of the Commission, that his wife is eligible, that he is entitled to certain preference and priority according to the law.
>
> Therefore, in accordance with section 700.8 (c) of the regulation, this report is submitted to the officer of the United States Foreign Service at Butzbach, Germany, for consideration in connection with the subject's application for an immigration visa.

Senator DONNELL. So this summary report, then, containing the information and contents to which you have referred, would then go to the consul?

Mr. BASHEIN. To the consul, with everything that we possessed.

Senator DONNELL. Very well. Now, as I understand it, then, on matters of eligibility—that is, on the question as to whether or not Joseph Vencius was a displaced person—and in the second place as to whether or not he was an eligible displaced person, unless the consul saw something in the file or learned it from some source and returned the file therefor, by reason thereof, to the Displaced Persons Commission for further study, the consul accepted that finding of the man being a displaced person and of eligibility as final; is that correct?

Mr. BASHEIN. No, sir; that is not entirely correct.

Senator DONNELL. In what respect is that inaccurate?

Mr. BASHEIN. There were many circumstances in which discrepancies appeared in the application which the applicant filled out for a visa, and upon which he was subsequently interviewed by the consul.

Senator DONNELL. By the way, might I interrupt you on that? Did the applicant who filled out the visa go in person to the consul with his application for a visa?

Mr. BASHEIN. Yes.

Senator DONNELL. So the consul, when this applicant came along, Mr. Vencius, had before him this data that you have told us about and this summary report?

Mr. BASHEIN. He has the complete file, and he has the Foreign Service application for a visa, which contains a mass of detail.

Senator DONNELL. All right. Now, what does the consul do at that point?

Mr. BASHEIN. There you are asking me to draw upon——

Senator DONNELL. If you know.

Mr. BASHEIN. Well, I know that the consul talks to him generally.

Senator DONNELL. Pardon me. I do not mean to put you in the position of testifying as to something inside of that room when you

were not there, but what did you learn from any documents or subsequent contacts between the consul and yourself? What did you learn that he represented that he had done?

Mr. BASHEIN. Well, as a matter of fact, I was present at some interviews from time to time.

Senator DONNELL. What happened at those at which you were present?

Mr. BASHEIN. The consul would read over the answers to the questions on the application. If there was any doubt in his mind, he would refer to the dossier. He had previously, after the applicant came to him, looked through the dossier, and he was familiar with the contents. He would question him as to the truth of certain statements.

Senator DONNELL. Might I interrupt to ask you, at that point: Did you ever have any occasion in which the consul came back, either orally, or by letter or otherwise, to the Displaced Persons Commission office, of which you were the head, and said, "I find that this man was not an eligible displaced person because he did not arrive," we will say, "on or before December 22, 1945, in this area, in Germany, Austria, or Italy"?

Mr. BASHEIN. Yes; not only for that reason, but for many other reasons.

Senator DONNELL. What would you do, then, when you get back such statements from the consul? Would you make a determination as to whether or not the man had arrived there on or before December 22, 1945, in the illustration I have used?

Mr. BASHEIN. Usually in such a case the consul would have made that determination from the statement of the man himself, and he would have written me a memorandum that the applicant "admits that he did not come to Germany until 1946."

Senator DONNELL. But suppose, instead of the admission by the applicant, however, the consul saw something in the document that put him on notice that he rather suspected that the man did not arrive by December 22, 1945. Would he report that back to you?

Mr. BASHEIN. He could report that back to me, or he could send that to the consul general in Frankfurt, to which was attached an investigative officer there also. And he could ask them to look into the matter. Or he could return it to me and ask me to look into it.

Senator DONNELL. Suppose he returned it to you and you looked into it and you became of the opinion that the man Vencius had arrived there on or before December 22, 1945, and you certified it back to the consul. Did the consul accept your certification then as final?

Mr. BASHEIN. Generally; yes, sir.

Senator DONNELL. Are there any cases in which he did not?

Mr. BASHEIN. No, not on that subject, sir.

Senator DONNELL. Not on that subject. Or on any other point of eligibility or membership in the class known as displaced persons, did he ever refuse to accept your determination? Or in the case of the finding that a person was a displaced person, did he ever refuse to accept the determination made by IRO?

Mr. BASHEIN. No, sir, he did not; not when he returned it to us and we resubmitted it. Because usually if he had doubts they were pretty well founded, and then we would disqualify the case.

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Senator DONNELL. But if you did not disqualify the case, then he accepted your finding after this reexamination had been made?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Very well.

Mr. BASHEIN. Now, you must understand, sir, if I may say so, that there was a good quality of cooperation between us; that we were all anxious to protect this country against the admission of undesirable people.

Senator DONNELL. Now, on the subject of subversive nature, it is provided over here in section 13 of the Displaced Persons Act of 1948 that "No visas shall be issued under the provisions of this act to any person who is or has been a member of, or participated in, any movement which is or has been hostile to the United States or the form of government of the United States.

Did the Displaced Persons Commission examine into the question as to whether a person had been a member of or participated in any such movement?

Mr. BASHEIN. Yes, sir; that was the first thing we looked for on the CIC report, because there is a formal statement like that at the bottom of the cover letter.

Senator DONNELL. Very well.

Mr. BASHEIN. And if it was there, it was immediately rejected. It never went to the consul.

Senator DONNELL. But when it went over to the consul, you would not send it to the consul if a man had been turned down on the ground of hostility to the United States under the terms of section 13?

Mr. BASHEIN. No, sir. There was that one case which was brought up today, and which, as I say, grieved me very much. That was an absolute violation of that instruction.

Senator DONNELL. Now, as I understand it, on the question of eligibility and the question of whether a person is a displaced person, while the consul might refer this file back to you for further consideration if he thought there was some doubt on it, if you stuck to your position on it and said the man was a displaced person and an eligible displaced person, the consul then accepted that as final? Is that correct?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. After the consul had issued his visas, then, how did the Immigration people come into it? Who got them into it?

Mr. BASHEIN. As I understand, and I am speaking purely from hearsay, it was arranged that under this program instead of the applicant for immigration being handed his visa and seeing the Immigration inspector in the United States at the port of entry for the first time a different process would be set up here.

Senator DONNELL. What was that process?

Mr. BASHEIN. That the Immigration inspectors would be set up at the port of Bremen, which is the port of embarkation, and that there they would examine them, or rather preexamine them, as to admissibility.

Senator DONNELL. That is to say, the applicant would go down to see this Immigration official?

Mr. BASHEIN. That is right.

Senator DONNELL. And how would the visa ever connect up with the applicant? Would the visa be sent to the Immigration official for delivery to the applicant?

Mr. BASHEIN. Let me explain to you how that happened. We had a senior officer of the Displaced Persons Commission at Bremen, who represented the Commission there. There were also the United States Immigration inspectors there, of which Mr. Tripp was the head. When applicants for immigration were visaed at Butzbach and a sufficient number were accumulated, they would be put on the train to go to Bremen.

Senator DONNELL. That is, the applicants would?

Mr. BASHEIN. The applicants.

Senator DONNELL. And what would become of the visas?

Mr. BASHEIN. At the same time the visas would be packed up, the visas and the relating files, as we call them. They would be put into an envelope and put into a sealed package, addressed to the United States Immigration Inspector, Bremen.

Senator DONNELL. Now, what were those related files?

Mr. BASHEIN. Those were the original files submitted by IRO, together with all correspondence relating to the case.

Senator DONNELL. Everything that had come to the consul?

Mr. BASHEIN. That is right, sir.

Senator DONNELL. Everything that had arisen having to do with the Displaced Persons Commission, IRO, CIC, was put in the same envelope, and the whole thing went to the consul, and that, together with Joseph Vencius' visa and the visas of numerous other persons who were on this train, was sent on down to the——

Mr. BASHEIN. The United States Immigration inspector.

Senator DONNELL. Were they sent down there, or sent to your own office down there?

Mr. BASHEIN. They were delivered in Bremen to the United States Immigration inspector, as far as I know. They were addressed that way.

Senator DONNELL. So he had these files that you have referred to, collected from CIC, and IRO, and from the Displaced Persons Commission, as you have indicated. Everything, in other words, that the consul gets goes down to Bremen to the Immigration authorities. And the visa also goes down to the Immigration official. And the individual himself, with the numerous others, arrives on a train in Bremen; is that right?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Then does the individual go over to the Immigration Office?

Mr. BASHEIN. Then, as I understand it, he is scheduled to appear before the Immigration inspector at a certain time.

Senator DONNELL. Yes. And what does the Immigration inspector do then?

Mr. BASHEIN. As far as I know, the Immigration inspector looks through the file, examines the visa, and examines the applicant for immigration.

Senator DONNELL. Now, that official, that Immigration inspector, I gather, accepts as final the determination which had been made by the Displaced Persons Commission on the eligibility, and whether or not the person was a displaced person, unless he sees something that attracts his attention which raises a question in his mind, in which event he may refer it back to the Displaced Persons Commission.

But if the Displaced Persons Commission sticks to its position and says this man Joseph Vencius is all right, is qualified as a displaced person, then the Immigration authorities accept that finding of the Displaced Persons Commission as final. Is that correct?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. And then if all is approved there at the Immigration officers' office, the man gets his visa?

Mr. BASHEIN. No, actually I understand the aliens do not get their visas.

Senator DONNELL. Well, they are given to the ship officers?

Mr. BASHEIN. They are scheduled for shipping, and there is an escort officer who goes with the boat, and he holds all the visas, which he presents at the port. They are presented at the port of entry.

Senator DONNELL. Presented at the port of entry to the Immigration Service. And then the man gets off the boat and goes off to Ellis Island?

Mr. BASHEIN. I don't know anything beyond that.

Senator DONNELL. You do not know anything further. Is that the complete course of procedure?

Mr. BASHEIN. Yes, sir.

Senator DONNELL. Mr. Arens, do you want to question further?

Mr. ARENS. Yes. I think, Mr. Bashein, you have omitted in your chain of events here, I don't mean intentionally, consideration of how IRO establishes these dates and how IRO makes its determinations. Let us assume, for the sake of a hypothetical case, here, that an individual has no records. IRO has no records at all on him. What happens then, when he wants to come to the United States as a displaced person and the assurance has been sent over?

Mr. BASHEIN. As of August 31, 1949, IRO established a dead line beyond which no new people would be considered for immigration who had not previously registered with them.

Mr. ARENS. All right. Let us say the man registered in July 1949.

Mr. BASHEIN. Then they have a record on him.

Mr. ARENS. All right, sir. Now, how is IRO in that case going to make a determination as to whether or not the man was in the prescribed zones and was there prior to December 22, 1945?

Mr. BASHEIN. That, sir, is something I wish I knew in detail. As far as I know, they question the man, they ask him to produce certain evidence. What that evidence is, I do not know. How much it is, I do not know.

Mr. ARENS. As a matter of fact, the Displaced Persons Commission does not look behind the IRO certifications in that type of case, does it, from the file that is handed to the Displaced Persons Commission?

Mr. BASHEIN. No, sir; not in the absence of conflicting evidence.

Mr. ARENS. And the IRO makes its determination on the basis, in part at least, of a personal interview with the applicant, does it not?

Mr. BASHEIN. I believe so; yes, sir.

Mr. ARENS. So that Displaced Persons Commission is accepting a certification made by IRO which IRO makes on the basis of a personal interview. Is that right?

Mr. BASHEIN. Yes, sir. I believe that is correct.

Mr. ARENS. On the basis of your experience, would it not seem to be much more desirable procedure for DPC in that type of case, or for

some agency representing the United States Government, to interview the applicant respecting his eligibility under the law?

Mr. BASHEIN. I said before, sir, that I agreed with that; but it would take a staff of 5 to 10 times as large as we have. May I take liberty, Mr. Chairman, of pointing out that while we are very, very careful, under Public Law 774, the Displaced Persons Act, in normal immigration this country hasn't even got a small portion of the information upon an alien requesting a visa for immigration that they have in a case like this.

Mr. ARENS. Of course, it is a different class of person, though, is it not? Those are people that have lived in one community for generations.

Mr. BASHEIN. Yes; that is true. But all the vice consul sees before him is a man with a few pieces of paper. There is no history submitted to the vice consul who is issuing the visa. I do not mean to bring that out as proving that the administration of the Displaced Persons Act is so perfect because we give more information than the ordinary alien gives, if you understand what I mean. What I mean to bring out is that in this case there is more information submitted to the vice consul and to the immigration officer than in the case of the ordinary alien. It is true that under the Displaced Persons Act, which is the same kind of a privilege as under normal immigration, certain conditions are waived which are to the benefit of the alien, such as the fact that he may have a job assured to him, and that he gets transportation from IRO.

Senator DONNELL. Is there anything else you desire to submit, Mr. Bashein, that you think has been overlooked or should be developed further?

Mr. BASHEIN. No, sir; I will rest.

Senator DONNELL. Very well, Mr. Bashein. You are excused for the rest of this. I do not think you are here under subpena, are you?

Mr. BASHEIN. No, sir. I was instructed by the Commission to return from Germany.

Senator DONNELL. I presume, Mr. Carusi and you gentlemen of the Commission, that the witnesses, although not under subpena, will not leave without advising the committee in advance, so that we may advise you if we want to question the gentleman further.

Mr. BASHEIN. May I ask if it is the intention to hold hearings over Saturday and Sunday?

Senator DONNELL. I do not know what Senator Eastland's plan is.

Mr. ARENS. We will get in touch with him very shortly.

Mr. BASHEIN. Do you think we will know before the end of the day?

Mr. ARENS. We will communicate with him in his office and announce it at the time we recess this evening.

Senator DONNELL. Miss Ruskin, will you raise your right hand, please?

Do you solemnly swear that the testimony that you are about to give in the matter now at hand will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss RUSKIN. I do.

Mr. ARENS. Would you kindly state your full name and identify yourself by occupation?

TESTIMONY OF GERTRUDE MAGILL RUSKIN, SENIOR OFFICER, DISPLACED PERSONS COMMISSION, OFFICE IN LUDWIGSBURG, GERMANY

Miss RUSKIN. I am Gertrude Magill Ruskin. I am senior officer of the Displaced Persons Commission office in Ludwigsburg.

Mr. ARENS. And how long have you been senior officer at Ludwigsburg?

Miss RUSKIN. Since October 15, 1948.

Mr. ARENS. What was your occupation prior to your assignment as senior officer at Ludwigsburg on October 15, 1948?

Miss RUSKIN. I was comptroller of the United Service for New Americans.

Mr. ARENS. And what is the United Service for New Americans?

Miss RUSKIN. It is a voluntary agency engaged in bringing in—in taking care of DP's who are brought into the United States.

Mr. ARENS. And how long were you so employed as comptroller of the United Service for New Americans?

Miss RUSKIN. Two years.

Mr. ARENS. Where were you stationed with the United Service for New Americans during this 2-year period?

Miss RUSKIN. New York.

Mr. ARENS. All of the period?

Miss RUSKIN. Yes.

Mr. ARENS. And what was your occupation prior to your service as comptroller of the United Service for New Americans in New York?

Miss RUSKIN. I was with the McGuire Industries as attorney.

Mr. ARENS. And what is McGuire Industries?

Miss RUSKIN. McGuire Industries was a large industrial organization which made the "Tommy" gun during the war, radar, radio, and electronics for Army and Navy use.

Mr. ARENS. What was your particular position with the McGuire Industries?

Miss RUSKIN. I was attorney in charge of Government contract terminations, and wage and salary stabilization.

Mr. ARENS. And where were you located in that capacity?

Miss RUSKIN. New York.

Mr. ARENS. Would you care to give any more information as to your background, your home, where you went to school, and the degrees, if any, that you hold?

Miss RUSKIN. Yes. I have always lived in New York. I was born and bred in New York and still live there.

Mr. ARENS. Is it "Miss" Ruskin?

Miss RUSKIN. Yes. I attended Fordham University in New York, and got my law degree at Fordham University Law School, and I was admitted to the New York Bar.

Senator DONNELL. Was not Mr. Bashein also a Fordham University man? Some one of the witnesses was, I think.

Mr. ARENS. If so, I don't recall.

Senator DONNELL. You do not know any of these other witnesses who was a Fordham University product? I think someone testified he was from Fordham University.

Miss RUSKIN. That would be all right. I don't know of anybody.

Senator DONNELL. I might be in error. Go ahead.

Miss RUSKIN. And then, after that, I took a master's degree in public administration at New York University Graduate School, Graduate Division, for training in public service.

My background, my chief background, has been largely social work in public and private agencies. My first experience in social work was with the private relief agency set up by the Young Men's Christian Association. And then for 7 years I was with the Department of Welfare in New York City, first doing social work and then doing administrative work. Then after that the war came along, and I was with the War Department during the war, in the Office of Dependency Benefits, prosecuting these claims of dependents, and then I was with McGuire Industries.

Mr. ARENS. You say your present salary with the Displaced Persons Commission is $6,600 a year?

Miss RUSKIN. Well, it is $6,000, and there is or was a 10-percent allowance for overseas service.

Mr. ARENS. What was your salary with USNA, United Service for New Americans?

Miss RUSKIN. $7,500.

Mr. ARENS. You went directly from United Service for New Americans with the Displaced Persons Commission?

Miss RUSKIN. Yes, sir.

Mr. ARENS. And have you received any money from the United Service for New Americans since you have been with the Displaced Persons Commission?

Miss RUSKIN. No, sir.

Mr. ARENS. Have you received any money from any voluntary agency since you have been employed by the Displaced Persons Commission?

Miss RUSKIN. No, sir.

Mr. ARENS. What is the United Service for New Americans?

The Senator asked for a little further explanation of the organization.

Miss RUSKIN. The United Service for New Americans is a voluntary organization that gets its money from public contributions, that is, contributions of individuals.

Senator DONNELL. Is it a corporation?

Miss RUSKIN. Oh, yes.

Senator DONNELL. Under the laws of what State?

Miss RUSKIN. New York.

Senator DONNELL. When was it incorporated? Do you know?

Miss RUSKIN. It was actually incorporated in 1939 as the National Refugee Service, as it was then. In 1946 it changed its name, after it consolidated with another voluntary organization known as the National Council of Jewish Women.

Senator DONNELL. The National Council of Jewish Women?

Miss RUSKIN. Yes, sir.

Senator DONNELL. So it was consolidated.

Miss RUSKIN. As the United Service for New Americans.

Senator DONNELL. And the consolidation was composed of two previous entities namely——

Miss RUSKIN. The National Refugee Service and the National Council of Jewish Women.

Senator DONNELL. Was the National Refugee Service a denominational or religious organization?

Miss RUSKIN. It was nondenominational.

Senator DONNELL. Nondenominational?

Miss RUSKIN. Yes.

Senator DONNELL. But USNA, or United Service for New Americans, is a denominational organization?

Miss RUSKIN. It is. It is a Jewish agency.

Senator DONNELL. United Service for New Americans is denominational? And what denomination?

Miss RUSKIN. It works with Jewish people.

Senator DONNELL. Could you tell us, Miss Ruskin, who are its officers; or who were, rather, at the time you left United Service for New Americans? The principal officers of the organization?

Miss RUSKIN. You mean the executive directors?

Senator DONNELL. That is to say, the president, or whatever official was the head officer, and those that were subordinate to him.

Miss RUSKIN. Yes. Well, the agency was run by Joseph Beck, who was the executive director.

Senator DONNELL. Where was Mr. Beck's home?

Miss RUSKIN. He lived in Scarsdale, N. Y., although he came from somewhere in the Middle West.

Senator DONNELL. Do you know where it was?

Miss RUSKIN. I believe it was Cleveland. I am not sure.

Senator DONNELL. What was his background? Do you know? Was he a lawyer?

Miss RUSKIN. No; he was not a lawyer. He was one of our outstanding social workers. He had a Harvard background and was very well known in the social-work field.

Senator DONNELL. And he was the president? Is that right?

Miss RUSKIN. No; he was the executive director.

Senator DONNELL. The executive director of the United Service for New Americans.

Miss RUSKIN. And the president of the board——

Senator DONNELL. Is that right?

Miss RUSKIN. Yes, sir.

Senator DONNELL. All right. The president of the board was who?

Miss RUSKIN. Edwin Rosenberg.

Senator DONNELL. And where is Mr. Rosenberg's home?

Miss RUSKIN. New York. His business is in New York, rather. I don't know just where his home is.

Senator DONNELL. What was his business?

Miss RUSKIN. He was in textiles.

Senator DONNELL. And who was the next officer below Mr. Rosenberg?

Miss RUSKIN. Now, you see, there was the board, and there was the actual administration of the agency?

Senator DONNELL. Well, the board would be quite a long list of people.

Miss RUSKIN. Yes; it would. Mr. William Rosenwald was on that board. It has been a long time.

Senator DONNELL. Who else was included among the officers?
Miss RUSKIN. Of the agency?
Senator DONNELL. Of the agency; that is, the United Service for New Americans.
Miss RUSKIN. There was an Alex Handel.
Senator DONNELL. His home is in New York also?
Miss RUSKIN. Yes. He is now the dean of a social-work school at Adelphi University.
Senator DONNELL. At where?
Miss RUSKIN. At Adelphi University in Garden City, N. Y.
Senator DONNELL. Who else?
Miss RUSKIN. There was an Alfred Kominar.
Senator DONNELL. Also a New York man?
Miss RUSKIN. No; I think he came from Philadelphia.
Senator DONNELL. Go ahead.
Miss RUSKIN. Then there was a woman by the name of Srella Baruch, who was in charge of personnel. Then there was a public information man by the name of Reuben Resnik. And I was the fifth, I think it was.
Senator DONNELL. Very well. That is all.
Mr. ARENS. What was the occasion for your terminating your services with the United Service for New Americans and going with the Displaced Persons Commission?
Miss RUSKIN. I had several reasons for it. I wanted to help in administering this program. I felt that I could do a good job and would be of use to the Government. It was a problem in which I was interested. And for my own sake, I wanted to get the international experience. I had had already municipal experience, State experience, national experience, in social work, and I wanted to get some international experience.
Senator DONNELL. Did the organization known as the United Service for New Americans, itself, recommend you for appointment in this public work with the Displaced Persons Commission?
Miss RUSKIN. They may have, but I made my application independently.
Senator DONNELL. You did not solicit their support?
Miss RUSKIN. No, sir.
Senator DONNELL. Very well.
Mr. ARENS. To whom did you make your application?
Miss RUSKIN. I made my application to Mr. Carusi.
Mr. ARENS. And who interviewed you for the position?
Miss RUSKIN. Mr. O'Connor and Mr. Rosenfield.
Mr. ARENS. And where was that interview?
Miss RUSKIN. In Washington.
Mr. ARENS. How were you notified of your selection?
Miss RUSKIN. I was told right then and there.
Mr. ARENS. Who told you?
Miss RUSKIN. Mr. O'Connor and Mr. Rosenfield.
Mr. ARENS. Have you received any money other than the salary which you have received from the Displaced Persons Commission since your affiliation with the Displaced Persons Commission?
Miss RUSKIN. No, sir.
Mr. ARENS. From no source whatsoever?

Miss RUSKIN. No, sir.

Mr. ARENS. Now, inviting your attention specifically to July or August of 1949, did you have occasion to appear in Munich with a displaced person and his wife and three children, with the end in view of causing them to be processed for immigration to the United States?

Miss RUSKIN. No, sir.

Senator DONNELL. Did you appear anywhere in Germany on that mission at or about the time Mr. Arens has mentioned?

Miss RUSKIN. It was not that mission. Or at least that was not the mission.

Senator DONNELL. What was the mission on which you appeared somewhere? And when?

Miss RUSKIN. I happened to be in Munich visiting some friends.

Senator DONNELL. Very well.

Miss RUSKIN. I was called very early on a Sunday.

Mr. ARENS. When was that, if you please?

Miss RUSKIN. About that time, I would say.

Mr. ARENS. July or August of 1949?

Miss RUSKIN. I would say. I was called very early on a Sunday morning and told that some friends of friends of mine were ready to fly from Munich and had gone down for their Immigration and Naturalization inspection service.

Senator DONNELL. From Munich?

Miss RUSKIN. From Munich, yes; on a private flight paid for by their relatives here in New York.

Mr. ARENS. What were their names? Do you recall?

Miss RUSKIN. They were named Furstenfeld.

Mr. ARENS. Those were the people who were going?

Miss RUSKIN. Who were going, yes. And I was told they had appeared to go through their Immigration and Naturalization Service check. They had, I believe, the Pan American tickets ready for the next day. And they were told that they could not go and were not given a reason for it. And since there was very little time, could I help in getting some explanation as to the hold up.

My relationship with Mr. Main has always been a very cordial one, and so I went down there, and Mr. Main was not there, but I called him up, and he knew about the case, and he said, "We have told that man a dozen times that he has got to give us 10 days' notice of intention to fly on a private flight that has been paid for by relatives in the States."

Mr. ARENS. By the way, this was on a Sunday, was it not, that you called him?

Miss RUSKIN. On a Sunday, yes. I said, "Well, the man claims he doesn't know anything about it."

"Well," he said, "We have told him."

I said, "All right, I will tell him again." I said, "What is the earliest day this man can arrange a reservation?"

And he told me, and I told the man, and that was it.

Mr. ARENS. Tell us what happened in that case, in the Furstenfeld case.

Miss RUSKIN. What happened in the case?

Mr. ARENS. Yes.

Miss RUSKIN. When?

Mr. ARENS. What happened in the case when the family attempted to board the plane to come to the United States?

Miss RUSKIN. Well, they didn't go that Monday. They couldn't because they had to wait the 10 days.

Mr. ARENS. Is it not a fact, Miss Ruskin, that before they boarded the plane the German police appeared on the scene and arrested the entire family, and that it was discovered later that this man was the biggest black-market operator in Germany?

Miss RUSKIN. No, that is not a fact.

Mr. ARENS. What is the fact?

Miss RUSKIN. The fact is that there was an accusation leveled against them—now, I would like to say this. This is something that I had no knowledge about, because I don't know these people and didn't know them then. I was doing something for a friend of mine in Munich who knew them. But I was given the facts later. As I got the facts, Mr. Furstenfeld was arrested by the police on a charge of embezzlement which later turned out to be not the fact. He was actually held for failure to pay taxes. Now, we have here with us Mr. Blair Taylor of Munich, who knows that whole story. I was given a series of facts by a variety of people, and none of them were correct, because there was absolutely nothing wrong with that man. He was completely vindicated, and allowed to depart for the United States.

Mr. ARENS. Is he in the United States now?

Miss RUSKIN. Yes, sir. Incidentally, he was, I will say—I was told this—in business perfectly legally. He had been authorized by the military government, and so on. And these charges were brought up, I don't know by whom, but there was no basis for any of them.

Mr. ARENS. Did you know at the time you intervened to try to get this Furstenfeld family processed, on Sunday, there, that Mr. Furstenfeld had these charges pending against him either for embezzlement or for black-market operations or whatever it was that was charged against him?

Miss RUSKIN. I would like to keep the record straight. I did not intervene to try to get Mr. Furstenfeld processed. All I did was to try to get Mr. Furstenfeld an explanation of why he was being held. I did not know Mr. Furstenfeld at the time that I went down there to ask Mr. Main why one of his cases was being held.

Mr. ARENS. Well, may I ask you this question: Did you know at the time you communicated with Mr. Main that Mr. Furstenfeld was under suspicion for embezzlement for black marketing?

Miss RUSKIN. When do you mean, communicated with Mr. Main?

Mr. ARENS. The day you communicated with Mr. Main.

Miss RUSKIN. You mean that Sunday?

Mr. ARENS. Yes, ma'am.

Miss RUSKIN. Oh. Well, I got down to the resettlement center, I would say, about 10:30, and I spoke to Mr. Main at 10:35.

Senator DONNELL. That was not the question, Miss Ruskin. Mr. Arens wanted to know whether or not when you went down to see Mr. Main that day you already knew that these charges had been made against Mr. Furstenfeld.

Miss RUSKIN. No, sir; it would have been impossible. I had never seen Mr. Furstenfeld or known him before 10 o'clock that Sunday.

Senator DONNELL. You could have known about these charges before you had ever seen him or known of him. Did you ever hear of these charges?

Miss RUSKIN. No, sir; not at all.

Mr. ARENS. When did you first hear of the Furstenfeld case?

Miss RUSKIN. That Sunday morning, as I say, when I was awakened and was told there was a friend of a friend that was being held up, and would I find out why.

Mr. ARENS. Who awakened you?

Miss RUSKIN. Some friends of mine in Munich.

Mr. ARENS. And who were they?

Miss RUSKIN. People who were living in Munich.

Mr. ARENS. What are their names?

Miss RUSKIN. Oh. Alexander Katz.

Mr. ARENS. And who is he?

Miss RUSKIN. He works for IRO in Bad Kissingen.

Mr. ARENS. He works for IRO where?

Miss RUSKIN. In Bad Kissingen, zone headquarters.

Mr. ARENS. And what is his particular position in the zone headquarters of IRO?

Miss RUSKIN. As I recall it, he had some kind of liaison job in the Munich area for the headquarters in the maintenance field.

Mr. ARENS. Now, where were you when Mr. Katz communicated with you?

Miss RUSKIN. I was in Munich.

Mr. ARENS. Where in Munich?

Miss RUSKIN. If I recall, I was at the hotel where the Americans stayed, the Excelsior, I believe.

Mr. ARENS. And were you called by telephone by Mr. Katz?

Miss RUSKIN. I believe so, yes. I don't remember it very well. I remember the incident at the resettlement center. I don't remember the facts—I remember I was called early in the morning. I remember resenting that very much.

Mr. ARENS. Well, now, were you asleep in the hotel? Are we to understand that you were asleep in the hotel and Mr. Katz called you early in the monring and got you out of bed?

Miss RUSKIN. Yes.

Mr. ARENS. And how long did you talk to Mr. Katz on the telephone?

Miss RUSKIN. Well, I mean, long enough to—I couldn't give you any time. Long enough to get the facts and say "All right, I will come down."

Mr. ARENS. What facts did you get from Mr. Katz?

Miss RUSKIN. That there was this friend of his who was going on this private flight and who had gone down to the resettlement center, Funk Kaserne, to get his INS inspection, Immigration and Naturalization Service inspection, and that he had been told he couldn't go. And whether he asked whether he could go or couldn't go—he didn't go. I mean, he couldn't get an explanation. I beg your pardon.

Mr. ARENS. How long from the time you talked to Mr. Katz was it until you communicated with Mr. Main?

Miss RUSKIN. Oh, I got dressed, and I went down to Funk Kaserne, and from the Kaserne I called Mr. Main. I thought Mr. Main would be at the Kaserne, because I knew that Sunday they were in operation, doing an INS inspection.

Mr. ARENS. Where was Mr. Katz when he talked to you? Did he call you long distance, or was he also in Munich?

Miss RUSKIN. No, Mr. Katz lived in Herrsching, which was about 35 kilometers away from Munich. And he called me from Herrsching.

Mr. ARENS. What was the occasion for your being in Munich?

Miss RUSKIN. I was visiting.

Mr. ARENS. Whom were you visiting?

Miss RUSKIN. I was visiting the Katz's and other friends that I had there.

Mr. ARENS. You were visiting the Katz's in Munich?

Miss RUSKIN. Yes.

Mr. ARENS. Were the Katz's in Munich, or were they out at this little town?

Miss RUSKIN. When I say "Munich," that is the Munich area. I would go to Munich and I would stay at the hotel. The Katz's lived in Herrsching. There were others who lived in town.

Mr. ARENS. When had you arrived in Munich?

Miss RUSKIN. Probably on Saturday.

Mr. ARENS. Did you stay with the Katz's on Saturday evening?

Miss RUSKIN. Well, I can't tell you with any particularity. It was a custom of mine to go down to Munich and see some of my friends. And I would see them, and sometimes they were not there, and sometimes there were others.

Mr. ARENS. How did you get from Ludwigsburg—is it Ludwigsburg?

Miss RUSKIN. Yes.

Mr. ARENS. How did you get from Ludwigsburg to Munich?

Miss RUSKIN. I would either take a train or go by car, depending on whether I had official or personal business to attend to.

Mr. ARENS. Did you write your own travel orders?

Miss RUSKIN. All senior officers wrote their own travel orders.

Mr. ARENS. Did you write your travel order on this particular trip?

Miss RUSKIN. I may have. If this was an occasion when I was taking visas for the flight cases from Munich, I probably did write a travel order.

Mr. ARENS. Then you traveled at Government expense on this trip?

Miss RUSKIN. Yes, because I was going on official duty.

Senator DONNELL. I thought you went down to visit the Katz's and some other friends. I did not understand you were going down on official business.

Miss RUSKIN. I say that I frequently——

Senator DONNELL. But I am talking about this particular time.

Miss RUSKIN. I can't remember with particularity on this particular occasion. I can't remember it to that extent, because it was just one of those usual things.

Mr. ARENS. Had you seen the Katz's prior to the time that he had this telephone conversation with you and got you out of bed?

Miss RUSKIN. I may have.

Senator DONNELL. You may not have, too. But what we want to know is: Did you?

Miss RUSKIN. I don't remember that. I mean, it wasn't an important enough thing for me to have remembered with particularity. I remember this particular incident, because it was unusual for me to be awakened at that hour in the morning, and to have that set of facts presented to me.

Senator DONNELL. You resented being waked up that early in the morning? You remember what happened the day before, do you not, Miss Ruskin?

Miss RUSKIN. No, I really don't.

Senator DONNELL. Had you been up the night before, somewhere? And if so, where?

Miss RUSKIN. Probably in Munich.

Senator DONNELL. I do not want to know what the probabilities were, but where you were, if you remember.

Miss RUSKIN. I don't remember.

Senator DONNELL. And you do not know whether you came down on official business or did not come down on official business; is that right?

Miss RUSKIN. That is true. As I say, I may have brought some visas for the flight cases that were going out from Munich.

Senator DONNELL. But you do not know whether you did or did not?

Miss RUSKIN. I do not know whether that trip or the trip after or the one before was one when I brought visas.

Senator DONNELL. How often did you go down there at that time?

Miss RUSKIN. I made three or four trips down there.

Senator DONNELL. And you cannot remember on this particular trip where you had been the evening before, how late you had been up, whether or not you were still quite sleepy from being up late, or whether you had been in early?

Miss RUSKIN. I can tell you this. I can assume that I was up late, because I always go to bed late.

Senator DONNELL. Well, you are assuming that. You do not actually remember it, though?

Miss RUSKIN. No; not on that occasion. But on Saturday night and in Munich with friends, I would assume that.

Senator DONNELL. You did not come down to Munich on this particular mission to intervene for the Furstenfelds?

Miss RUSKIN. Absolutely not.

Senator DONNELL. Now, you are absolutely sure of that?

Miss RUSKIN. Absolutely not.

Senator DONNELL. But you cannot remember why you did come. Is that right?

Miss RUSKIN. No, no. I came to see my friends.

Senator DONNELL. Wait just a moment. A minute ago you said you might have come down to bring these visas down.

Miss RUSKIN. Yes; I was just going to say that, Senator. I could have come for that.

Senator DONNELL. Of course, you could have, but did you?

Miss RUSKIN. I don't remember at that particular time, because during those 2 months there were times when I went to Munich to take

visas for flight cases processed, who were going out from Munich, and on other occasions I went down to Munich just to visit my friends. It may be on this occasion that I went just to visit my friends. It may have been the week before that I went to take visas down. It may have been on this occasion that I went to take visas down and stayed to visit with my friends.

Mr. ARENS. Did you write a travel order for yourself on this particular occasion?

Miss RUSKIN. If I went down with visas, I did write a travel order, and if I did not go down with visas, I didn't.

Mr. ARENS. Did you write travel orders for yourself when you were only going to visit?

Miss RUSKIN. No, sir.

Mr. ARENS. Did any one accompany you from Ludwigsburg down to the Munich area?

Miss RUSKIN. On this occasion?

Mr. ARENS. Yes.

Miss RUSKIN. No.

Mr. ARENS. Well, now, what time of day was it that Mr. Katz called you on the telephone?

Miss RUSKIN. It was in the morning. It was what I considered early for Sunday morning. It was between 8 and 10 o'clock.

Mr. ARENS. And then what did you do?

Miss RUSKIN. I got dressed and I went down to Funk Kaserne.

Senator DONNELL. Is that the barracks?

Miss RUSKIN. That is the IRO resettlement center in Munich.

Senator DONNELL. It is a former barracks, is it not?

Miss RUSKIN. It is a former German Army barracks, yes, sir.

Senator DONNELL. Brick or stone; is that right?

Miss RUSKIN. Yes.

Senator DONNELL. And you went down there?

Miss RUSKIN. Yes; that was where these people were. That is why.

Mr. ARENS. Did you try to put a telephone call through before you went?

Miss RUSKIN. No.

Mr. ARENS. Did you have any other business to transact there other than the matter of the Furstenfelds?

Miss RUSKIN. No.

Mr. ARENS. And whom did you see when you got to the place that you were going?

Miss RUSKIN. As a matter of fact, when I walked in, there wasn't anybody there. The Furstenfelds were waiting outside. I was introduced to them. I said, "How do you do?" And then I went inside. There was nobody there. I started up the stairs. I had thought, as I say, that they would be processing, and I expected to see people, including Mr. Main, but there wasn't anybody there. And then, as I came down the stairs again, to look around and see whether there was anybody on the ground floor, a man appeared, and I did not know who he was, and he said to me, "Who are you?"

I said, "Well, who are you?"

He gave me a name. He said he was some member of the Commission. Later I learned that the name was Verstopen.

Senator DONNELL. He is connected with the Displaced Persons Commission?

Miss RUSKIN. Yes. And when he asked me again who I was, I told him I was a senior officer from Ludwigsburg and I was looking for Mr. Main. And I was told then that he was ill, that Mr. Main was ill, and I asked if I could call him, and he said, "yes," and this man get the number for me.

Senator DONNELL. You remember this name Verstopen, and you remember you went down to Munich, but you cannot tell us whether you went down with visas or whether you went down to see the Katz's.

Miss RUSKIN. I will tell you why I remember this with particularity. The name of the people and the incident I probably would forgotten, but I was not allowed to forget it, because everybody was talking about it.

Senator DONNELL. Everybody was talking about it?

Miss RUSKIN. Yes.

Senator DONNELL. What made them talk about it?

Miss RUSKIN. Because they were saying what was implied in this question, that I went down to process this thing. It was no such thing.

Senator DONNELL. You did not go for that purpose at all?

Miss RUSKIN. No, sir; I would not consider doing such a thing.

Mr. ARENS. Now, have you had occasion to communicate, go and visit, Mr. Tripp, the Immigration Chief in Bremen with reference to a case or cases?

Miss RUSKIN. Yes; I went up to see Mr. Tripp in February of 1949.

Mr. ARENS. Now, what was the case you went to see Mr. Tripp about?

Miss RUSKIN. The Nathan Reich case.

Mr. ARENS. How do you spell the name?

Miss RUSKIN. R-e-i-c-h.

Senator DONNELL. What business is this man, Furstenfeld, in? Do you know?

Miss RUSKIN. He had some kind of a manufacturing business.

Senator DONNELL. A wealthy man, was he, according to your understanding?

Miss RUSKIN. Well, afterward, when they were telling me about him, when this business of the detainment came in, I heard that he had quite a lot of money.

Senator DONNELL. Did Mr. Katz arrive on the scene later during that Sunday?

Miss RUSKIN. Yes; he did.

Senator DONNELL. Did you and he discuss the Furstenfeld matter?

Miss RUSKIN. He introduced me. Mr. Katz introduced me to the Furstenfelds.

Senator DONNELL. I thought they were down there waiting when you arrived at the Kaserne.

Miss RUSKIN. Yes.

Senator DONNELL. Was Mr. Katz there at that time, already that early in the morning, having come into this place from 35 miles away?

Miss RUSKIN. No; it wasn't 35 miles away. It was 35 kilometers, which is considerably less.

Senator DONNELL. What would that be? About 23 miles?

Miss RUSKIN. About 23 miles.

Senator DONNELL. Was he down there with them at the Kaserne?

Miss RUSKIN. Yes, because he introduced me to them.

Senator DONNELL. So he got down there between the time he called you and the time you had gotten up and gone down; is that right?

Miss RUSKIN. Well, you must remember that I got dressed and had something to eat.

Senator DONNELL. I understand, but I say Mr. Katz had got there?

Miss RUSKIN. Yes.

Senator DONNELL. All right.

Mr. ARENS. That is the IRO man, Mr. Katz?

Miss RUSKIN. Yes.

Senator DONNELL. He is the IRO man. Very well.

Mr. ARENS. What is this next case you were telling about, now, which you had a conversation with Mr. Tripp over?

When you give the name of the case, spell it for the record, please.

Miss RUSKIN. Nathan Reich, R-e-i-c-h.

We had processed the Nathan Reich case in our area, and the man was sent up to Bremen. I got a call or was told by the voluntary agency representative in our area that the man was being held in Bremen.

Mr. ARENS. Who called you?

Miss RUSKIN. Well, my first information about the case, as I recall it, came from the representative in our area of the sponsoring agency, which was HIAS, AJDC, American Joint Distribution Committee. She told me that the man was being held, and did I know why? I said "No," I had no information on it. Then, shortly thereafter——

Mr. ARENS. The case had been processed by you in the first instance, had it not?

Miss RUSKIN. The case came from the Ludwigsburg area, yes. That was why the question was directed to me. Then I got a call from Bremen saying that this case was being held awaiting letters from the consulate in Stuttgart, and they wondered whether I would go in and ask the consul whether that letter had been sent. And then I think I got another call asking me to please go in and ask whether the letter had been sent, because in the meantime the man up there, Nathan Reich, had attempted to commit suicide because of the delay.

Mr. ARENS. Who was doing all this calling to you?

Miss RUSKIN. The first call, I believe, came from our own office, there. The second call came from the voluntary agency representative in the Bremen office.

Mr. ARENS. How far is Bremen from Ludwigsburg?

Miss RUSKIN. I would say about 800 kilometers.

Mr. ARENS. How many miles?

Miss RUSKIN. Oh, well, take five-eighths of 800; 500 miles, about 500.

Mr. ARENS. And then you got on the train or some kind of transportation and went from Ludwigsburg to Bremen to see Mr. Tripp?

Miss RUSKIN. No; that was not the reason. This was the first I had heard of the holding of cases and also of the new process in Bremen about having the INS inspection done in Europe. Also, I had been very eager to see a ship sailing, and Mr. Squadrilli had

encouraged all of the senior officers, when they thought they could go, to go up and see a ship sailing, and see the process in the Bremen office.

It also happened to be a legal holiday. That was Washington's Birthday. So I took that occasion. I went in to see the consul, and he told me "Yes," he had gotten a request from Mr. Tripp to send a letter explaining something about the action they had taken in this case. And I asked him if I could carry the letter up, because the man up there was quite disturbed, and we wanted to get the case disposed of.

Mr. ARENS. Where is this taking place? In Ludwigsburg?

Miss RUSKIN. No; that took place in the consulate in Stuttgart.

Mr. ARENS. This was the consulate in Stuttgart before you went to Bremen?

Miss RUSKIN. Yes; I went in and got the letter, which was given me by hand to carry to Mr. Tripp. And then I went up to Bremen.

Senator DONNELL. What was the nature of that letter?

Miss RUSKIN. I didn't see the letter, but I was told that Mr. Tripp had asked the consulate in Stuttgart to give him some explanation of some of the actions that the consulate had taken. It had no reference to the displaced-persons processing of this case.

Senator DONNELL. It did not relate to Nathan Reich at all?

Miss RUSKIN. It did, yes. It related to the consular process in relation to Nathan Reich in the issuance of a visa.

Senator DONNELL. Well, Nathan Reich was a man who wanted to come over as a displaced person?

Miss RUSKIN. That is right.

Senator DONNELL. So this letter related to some processing in connection with the displaced persons' exodus of Nathan Reich from there to here; is that right?

Miss RUSKIN. Yes; it did, but it related to consular process relative to the issuance of the visa.

Mr. ARENS. Then you went to see the consular officer, did you?

Miss RUSKIN. I went in to get the letter. I said I would carry it up there, and I did.

Mr. ARENS. Did you talk to the consular officer about the matter?

Miss RUSKIN. No; he had told me that he had gotten the request and that he would prepare the letter.

Mr. ARENS. Then you started off for Bremen?

Miss RUSKIN. That is right, and I got up there.

Mr. ARENS. Now, before you started for Bremen—did you go on the travel order of the Government?

Miss RUSKIN. Yes.

Mr. ARENS. You wrote that travel order?

Miss RUSKIN. Yes; I did.

Mr. ARENS. And your purpose in going was to see about this case that was being held by Mr. Tripp?

Miss RUSKIN. That was one of the purposes, as I have explained; and the other purpose was to see the procedure up there, to see a ship sailing, which was regarded as part of our training in the displaced-persons program.

Mr. ARENS. All right. Now, you got to Bremen. Now what happened?

Miss RUSKIN. At Bremen, I saw Mr. Tripp, and I gave him the letter. And it was the first time I had seen Mr. Tripp. I thought it would be a good thing to talk to him about the process and tell him how we worked down in Ludwigsburg and to offer our services in connection with all cases processed in Ludwigsburg on a cooperative basis. After all, we were cooperative agencies in one big program.

And I asked Mr. Tripp at that time, in order to help dispose of cases, where he had to hold them for further information to let me know with relation to the cases in Ludwigsburg area, and if he needed an additional CIC report we would call CIC and get that, or if he needed more information from the consul we would call and get that, and if there was anything in the area that that related to a case which was being held we could help him expedite and dispose of these cases.

Mr. ARENS. Yes. Now, tell us about the Nathan Reich case. What did you tell him about that one?

Miss RUSKIN. I told him that as far as the Commission was concerned, we thought the case was clear.

Mr. ARENS. And how strong did you make your representations to Mr. Tripp with reference to the Nathan Reich case?

Miss RUSKIN. I don't remember that I made them strong with relation to Nathan Reich or any other case, because I had no special interest in Nathan Reich. He was just a case that had been processed, as far as I was concerned, having been processed in my area.

Mr. ARENS. And did you urge Mr. Tripp to pass the case?

Miss RUSKIN. Not at all.

Mr. ARENS. Did you know when the case was being held by Mr. Tripp that Nathan Reich had been previously rejected under the Truman directive because of a false statement of residence?

Miss RUSKIN. Yes; we had the entire consular record on that case when we processed that case.

Mr. ARENS. Did you know, in the particular case which Mr. Tripp was holding, that the particular address which the man gave was bombed during the war and therefore he could not have lived there in 1945, as he alleged?

Miss RUSKIN. As a matter of fact, in that particular case, as I say, we had the consular record, because when the program, the Truman directive program——

Senator DONNELL. That was not the question. You can answer that question "yes" or "no," and then explain it.

Miss RUSKIN. No; I can't answer it "yes" or "no." Will you restate the question?

Senator DONNELL. Read the question, Mr. Reporter.

(Mr. Arens' question was read.)

Miss RUSKIN. That is not quite the fact.

Senator DONNELL. Just a minute. Did you know that? You can say "yes" or "no" and then explain your answer.

Miss RUSKIN. But I can't, because the evidence in the record——

Senator DONNELL. Did you know that that place had been bombed during the war?

Miss RUSKIN. No; I didn't know that the place had been bombed.

Senator DONNELL. Now, go ahead with your explanation.

Miss RUSKIN. I must explain, because these cases are not always——

Senator DONNELL. You can answer "yes" or "no" and then proceed with your explanation.

Miss RUSKIN. As I say, at the end of the Truman directive program, the consul turned over to the Commission a number of their pending cases that had not been processed because of the new bill.

Mr. ARENS. A number had been rejected, too, had they not?

Miss RUSKIN. No; they did not turn over to us the rejected cases. Those were kept in their own files.

Senator DONNELL. It is after 5 o'clock, and I think it is going to be necessary to recess the hearing at this time.

Mr. ARENS. I have one more question, and then we can recess, if that is agreeable to the Senator.

Miss RUSKIN. I have not finished answering this.

Mr. ARENS. I beg your pardon.

Miss RUSKIN. In the record that we had from the consul, which was turned over to us routinely, there was a statement that the allegations with regard to fraud in the residence of Mr. Reich had not been sustained.

Mr. ARENS. Well, did you know that Mr. Nathan Reich had been a member of the Russian Army for 5 years up to 1946?

Miss RUSKIN. Yes.

Mr. ARENS. In Russia?

Miss RUSKIN. Yes; I believe there was some statement in the record as to that.

Mr. ARENS. Now, if he had been a member of the Russian Army in Russia until 1946, how could he have possibly been within the prescribed zones prior to December 22, 1945?

Miss RUSKIN. I beg your pardon. You said "until 1946"?

Mr. ARENS. Yes, ma'am.

Miss RUSKIN. I remember that there was something in the record as to membership in the Russian Army, but that that was until 1946 was not the fact, because there appeared to be no question as to his having been some place in Germany in 1945.

Mr. ARENS. Well, now, you have a pretty fair recollection of this case even at this date. Did you discuss the case in detail with Mr. Tripp?

Miss RUSKIN. No. I talked only in generalities, and one of the things I said to Mr. Tripp was that whenever we processed a case we did as thorough a job on it as could possibly be done, and that I wanted him to know that, that our standards of operation were quite high, and that when he got to know me better he would learn perhaps that he could rely upon that.

Mr. ARENS. But did you endeavor to convince him that the case being held ought to be passed?

Miss RUSKIN. No; I was speaking in general terms of the standards of operation in Ludwigsburg.

Mr. ARENS. You testified, here, a moment ago, that one of the reasons you went to see Mr. Tripp in the first place was that somebody had asked you about the Nathan Reich case. Is that not true?

Miss RUSKIN. They had asked me to see whether I could get that letter that was holding up action in Bremen. I wanted to go to Bremen, and I thought it would be an act of charity and a human

kindness to bring that piece of paper, which, going through the APO post or the message center, would probably take 2 or 3 weeks.

Mr. ARENS. Are you now testifying that you did not even discuss the Nathan Reich case with Mr. Tripp?

Miss RUSKIN. I did. I brought it up, there, and I said, "Here is the information on the Nathan Reich case that you wanted."

Mr. ARENS. But you did not have any discussion with Mr. Tripp on the Nathan Reich case?

Miss RUSKIN. If you call that a discussion, I did.

Senator DONNELL. Did you oppose the idea of Nathan Reich being permitted to leave, or did you advocate it, or did you take a neutral position?

Miss RUSKIN. It was neutral to this extent: I said we had processed it, and we had found him eligible. And——

Senator DONNELL. And what?

Miss RUSKIN. And that I believed that our decision was a good one.

Mr. ARENS. Is there mail service between Ludwigsburg and Bremen?

Miss RUSKIN. Yes.

Mr. ARENS. Then, if it was a question of transmittal, that could have been transmitted by the mails, could it not?

Miss RUSKIN. Yes; it could.

Mr. ARENS. How many miles is Bremen from Ludwigsburg?

Miss RUSKIN. It was, as I told you, 500. But I also told you why I went. That was not the chief reason.

Mr. ARENS. Oh, that was only one reason?

Miss RUSKIN. Yes.

Mr. ARENS. The other reason was that you wanted to watch the boat?

Miss RUSKIN. I wanted to watch the sailing. I did want to see Mr. Tripp to see what this operation was that he was going to do, as it related to other cases; and to offer my services as a cooperating agency.

Senator DONNELL. The subcommittee will be in recess, to convene again on next Monday morning, at 10 o'clock in the District of Columbia room in the Capitol.

(Whereupon, at 5:05 p. m., the subcommittee recessed to reconvene in the District of Columbia room, the Capitol, Monday, March 13, 1950, at 10 a. m.)

DISPLACED PERSONS

MONDAY, MARCH 13, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 11:15 a. m., pursuant to recess, in the District room, the Capitol, Hon. Herbert R. O'Conor (chairman of the subcommittee) presiding.

Present: Senators O'Conor and Senator Donnell.

Also present: Messrs. Richard Arens, Frank W. Schroeder, and Thomas J. Davis, of the professional staff.

Senator O'CONOR. The committee will please come to order.

Miss Ruskin, please.

TESTIMONY OF GERTRUDE RUSKIN, SENIOR OFFICER, DISPLACED PERSONS COMMISSION, LUDWIGSBURG, GERMANY—Resumed

Senator O'CONOR. You have been previously sworn, have you not, Miss Ruskin?

Miss RUSKIN. Yes.

Senator O'CONOR. Your testimony was not completed at the time of adjournment last Friday.

Will you proceed, Mr. Arens?

Mr. ARENS. Miss Ruskin, may I invite your attention to the incidents which were the object of testimony by other witnesses with respect to some seven employees in the Ludwigsburg area who went to Frankfurt, according to the testimony, to protest the operation of the Ludwigsburg area, and I ask you to express yourself with reference to that incident.

Miss RUSKIN. First of all, there were only six. There was in Frankfurt at the time one member of the staff who was in the process of being dismissed for incompetence and other factors, and who joined up with these six people when they came.

I think the impression has been given by people who know nothing at all about what happened that the protest was directed against the operations, and the further impression has been given that the protest was against interpretation and attempt to violate the law, and all that sort of thing. Actually, the protest was against my insistence that the higher standard of work be performed in Ludwigsburg and the fact that some of these members of the staff felt that I was making clerks out of them and not giving full enough respect to their professional status.

I would like to be able to explain that in detail because I think it is quite an important point.

Senator O'Conor. Before doing that, might I ask you as to what you base the statement on that the information emanates from those who are not sufficiently informed.

Miss Ruskin. From what I have heard about this thing, the man who gave the information about this has never been in Ludwigsburg, to my knowledge. I never saw him, never knew him, never spoke to him. I never laid eyes on him until I got here to Washington. What is more, he got the information long after the situation occurred.

Senator O'Conor. Who is he?

Miss Ruskin. I think it is Mr. Cutler.

Long after the situation occurred, from a member of my staff who had been transferred to the Munich area, he got the information, and you know how those things grow in the telling. I would like to start at the beginning here. The people who comprised those six were one man who had been on my staff 2 weeks and had nothing at all to do with cases. He was a young man who was being trained in the clerical and administrative processes in the office. Another young man had been on the staff 3 weeks, 1 week of which had been spent on learning the law, studying it, analyzing it, and the other 2 weeks being spent in being trained by me on cases. He was still in the training process. The other four were people who were on my staff, ranging from 6 months to about 2 or 3 months.

When we started operations in Ludwigsburg, I told my staff that we had an obligation to the Government to see that we got the most desirable people and that we were dealing with human beings, and that we had an obligation to these people commensurate with as thorough an investigation as possible to tell them as quickly as we could whether or not we were going to accept them under the law, so that if we were not going to accept them they could make other plans to go elsewhere.

Now, I expected my staff to follow that instruction and to get cases out with as much rapidity as possible, not where there were any questions. I mean by the rapid process that while a case could lie on a man's desk all day the fact that it lay there did not necessarily mean that there were any problems in it. It was just that he did not want to do it or that he did not get to it. I felt that we had an obligation to these people not to let these cases lie on the desks. In order to determine how much work a man could do during the day, I had a meeting with my staff and I asked them to set their own production schedules as far as cases were concerned.

When I say production schedules with respect to cases, I mean clear cases. There was never any time limit set on any case that ever had a problem. We could go into that problem as thoroughly and as often as we felt was necessary, and there were instances where cases went back and forth to CIC, where we got the individual in, questioned him, sent the information back to CIC, and it went on endlessly. We have had cases that have been under investigation a year. We haven't been satisfied that the information given us complies with the law and so we haven't taken action.

But as to the clear cases, where there appeared to be no adverse information, I felt that we should be as expeditious as possible. And

my own staff set the production records with respect to these clear cases, and then didn't want to get the cases out, you see. They objected to working 8 hours a day. We were required by law to work 40 hours a week, and I felt that even though we were in Europe we ought to be doing a 40-hour-a-week job. There was plenty of work to be done.

They also objected that I was making them do clerical work. It was my feeling—and this was agreed to by other members of the staff who were assisting me—that nobody but an American should work on a case or touch a case at any price except for copying and typing, which was done by the German clerical personnel from the moment a case got into our office until the moment it was sent out. There were a variety of reasons for that. For example, at the time of preliminary selection we fill out a form, which is sent on to the FBI for check here in the United States. The FBI uses that information, particularly names, addresses, dates, and so on, to check to see whether there is any security information on these people.

It was my impression, and I believed very firmly, and I still believe, that no one but an American should fill out that form, even though it meant copying information from the documents in the record to another form. I had quite a lot of trouble on that particular score because they objected that that was a clerical job and any German clerk could do it.

Senator O'Conor. When you say they objected, do you refer to the same people?

Miss Ruskin. Yes, the staff. They kept saying that was a clerical job and that the staff ought to do it. I tried to point out on any number of occasions that that was not a clerical job, that the information we were giving was of a very important nature, for a very important purpose, and we should try to be as accurate as possible. I did not think the German clerks had the judgment to know whether they were doing it right in the first place. They had no knowledge, especially with respect to American addresses, and so on.

Senator O'Conor. Did you learn of any instances in which there has been infractions of the regulations as a result of the Germans, or non-Americans, processing these documents?

Miss. Ruskin. I did, indeed, and I would call that to their attention. At one point it was necessary for me to put somebody on checking those things to be sure that my staff would comply with my request.

Senator O'Conor. Were those instances relatively numerous, or relatively few?

Miss Ruskin. I told you that I had to put somebody on to check to see that the staff was carrying out that request. I still feel that it is a very important part of the job. Furthermore, from the point of view of training and general processing, I felt that the more they looked at the case, the more they copied information from one record to another, the more familiar they would become with what was in the record; so that if there were any questions, it would become obvious to them, maybe not at first examination, but maybe the second, third, or fourth time. What I was looking for was to be sure that when we did send a case on, it was absolutely clean and that all questions had been answered. That was one aspect.

There were situations where my staff felt that it was not necessary for them to put the identifying information in the analyst's report

on which the eligibility is based. They felt again that that was a clerical procedure.

That will give you some of the background for this feeling, you see, that I was making clerks out of them and their general reaction to the way things were run in my office. They felt that we were being overdetailed in some of the records that we kept. I felt that with the large number of cases we had to keep very strong controls and that we ought to record every action that we took, and so on.

The interesting thing about this complaint to Frankfurt was that it was done in my absence, without any knowledge that these men did not come to me and tell me that they were going to complain. I knew nothing about it, and got the information by one of those grapevine reports. Somebody called a man in my office a week later and said that six of the people had been to Frankfurt.

Incidentally, when I discussed this thing with my staff later, they all agreed that they wanted to be transferred out. When they were actually transferred out—and that process did not begin for a couple of months later—they were all unwilling to go. Those men now, who were transferred out of my office, some of them are still trying to be reassigned to my office. One of them called me up when he heard that I was called here to Washington, and he said, "Miss Ruskin, if there is any testimony that I can give in your behalf, call upon me." They realize now that they did the wrong thing. They realize also that if they had told me they were going to Frankfurt, I, myself, who feel that they have a right to complain if they don't think the things are right, would have arranged their transportation; would also have arranged an appointment with Mr. Squadrilli with them.

Incidentally, there were a great many things they were complaining about and griping about that I couldn't do a thing about. For example, one of the men on my staff wanted to be assigned to the Italian office. I couldn't make such a transfer. He was told by the ringleader that I stood in the way of his being transferred to Italy. I had nothing to do with it at all. They also wanted increases. I could not do anything about increases except to recommend them, and I had recommended some. I could not recommend separation allowances because that had nothing to do with me. But these were all the things they were griping about and went to Frankfurt to complain about.

Incidentally, they went to complain that in our office we were very rigid about our standards of production, that is, at Ludwigsburg. Not once, may I add, did any one of these men bring up to me any question involving policy on a case, not once. As a matter of fact, they all told me that they thought I knew and understood the law very well, and when we would discuss problems that arose in cases, they were always satisfied after the discussion to accept the decision that we had both arrived at. That is why I was so surprised when this thing came up, that there was any question about policy or anything relating to questionable practices under the law. I might add also that as far back as August, the ringleader of this particular trip told me that actually he had never had any question about my administration, or anything else, and that he always thought I was doing a good job. This was the man himself who had led this.

Senator O'Conor. Do you have his name?

Miss RUSKIN. Mr. Young. And he told me that he had the greatest respect for the way things were run in my office, and so on. That is the story.

Mr. ARENS. Miss Ruskin, what are the regulations of the Commission with respect to interviewing applicants?

Miss RUSKIN. The regulations of the Commission are that we will not see applicants except where necessary. In my particular operation, we have been seeing applicants from the very beginning, on every question, in every case where there have been any questions which could be decided by an interview with an applicant.

Mr. ARENS. I was interested a little while ago in your observation with respect to processing of those cases by people who are citizens. That was your observation, was it not, that you thought that American citizens should participate in the processing?

Miss RUSKIN. Yes, sir.

Mr. ARENS. Under the present practice, to what extent do American citizens participate in the processing of displaced persons at the IRO level?

Miss RUSKIN. If they have Americans on their staff, they participate. But, you see, I think something had to be clarified about the IRO processing, and I think I will have to go to the consular process under the Truman directive in order to give you a picture of what I mean. Under the Truman directive, an applicant for immigration would prepare a form, which was called a personal data form, which he would submit to the consul. The consul would then ask IRO for certification as to that person's DP status under the IRO constitution, which came in in a memorandum form, apart from the personal data form. IRO would certify that, according to their records, this man was in the American zone of Germany or Austria at a certain time and that he was a DP under the IRO constitution.

What we have done in the Displaced Persons Commission is to use the IRO resettlement registration form, which gives us more information. The man himself, the applicant, makes that form out in the IRO camps and gets the assistance of IRO resettlement workers, who help him to put the information in the proper places, who type the forms for him. But it is all done on the man's statement and he signs that form.

Then in the same form an IRO international officer, who may be British, American, Dutch, Norwegian, any of the countries participating in IRO, checks the basic IRO records to see what they have, and then indicates on that form any discrepancies that may exist between the man's present statement and what IRO has in its records. And this international officer certifies that, as far as the IRO records are concerned, this man entered Germany on such and such a date. They also certify that he is a displaced person within the IRO constitution. Then they certify that, as far as their records show, he was in a particular place on January 1, 1948. I just want to make this observation.

So you see that while IRO is helping in the process, it is actually the man who is making the present statements about his past history and his status, and IRO is simply giving us the benefit of their records as to what they show in those records that have been compiled over the years.

Mr. ARENS. Let us assume that the IRO has no records on an individual. They call him in and interview him, then, do they not?

Miss RUSKIN. Yes.

Mr. ARENS. And on the basis of that interview, they make the certification to the Displaced Persons Commission; is that right?

Miss RUSKIN. Yes; according to the records that they have.

Mr. ARENS. When you receive a file from the International Refugee Organization certifying that a Mr. X is a displaced person, and also certifying that the IRO finds that he entered Germany, Austria, or Italy, at a certain time, if there is on the fact of the file no discrepancy that file is passed; is it not?

Miss RUSKIN. On the preliminary selection, yes.

Mr. ARENS. And the man is not then interviewed by an American citizen or anybody else, is he?

Miss RUSKIN. He is not interviewed at that point by an American citizen.

Mr. ARENS. But at that point the only interview of Mr. X in this case I have given you is an interview by the International Refugee Organization; is it not?

Miss RUSKIN. Yes, sir.

Senator O'CONOR. And in some instances by a person not an American citizen; is that correct?

Miss RUSKIN. Yes.

Senator O'CONOR. We are just taking a hypothetical case.

Miss RUSKIN. Yes. It could be.

Mr. ARENS. I was interested in your observation, on the basis of your experience with respect to the desirability of participation by American citizens.

Miss RUSKIN. Yes, but in our office, you see, that preliminary selection is made by an American.

Mr. ARENS. I understand, but that preliminary selection is not made on the basis of interview by the American of the displaced person, is it?

Miss RUSKIN. Not necessarily. It may not be.

Mr. ARENS. The only instance in which he would interview the individual would be in a case where the IRO file had discrepancies in it which he wanted to clear up; is that right?

Miss RUSKIN. Not necessarily. There have been instances where, on the basis of information given by the man, the IRO showed no discrepancies, but we had a hunch that everything wasn't as it should be and we called the man in.

Mr. ARENS. Those are in the doubtful cases that you would interview him; is that right?

Miss RUSKIN. Yes.

Mr. ARENS. But in the cases where the file on the face of it——

Miss RUSKIN. And where we didn't get a reaction, you mean?

Mr. ARENS. Yes; where he just passed.

I observed a moment ago you mentioned the name of Mr. Young.

Miss RUSKIN. Yes, sir.

Mr. ARENS. Did you tell Mr. Young, or did you tell other persons in the presence of Mr. Young, when a certain subject was discussed, that you did not care how many Communists came into this country so long as Nazis were excluded?

Miss RUSKIN. I would like to have Mr. Young make that statement in my presence.

Mr. ARENS. I am just asking you whether or not you made that statement.

Miss RUSKIN. I never made such a statement. I wouldn't be a party to such a statement, and I think it is a slur and a defamation. And I insist, really, upon seeing Mr. Young and having him say that to my face.

Senator O'CONOR. Had you ever previously been informed that such a statement had been made?

Miss RUSKIN. Never; never.

I never heard about that statement until I heard some talk about what testimony was being given, and I think it is terrible that such a thing should be allowed to be on any record.

Mr. ARENS. Who is Mr. Eric Attelburger?

Miss RUSKIN. He was a member of my staff.

Mr. ARENS. What happened to him?

Miss RUSKIN. He was transferred out because they needed him in the French zone.

Mr. ARENS. Was he transferred at your request?

Miss RUSKIN. No, sir.

Mr. ARENS. When the file is finally processed in your area, before it is sent up to the consular officer, does it receive your personal attention and approval?

Miss RUSKIN. At the beginning I reviewed every case that went to the consular office. I have made it a practice since I have been senior officer to review a large part of the cases that are prepared and sent to the consular office. It has been such a burden that I have not been able to carry it alone and, as a consequence, I have assigned that reviewing function to people who I think are able to judge.

Mr. ARENS. Whose signature appears, then, on the file form?

Miss RUSKIN. My signature appears there with the initials of the reviewing officer or the person who writes it.

Mr. ARENS. In other words, someone signs your name, with the initials to indicate he has signed your name?

Miss RUSKIN. That is right. And on every report there is always typed the initials of the person writing the report, with the stenographer's initials.

Mr. ARENS. Who is it now in your area who has that delegated authority to sign?

Miss RUSKIN. I have two men in my area who do that now: Leo B. Curry, who has been with me since November 1948, and Aaron Bernstein.

Mr. AREN. Have you on an occasion caused to be solicited a pardon for a displaced person so that he could be eligible for immigration to the United States?

Miss RUSKIN. No.

Mr. ARENS. Do you have any information with respect to the solicitation of a pardon at the instigation of either yourself or one of your associates in Ludwigsburg for a pardon?

Miss RUSKIN. May I explain that case? I know the case.

The name of the case was Leon Figurski, a man sponsored by the National Catholic Welfare Conference. The case came to us with a

report that the man was on the European-command blacklist. We asked CIC to report to us what that meant. After some investigation they said that the man had worked in the supply depot in Ludwigsburg and had been fired because he had taken 10 eggs. We called the subpost commander of Ludwigsburg and he confirmed that. That was the only thing on the man's record. We felt that that was not sufficient to label him of such bad moral character that he could not enter the United States, since he had had an otherwise good record. We sent the case to the consul with all the facts. The consul issued a visa and the man left Ludwigsburg in April of 1949.

About 2 months later I got a request from Mr. Tripp to check on the man's DP status. I wrote a memorandum to the IRO in Ludwigsburg and got the information that Mr. Tripp wished and returned it to him. In September, 5 months after the man had left from Ludwigsburg, the case record and the man were returned to Ludwigsburg with a memorandum from Mr. Tripp saying that they had been trying to get the military government court record with respect to the stealing of the 10 eggs, and that they were now returning the man because his visa had expired—the visa, you know, expires in 4 months—and that I should try to get a certified copy of the court record, and then, if the man was not guilty of a crime involving moral turpitude, we could reprocess the case. I would like you to remember that this man had been up in Bremen for 5 months. When I looked through the record I saw that the routine letters had been sent out about once a month by Mr. Tripp directly to a military court in Ludwigsburg. Now, it so happens that there is no such thing in Ludwigsburg. What you must do in order to get a certified court record is to go to the military post there. And really now, since September, you must go to the military government in Stuttgart to get any kind of a record. I would like to refer to my previous testimony in which I said that when Mr. Tripp started operations in Bremen I went up there.

Senator O'Conor. May I just interrupt you to ask whether or not you have completed your statement?

Miss Ruskin. No. This is an interpolation.

Senator O'Conor. Very well.

Miss Ruskin. I testified on Friday that I had gone to see Mr. Tripp when he first started operations to see what he was doing and to offer my services in case just such a situation would arise, where they needed a military government court record, so that we could help in our area to expedite it and get disposition of such cases. Mr. Tripp did not feel it was necessary for him to take that offer of cooperation, and here was a case where a man was held for 5 months and we could have clarified that situation in a week.

Mr. Arens. When you went to see Mr. Tripp, you also had in mind to discuss a specific case, did you not?

Miss Ruskin. That was merely incidental. The purpose of my trip was to talk to him about the operation and offer my services and to see a ship sail.

Mr. Arens. But you did talk to him about a specific case, did you not?

Miss Ruskin. Yes; I brought a letter. Yes; I said, "Here is the letter."

Mr. ARENS. You talked to him about a specific case that he was then holding, did you not?

Miss RUSKIN. Yes; but, as I say, it was incidental to other reasons that I had. With respect to this case, when the information reached me—Mr. Bernstein on my staff is a lawyer, and I discussed the case with him, and I said, "Please go down to military government in Stuttgart and see if you can get a certified copy of the record as quickly as possible."

He said, "You know, in Munich"—he had been transferred from Munich to me—"there had been pardons secured for some of these people on these minor offenses."

I said, "While you are down there, ask them what the pardon procedure is."

He came back and told me he had made the request for the certified court records. He said, "They don't know much about pardons in the military government in Stuttgart."

He said, "If there is anything like that, the voluntary agency involved should discuss it with them." I passed the information on to Mr. Toomey, the voluntary agency representative in this area, and that was that. We then had a check made of every government court record in the Wuertem-Baden area, where the Ludwigsburg area is, by the chief of the legal division of military government in that area, and there was absolutely no record of any conviction of that individual in any of those courts.

What had happened was that at the time he lost his job with the military in Ludwigsburg they had probably fined him for taking the eggs. I would like to point out further that in the record, when I got it back from Mr. Tripp, there had been an interview with the man, and he explained that these 10 eggs were not usable, that they had shadows in them and they had been set aside to be disposed of or thrown away. His wife was ill at the time, he hadn't much money, and he thought since they weren't good eggs anyway—and eggs were hard to get because they were expensive—no one would mind if he took them. And that was why they disciplined him rather than convicted him. In any case, with that record before us, no record of anything, we returned the case to the consul for his information, and the consul issued the visa and the man was processed.

Senator O'CONOR. In returning it to the consul, was there a note made of the fact that such a charge had been introduced?

Miss RUSKIN. The consul had the complete record of what we had done before in getting the facts in this case; he had the complete record of what Mr. Tripp had done in getting the facts on this case, and he had the complete record of what we had subsequently done in getting the facts on this case. But, you see, there was never any attempt to get him a pardon, and in this particular case there was no pardon.

Mr. ARENS. Miss Ruskin, in the processing of a case through your office, is an inquiry made of the Berlin Document Center and the Provost Marshal's office with reference to the individual?

Miss RUSKIN. Yes. I would like to talk about them separately. With respect to the Berlin Document Center check, there has been a lot of talk, as I know, about the fact that we don't hold cases. There has been a lot of talk that the Commission doesn't hold cases for the Berlin document check.

Mr. ARENS. Yes.

Miss RUSKIN. As a matter of fact, in Ludwigsburg, cases have been held for the Berlin Document Center check since January 1949. You must remember this, that when a general order comes from our headquarters in Frankfurt, or from our Washington headquarters, it is given in general terms relative to cases that appear to have no problems. But there has never been an order given that we must not go into every angle of a case when there is the slightest question, and we have never been told that we must not hold cases for the Provost Marshal's check; that we must not hold cases for the Berlin Document Center check where there is the slightest question. In many cases, if we feel in a case that really does not have any obvious problems in it that it is not right, we have a right to hold that to investigate as thoroughly as we wish.

Mr. ARENS. To get to the point here, do you hold your cases as a routine proposition to receive back first the Berlin Document Center's report and the Provost Marshal report?

Miss RUSKIN. Routinely, no. But, as I say, in our area, where we have a large population of people who would be affected by the Berlin Document Center check, we have made it a practice wherever there is the slightest indication in the record that there might be a positive report.

Mr. ARENS. How are you going to know what is in the document center files or in the Provost Marshal files if you do not wait and see what they say of the case?

Miss RUSKIN. We don't know, as I say. But you must remember that, by the time a case is processed, we have had time for these things to catch up with the case, I might say. At the time that we started, there were some delays in the Berlin Document Center processing, and in the Provost Marshal processing. But since then that process has accelerated and they have cleaned up this backlog.

Mr. ARENS. But, as a matter of fact, is it not true that the practice is now that an individual will be sent clear to the United States before the Berlin Document Center Records and the Provost Marshal records are made available?

Miss RUSKIN. It may happen, but I would say that in the large number of cases, particularly now, it does not happen.

Mr. ARENS. Is it not a fact that some two hundred and fifty to three hundred persons that we know of thus far have obtained admission into the United States on whom there were adverse information reports in either the Provost Marshal's files or in the Berlin Document Center files?

Miss RUSKIN. I personally happen not to know that. I don't know anything about that. You see, once the people get out of my area, once the case is sent to Bremen, I wouldn't know.

Mr. ARENS. It only takes about 3 weeks in the run-of-the-mill case for the report to come back from the Berlin Documents Center or the provost marshal; is that not true?

Miss RUSKIN. No. At the beginning it was 2 months for the Berlin Document Center.

Mr. ARENS. At the present time it is about 3 weeks, though, is it not?

Miss RUSKIN. At the present time we get it practically with the CIC report. It has been accelerated to that extent.

Senator O'CONOR. Then, as a matter of routine, are you now receiving the Berlin Document Center report?

Miss RUSKIN. Yes.

Senator O'CONOR. How long ago did that development occur?

Miss RUSKIN. I would say within the last 3 or 4 months. There has been a steady acceleration of the process.

Mr. ARENS. How about the provost marshal's report?

Miss RUSKIN. I believe that is true of that, but perhaps not to such a great extent.

Mr. ARENS. How long does it take to get the provost marshal's report?

Miss RUSKIN. I wouldn't know. You see, there again, the CIC makes some preliminary checks, and if there is anything which indicates that the provost marshal may have something, the case is held. We have had cases where CIC has sent in a report and called us and said, "Hold the case."

Senator O'CONOR. Miss Ruskin, I do not quite understand though, as the previous question indicated, just how you would have any intimation or suspicion that the provost marshal may have a report if he is not asked for it. I do not understand that, just as I would not understand how you would have any ideas as to the existence of the Berlin Documents Center report if there was no inquiry made for the information received.

Miss RUSKIN. Let me give you some information on that. Incidentally, I would like to say this; that in processing cases, large numbers, you become familiar with the types of things that are in there. It is a peculiar thing to say, but you do get hunches about cases. But, aside from that, there is concrete data. If, for example, you see that a man—let us put it this way: A man was prisoner of war of the Americans. That means he was fighting with a hostile army. That means that he might have been in an SS unit, which was fighting against the Americans. Consequently, we would hold that case for BDC report because while we don't know that the BDC has any information on that man, they might have it.

Mr. ARENS. They might have it on anyone. They have some 10,000,000 card files, have they not?

Miss RUSKIN. No; they might not have it on anyone. There are whole groups. The Berlin document center relates only to membership in the Nazi Party, membership in the auxiliary units, such as the SS, the Gestapo, the Sicherheitsdienst, and other such auxiliaries of the Nazi Party, and to German nautralization and application for naturalization.

Mr. ARENS. How many files do they have in the Berlin document center?

Miss RUSKIN. I understand several million.

Mr. ARENS. Then in any particular case you would have to be guessing whether or not it was one of several million in the file, would you not?

Miss RUSKIN. Yes; that is true.

Senator O'CONOR. Right at that point, Miss Ruskin, let me ask you this: Of course, you had not been pursuing the policy of having personal interviews with regard to that number, have you?

Miss RUSKIN. In our area we have had personal interviews, I would say, at the beginning, of about 10 percent of our load, and steadily increasing.

Senator O'CONOR. What I meant is that I find it difficult to understand how you could have what you term as a hunch about a case if you did not even see a person.

Miss RUSKIN. I say we get it from the records.

Mr. ARENS. You mean that you get it from the file that the IRO prepares and submits itself; is that right?

Miss RUSKIN. That the man prepares, and which is sent to us.

Mr. ARENS. And which is certified by IRO?

Miss RUSKIN. Only as to their records.

Mr. ARENS. As to their records and what they want to certify. If they have no records and they interview the applicant himself, then they make a certification on the basis of the interview, do they not?

Miss RUSKIN. Yes.

Mr. ARENS. And you accept that in the run-of-the-mill case, do you not?

Miss RUSKIN. Here is the point: We always get a date on the IRO registration form of the date of their records.

Mr. ARENS. If they have no records of a date, then they interview the applicant, do they?

Miss RUSKIN. It may show it was made maybe 6 weeks before. In those cases, we very likely interview.

Mr. ARENS. It is only in the case in which the file of the IRO, which is handed to you, certified by the International Refugee Organization, by a displaced person employed by that Organization, that you have doubt in, that you interview the applicant; is that not right.

Miss RUSKIN. Yes. And that may be any case. It may be a case that appears to be perfectly clear. But, as I say, we always have an indication on that form of the date on which the IRO information was gathered, and if it is a long-time thing, it goes back to 1945, we are much more inclined to accept that certification as to their records than we are in the case prepared in October 1949.

Mr. ARENS. Most of your fraud and false documents arise, do they not, in conjunction with the endeavors of the applicant to establish that he is a displaced person and an eligible displaced person in conjunction with the entry into the zones at specified times?

Miss RUSKIN. Yes.

The fraud, if there is any, relates to date of entry.

Mr. ARENS. You say if there is any. Do you have any doubt in your mind that there is some?

Miss RUSKIN. There has been some.

Senator O'CONOR. Considerable, or otherwise?

Miss RUSKIN. No; not considerable.

Mr. ARENS. Have they made an investigation in your area of the fraud?

Miss RUSKIN. Oh, yes.

Mr. ARENS. Has the CIC gone from town to town, as they have in Mr. Main's area?

Miss RUSKIN. In our area the fraud, if any, as I say, because there has been so much talk of fraud, it has not been as widespread a problem as it appears to be, at least in the Ludwigsburg area.

Mr. ARENS. How do you know?

Miss RUSKIN. Because we have had an investigation there.

Mr. ARENS. How do you know whether or not applicant X has committed fraud in building his file before the IRO if you accept the IRO certification, unless on the face of the IRO file it looks irregular?

Miss RUSKIN. Allow me to go back, now. That is on the preliminary selection, the preliminary stage, before the case goes to CIC. CIC checks very carefully into that question of the date of entry.

Mr. ARENS. Is it not true, as a matter of fact, Miss Ruskin, that CIC does not in its investigation delve into the elements of the eligibility of the individual under the displaced-persons law, aside from the proposition of criminality or subversive tendencies?

Miss RUSKIN. On the contrary.

Mr. ARENS. That is the way it operates in your area; is that right?

Miss RUSKIN. In my area. I can speak only of what goes on in my area.

Senator O'CONOR. Suppose you do give in detail just what occurs.

Miss RUSKIN. Yes; and I have with me some typical CIC reports relating to that very thing.

In our area, CIC checks into every aspect of the person's application, his life, his character, his date of entry. We have even had reports from CIC regarding the person's health and literacy, all of which is transmitted in proper course. There is no aspect of a case that is presented to the CIC into which they may not, and, as a matter of fact, they must, inquire. If you will allow me, I would like to read you some reports. They are classified. I am not permitted to give you the names, but I will substitute letters for them.

Senator O'CONOR. Before you do that, just so we may follow you, let me ask you: Do we understand that this is the basis for the apparent differentiation that you noted in regard to what you described as the preliminary determination by IRO and then subsequent action by CIC?

Miss RUSKIN. Yes; because you see, in the preliminary selection we have the records. If they appear to be clear we send them on to CIC so that they can be thoroughly investigated. Now, the CIC has Americans working for it, and there the man gets a thorough examination by the American. The information is then sent to us, and we have facts on which we can delve further into the case. Here is a case. These are classified. I will not mention any names.

Senator O'CONOR. Will you refer to it as case A, and so forth?

Miss RUSKIN. Case A, yes.

This is a quote from the report: "Subject's residence certificate is false. It was purchased from B," giving the address.

Mr. ARENS. Is this a typical case?

Miss RUSKIN. This is typical of the fraud cases that we cleaned up in our area—

for 25 American dollars. A signed statement to that effect was executed by subject and is in our files.

Subject further stated that the information on his IRO registration form showing that he lived from October 1941 to June 1946 in Russia is correct.

The case was rejected.

Mr. ARENS. That only goes to the documentary proposition. It does not go to statements of the man, though, does it?

Miss RUSKIN. No; it does. He says here that the information on his registration form—you see, there the man had stated that he was in one of the zones specified by the act in 1945. IRO had interpolated in red to show a discrepancy, that he was in Russia in that period. Then the man admitted on investigation by CIC that the interpolation by IRO was correct; that he was actually in Russia and not in the zone that would make him eligible.

Mr. ARENS. May I pose a question right there? Statements have been given here to the effect, by some witness, I believe, Mr. Squadrilli—although I am not at this time trying to quote him—but the effect of it is that the Displaced Persons Commission people turn down or reject a certain percentage of cases which IRO has certified to the Displaced Persons Commission. Is it not true that virtually all of these rejects are cases in which, on the face of the document which is transmitted by IRO, it is apparent that the individual is not eligible, as distinguished from those cases in which, on the face of the document, the IRO certification is that the man is all right?

Miss RUSKIN. Well, if there are obvious factors which make the man ineligible, we reject him at once. There is no point in sending the case to CIC. But there are other cases which appear to be clear, and after the CIC investigation they are not clear, and we reject them.

Mr. ARENS. May I just inquire at that point: What percentage of your IRO certifications are turned down by your office?

Miss RUSKIN. What do you mean by percentage of IRO certifications?

Mr. ARENS. Here is an IRO file on a case, and we have a hundred of them like this. They are all transmitted to you. What is your estimate on the number of cases which are transmitted to you from IRO which are turned down?

Miss RUSKIN. Before CIC investigation?

Mr. ARENS. Yes, ma'am.

Miss RUSKIN. This would only be a guess, and then, again, I must qualify that. IRO may certify that this man came in in March 1946.

Mr. ARENS. That is what I have precisely in mind. What percentage of the cases which you get from IRO do you turn down?

Miss RUSKIN. This is only a guess. I have never taken any statistics on it.

Mr. ARENS. I understand. I will not hold you precisely to it. Would it have been as much as 10 or 15 percent?

Miss RUSKIN. Perhaps.

Mr. ARENS. Let us assume, then, just for the sake of this discussion at the moment, that it runs as high as 10 or 15 percent of the cases. Let us assume we take all of these cases which IRO certified to you and which you have turned down, and we stack them here on the table. What percentage of those cases are cases in which, on the face of the document, as certified by IRO, the man is ineligible?

Miss RUSKIN. Didn't we just say that, 10 or 15 percent?

Mr. ARENS. Here is what I want to ask you.

Miss RUSKIN. I don't get your question.

Mr. ARENS. Let me pose my questions. There are two phases to the questions.

First of all, I want to know, if you please, what percentage of the cases which are certified by IRO are turned down? Secondly, of

those cases when they are turned down, what percentage of them, on the face of the document, have to be turned down?

Miss RUSKIN. Do you mean before CIC?

Mr. ARENS. Yes.

Miss RUSKIN. I would say it would be about—the cases that have to be turned down because it is quite obvious from the IRO certification?

Mr. ARENS. From the IRO certification itself.

Miss RUSKIN. It might run 10 or 15 percent.

Mr. ARENS. I don't think we have quite gotten together. Let me pose the question again. I will pose it in a statement of fact and see if you agree with me.

Miss RUSKIN. Yes.

Mr. ARENS. Is it not true that virtually all of the cases which are turned down by the Displaced Persons Commission, which come from IRO, are cases which IRO itself certified in effect are ineligible?

Miss RUSKIN. Do you mean because of late entry?

Mr. ARENS. Yes; right on the face of the document.

Miss RUSKIN. Not all of them.

Mr. ARENS. I say virtually all of them.

Miss RUSKIN. That we turn down in the first instance?

Mr. ARENS. That is right.

Miss RUSKIN. No; they could be cases in which IRO certifies the man is not a DP.

Mr. ARENS. Then he would be ineligible, would he not, under the law?

Miss RUSKIN. Yes; of course.

Mr. ARENS. Let me state the proposition.

Miss RUSKIN. I can't see what you are driving at.

Mr. ARENS. Is it not true that of those cases which you turned down, which were submitted by IRO, virtually all of them are cases in which, on the bases of the certifications by IRO, the man is ineligible under the law?

Miss RUSKIN. Not all of them, because we do investigate cases where IRO has certified, before the CIC examination, that IRO has certified to a date, according to its record, which would appear to make a man eligible.

Mr. ARENS. That is the point I want to get to. What percentage of the cases which are certified by IRO, which on the face of the record would make the man eligible, do you turn down?

Miss RUSKIN. Well, I would say this: That about—I would have to change my figures there—on the obvious ineligibles, make that about 20 percent, and on the others I would say about 10 or 15. Now, that is only a guess. I have done no statistics.

Mr. ARENS. Ten or fifteen percent of what?

Miss RUSKIN. Of the numbers that we get.

Senator O'CONOR. Of the whole?

Miss RUSKIN. Yes.

Senator O'CONOR. Ten percent of the whole, not 10 percent of the 20 percent; is that right?

Miss RUSKIN. No; 10 percent of the whole.

Mr. ARENS. Is this true: That the vast majority of the cases which are certified by IRO, which are subsequently turned down, are cases which, on the face of the record, would have to be turned down?

Miss RUSKIN. The vast majority, you say. That is only 20 percent, and the other is about 10 or 15 percent. So they are about equal you might say.

Mr. ARENS. Twenty percent greatly exceeds 10 or 15 percent, does it not?

Miss RUSKIN. I don't know that it so greatly exceeds it. If one thing is 20 percent and another thing is 10 or 15 percent, then it is a question of relativity, you might say. You may think it is quite a lot and I may think it is about even.

Mr. ARENS. It is much more than half of the cases that have to be turned down on the face of the IRO certification, is it not?

Miss RUSKIN. Again, I don't think it is much more than half. Twenty percent are turned down on the IRO certification and another ten or fifteen—you must understand these are guesses that I make.

Mr. ARENS. I understand.

Miss RUSKIN. May I proceed with these reports?

Senator O'CONOR. Yes. Have you finished case A?

Miss RUSKIN. Yes. I would like to refer now to case B.

The following information is submitted concerning subject's false declaration—

and there he means any IRO form—

in order to make himself eligible for immigration. Subject admitted he falsified his information submitted on a personal data form on September 1, 1948—

to a certain labor supervision company in order to make himself eligible for immigration.

This particular form is now on file in—

this labor supervision company.

The false statements appearing in this form are as follows:

Reason for leaving homeland, political; period of forced labor, January 20, 1941, to January 27, 1945; place of work—

a certain factory in Germany.

Those were the false statements he had made. Those were the things which would have made him eligible if he had not admitted to their falsity.

That is another typical case.

Here is statement C:

Following discrepancy in the information contained in the IRO form has been uncovered:

Subject came to Germany from Russia in 1946 and had the information in the files of IRO altered in order for her to obtain documentation for immigration to the United States.

And that is classified by CIC as to the value of this report, a rather high classification.

Mr. ARENS. Did it indicate who did the falsification of the records in IRO?

Miss RUSKIN. No; it did not say.

Mr. ARENS. How many cases more do you have where the CIC indicates there has been falsifications of cases in the IRO?

Miss RUSKIN. In the IRO not specifically that. I believe I had one other case.

Mr. ARENS. This is the case in which the applicant himself admitted he had records falsified in the IRO; is that right?

Miss RUSKIN. Yes.

I had one other such case that I know of, that I remember. And you must remember that we have processed in our area about 40,000 or 50,000 cases.

Senator O'CONOR. Miss Ruskin, you have made a statement a little earlier as to the possibility, in a hypothetical case X, that representatives of IRO who possibly would not be American citizens, being British, Dutch, and so forth, would pass upon the case, would handle the case, and would exercise whatever judgment was to be exercised in that given instance; is that correct?

Miss RUSKIN. I am sorry, Senator, they don't exercise any judgment with respect to the eligibility or applicability of the law to any given displaced person.

Mr. ARENS. But they do certify to facts which are prerequisites to eligibility, do they not? Do they do that? Do they certify as to facts which are prerequisites to eligibility under our law?

Miss RUSKIN. They certify only as to the facts in their own records. They certify only to IRO records.

Senator O'CONOR. That is what I meant, that they were reviewing the case and passing judgment upon it within the limits of what was encompassed in the IRO constitution and its performance.

Mr. ARENS. They do more than that. They also certify with reference to dates of entry, which is an element not only of the person's displaced persons status, but also his eligibility under our law; is that not true?

Miss RUSKIN. That is true. They certify as to what they have in their records. But the important point to remember is that we are not bound by anything IRO says.

Senator O'CONOR. That just brings me to the very question I was about to ask you. Is it true, or not—and the manner in which I am propounding the question is not intended to indicate that I have any notion about it myself, I am just questioning you—is it true, or not, that in any case, or many cases, or all cases, that the final determination as to admissibility could be by persons other than American citizens?

Miss RUSKIN. No, sir; it could not.

Senator O'CONOR. Do I understand from your answer that you mean to tell us that in every instance the determination as to the person's admissiblity is, under present practices, made by American citizens?

Miss RUSKIN. Yes, sir; in every instance.

Mr. ARENS. But the determination is made on the basis of a file which is prepared by displaced persons employed by the International Refugee Organization; is that not true?

Miss RUSKIN. Again, the file is prepared by the applicant, the displaced person who wants to come to the United States.

Mr. ARENS. And he talks to other displaced persons, who are employed by the International Refugee Organization; is that not true?

Miss RUSKIN. No; it is not. We are getting this confused. The displaced person makes an application, and he gives information to another displaced person, who can type it on a machine. The IRO

international officers, who are not displaced persons, they are citizens of the countries who are cooperating in IRO, check the IRO records and certify that IRO has certain information in its files relative to this displaced person, and they indicate what that information is, particularly with respect to a man's DP status under the IRO constitution and the date of entry. Now, with that information, we begin our action. The first American citizen the man sees may be, and in many cases is, an American member of the Displaced Persons Commission, who checks on that information.

Mr. ARENS. That is only in doubtful cases, however, is it not?

Miss RUSKIN. Yes; but there are quite a lot of interviews being held.

Mr. ARENS. Ten percent of the cases, as I understand you to say, as you stated a little while ago.

Miss RUSKIN. Oh, well, now, just a moment. That is before CIC.

Mr. ARENS. I understand.

Miss RUSKIN. We do a lot of interviewing after CIC has presented its report.

Mr. ARENS. Those are in cases in which CIC develops adverse information; is that right?

Miss RUSKIN. That is right. Now, the CIC, while IRO may have these people who are not Americans make certain certifications, I have already indicated that we are not bound by them, and the case, in every instance of anybody who is even possibly going to get admitted into the United States, is sent to CIC, where an American checks into every aspect of that record, sees the man personally, questions him, questions other people in the neighborhood, checks every available record, and is especially interested, along with security and crime, in date of entry.

Mr. ARENS. Let us assume the individual has no records and IRO calls him in and says, "Let's talk over, now, what your status is," and he convinces IRO, on the basis of the interview, that he is not only a displaced person, but that he came in within certain dates. Does not IRO in that case certify that to the Displaced Persons Commission?

Miss RUSKIN. Yes; they do, and they also show on the IRO form that that certification was made as late as October 1949. We may have the case in November. Consequently, we may have some doubts. Consequently, in that kind of case, even though it appears on the surface clear, we call the man in and discuss it. That information we get is sent on to the CIC, which gets everything, and CIC does a very thorough investigation on that man. So that if there is any question as to the date of entry, or anything else about that man, that comes back to us with the CIC report. We then have some facts by American citizens—and I am sure that we can trust the CIC—on which we can base our determination as to his eligibility under the act.

Senator O'CONOR. We will recess now, and will resume at 2:30 this afternoon, in room 424 of the Senate Office Building.

(Thereupon, at 12:30 p. m., the hearing recessed, to reconvene at 2:30 p. m., of the same day, in room 424, Senate Office Building.)

AFTERNOON SESSION

The committee reconvened at 2:30 p. m., upon the expiration of the recess.

Senator DONNELL. The subcommittee will be in session.

Miss Ruskin, I believe you are still on the stand, are you not?

Miss RUSKIN. Yes, sir.

Senator DONNELL. Mr. Arens, will you proceed with the examination of the witness, please.

TESTIMONY OF GERTRUDE RUSKIN—Resumed

Mr. ARENS. Miss Ruskin, were the members of your staff permitted to interview representatives of the voluntary agencies who came to your headquarters there at Ludwigsburg to talk about cases?

Miss RUSKIN. Some members of my staff were.

Mr. ARENS. Who were and who were not permitted to talk with the voluntary agencies?

Miss RUSKIN. I had one member of my staff assigned to that job.

Mr. ARENS. Who was he?

Miss RUSKIN. Mr. Attelburger, and now Mr. Vaughan.

Mr. ARENS. What has happened to Mr. Attelburger?

Miss RUSKIN. Mr. Attelburger went to the French zone, where they needed some additional personnel.

Mr. ARENS. Did a Miss O'Reilly work in your staff?

Miss RUSKIN. Yes.

Mr. ARENS. What happened to Miss O'Reilly?

Miss RUSKIN. She was dismissed.

Mr. ARENS. Who dismissed her?

Miss RUSKIN. I presume that she was dismissed by Frankfurt headquarters, or Washington. I don't know.

Mr. ARENS. Was Miss O'Reilly dismissed on your recommendation that she be dismissed?

Miss RUSKIN. Yes. That was part of it.

Mr. ARENS. Why was she dismissed?

Miss RUSKIN. She was a substandard worker.

Mr. ARENS. Were there any other reasons?

Miss RUSKIN. No.

Mr. ARENS. What do you mean by a substandard worker, Miss Ruskin?

Miss RUSKIN. Well, she didn't know how to do the cases. She didn't do them right. She made a lot of errors. She didn't do enough cases. She didn't carry her part of the load. And in addition to that, she was very uncooperative, and the six members of my staff who went to Frankfurt had previously come in to me and said that they refused to work another minute with her on the staff. She was a troublemaker.

Mr. ARENS. Was she one of of the persons who complained about the operations in Ludwigsburg?

Miss RUSKIN. I believe she was in Frankfurt at the time the men came down, and she joined them there.

Mr. ARENS. Joined them?

Miss RUSKIN. In Frankfurt.

Mr. ARENS. In the conference at Frankfurt with Mr. Squadrilli's assistant; is that right?

Miss RUSKIN. Yes.

Mr. ARENS. Is Mr. Young still on your staff?

Miss RUSKIN. No, sir.

Mr. ARENS. When did Mr. Young leave your staff?

Miss RUSKIN. The end of August.

Mr. ARENS. What was the occasion for Mr. Young leaving your staff?

Miss RUSKIN. They needed him in Munich and sent him.

Mr. ARENS. Was he transferred at your request?

Miss RUSKIN. No.

Mr. ARENS. Was he transferred after consultation with you with reference as to whether or not he should be transferred?

Miss RUSKIN. Oh, no. The business of the Frankfurt meeting was in May.

Mr. ARENS. Did you and Mr. Young get along all right in the office there, prior to the time he was transferred?

Miss RUSKIN. Oh, yes. As a matter of fact, Mr. Young said to me just before he left that he never had any questions about my organization or administration. He thought I was doing an excellent job and was really rather sorry to have to go.

Mr. ARENS. When did he tell you that?

Miss RUSKIN. That was in August. I will tell you specifically the day because we had a wedding on that day. One of the men in our staff got married, and Mr. Young was talking to me and we were sort of reminiscing about the whole thing.

Mr. ARENS. That was in August 1949?

Miss RUSKIN. Yes.

Mr. ARENS. When was he transferred? You may have told me that, but I am a little vague on it.

Miss RUSKIN. He went out, I would say, 10, 12 days later—2 weeks later.

Mr. ARENS. After August?

Miss RUSKIN. In August, but at the end.

Mr. ARENS. Did you have occasion to have conversations with Mr. Young since August of 1949 with reference to his feelings about the operation in Ludwigsburg?

Miss RUSKIN. No. I didn't see Mr. Young after he left my office, but I talked to him on the telephone a couple of times. I was told also that on two occasions when he had been in the Stuttgart area to visit friends, he came ino the office looking for me, but I wasn't there. And 2 days before I left for the United States just now, he called upon the telephone to get some information about some displaced persons in my area, and he was very cordial and asked me when I was in Frankfurt to come in and see him, and if there was anything he could do for me, I should call on him.

Mr. ARENS. What was your appraisal of Mr. Young as an employee of the Displaced Persons Commission, on the basis of his association with you in the office? Was he an efficient, intelligent employee, or was he, on the contrary, an inefficient and derelict employee in his duties?

Miss RUSKIN. I would say he is adequate. I don't say he does an unusual or outstanding job, but I would say he is adequate.

Mr. ARENS. Did he impress you as being a man with poor judgment, or good judgment, or what is your appraisal of his judgment?

Miss RUSKIN. I put him in the class of an average worker.

Mr. ARENS. Is there a club in the Ludwigsburg area called the Ludwigsburg Club, of which you are a member, or of which you are an associate?

Miss RUSKIN. I am not a member. There is an officers' club at Ludwigsburg. I am not a member of that.

Mr. ARENS. Do you attend the sessions of the officers' club?

Miss RUSKIN. No; I never had any time to, and wasn't interested.

Mr. ARENS. Do members of your staff belong to this officers' club there and attend the luncheon sessions of the officers' club?

Miss RUSKIN. I don't know when they have their sessions, but I presume some of them are members of that club.

Mr. ARENS. Are you affiliated in any way with the officers' club?

Miss RUSKIN. No.

Mr. ARENS. Or do you attend their sessions?

Miss RUSKIN. No.

Mr. ARENS. Who is Mr. Shouse?

Miss RUSKIN. Mr. Shouse was in Frankfurt headquarters.

Mr. ARENS. Have you had any difficulty with Mr. Shouse?

Miss RUSKIN. No; never.

Mr. ARENS. Who is Mr. Shouse?

Miss RUSKIN. Mr. Shouse was in Frankfurt headquarters.

Mr. ARENS. What is your appraisal of Mr. Shouse, from the standpoint of his efficiency and judgment and capacity, if you have an appraisal?

Miss RUSKIN. I wouldn't be prepared to have any appraisal, because I didn't work with Mr. Shouse. He was in the Frankfurt headquarters. On occasion he would send some cases. He was working in the legal end of it, and he would send some cases back and we would just follow his suggestions—reinvestigate, or get other additional information. I wouldn't be prepared to give any evaluation of Mr. Shouse.

Mr. ARENS. What has been your policy or practice with reference to cases in which the CIC has sent back a report to your office saying in substance that the applicant may be a security risk, or may be a Communist, something along that line? What has been your practice in those cases?

Miss RUSKIN. To either reject them at once or to send them to Frankfurt for a directed action.

Mr. ARENS. Do you have recollection of cases of that character?

Miss RUSKIN. Oh, yes. I mean, not specific cases, but I would say the general line of action in such cases.

Mr. ARENS. How many cases would you say of that character you have had occasion to see or know about in that Ludwigsburg area?

Miss RUSKIN. I am not prepared to give any such case. I couldn't give you any idea as to numbers, because we don't keep that kind of statistics.

Mr. ARENS. Have you seen some cases in which the CIC has sent back a report stating in substance or in effect that the applicant may be a security risk or may be a Communist?

Miss RUSKIN. Yes. I see all of them. Incidentally, I see all of the cases that come back from CIC where there is any question of any kind of information other than "This is a clear case."

Mr. ARENS. How many cases would you estimate, in the course of your service as senior officer at Ludwigsburg, have you seen in which the CIC sent back a report saying, in substance, that the applicant may be a security risk or may be a Communist?

Miss RUSKIN. Oh, about 50 or 60, I would say.

Mr. ARENS. Of those estimated 50 or 60 cases, in this category, concerning which we are now speaking, what has been your practice in handling those cases after you have received this report back from CIC?

Miss RUSKIN. We, as I say, either reject them, that is, where the facts are clear, where there are what I would say low-evaluated reports from CIC indicating that they have a denunciatory letter, or something of that sort, we send them to Frankfurt for directed action. We don't pass them.

Mr. ARENS. Apparently that is one class of this category. Now will you tell us about these others?

Miss RUSKIN. Which others? I say we reject them or send them back to Frankfurt for directed action.

Mr. ARENS. In all cases in which you would get a report back from the CIC indicating or stating that the man may be a Communist or subversive risk, is it your testimony that you promptly either reject these cases or send them on to Frankfurt?

Miss RUSKIN. That is right.

Mr. ARENS. Do you have a recollection of the approximate percentage of these 50 or 60 cases which you estimate are in this category, which you have rejected promptly, as distinguished from those cases which you have sent to Frankfurt?

Miss RUSKIN. I would say the larger number were rejected.

Mr. ARENS. Are there any of them that you passed?

Miss RUSKIN. I just said that we didn't pass them.

Mr. ARENS. Are there any of the cases in which you have gone back to CIC for further information?

Miss RUSKIN. Yes; in some of them.

Mr. ARENS. How many of those cases are there in which you have gone back to CIC for further information?

Miss RUSKIN. Possibly 10.

Mr. ARENS. What would be the nature of your approach to CIC on those possibly 10 cases that you are speaking of now, in which the CIC had in the first instance indicate that the applicant may be a security risk, or may be a Communist?

Miss RUSKIN. Simply could they elaborate on the facts given us, that is all. And sometimes we have gotten letters or affidavits or something that the applicant would submit because he knew that his case wasn't moving, you see. And without knowing just what it was, most of these people have some idea, because of the CIC interrogation, of what is the general nature of the thing that is holding them, you see, and would voluntarily submit material. That would go back with the record for CIC to reevaluate.

Mr. ARENS. I am not quite sure I understand. Is it your testimony—and do not let me in any sense lead you here, now—is it your testimony in these 10 or 12 cases that we are now addressing our attention to, that you transmitted to the CIC information which was submitted by the displaced person himself to you?

Miss RUSKIN. Well, not personally. That is, it would come in in the mail. As I say, in some cases, where a case was being held for further investigation or for a decision, the displaced person, knowing that the case was not moving, would send in material, affidavits of good conduct, good employment certificates, or if they had a notion that it might be security information, they would send in some kind of proof, as I say, affidavits largely, of others, to the effect that they had never been a member of this party or that party or the other, whatever they thought might help. And even if it were not pertinent and we got that stuff and the facts in the case as presented by CIC were not highly evaluated, that is, where we knew that CIC had absolute, definite proof, but it looked like it might be a denunciatory letter, or something of that sort, we would send the whole thing back to CIC and say, "Look at this and perhaps you can give us some more information on this case."

Mr. ARENS. How did the displaced person, in, I believe, these 10 or 12 cases that you estimated, in which the CIC had sent adverse information and on which you sent information subsequently back to the CIC, how did the displaced person know that the CIC had given an adverse report?

Miss RUSKIN. They didn't know, but they suspected. We were told frequently by the CIC agents themselves that in the course of the interrogation the questions that were asked of the displaced person by the agent, you see, would indicate to the displaced person the kind of thing that was likely to hold his case up.

Mr. ARENS. Did you have occasion to supply information to the voluntary agencies, first of all, not with respect to the information in the CIC file, but with respect to the net conclusion of the CIC on the security risk?

Miss RUSKIN. No. It was the practice to give the voluntary agency a status report, that is, at what stage the case was. That was the customary procedure all over. If we had information which was of a derogatory nature, that is, security or criminal activity, or something of that sort, if it were unclassified—and this was something that CIC knew about and said we could do—we could tell the people who had a right to know, the voluntary agency representative, the reason for our withholding action. If it were classified, if it related to security and were of a classified nature, or related to criminal activity and were of a classified nature, or even in some of the cases that I read you this morning, which cases related to fraud, as to date of entry and so on, which CIC classified, we would tell the voluntary agency—and this was done at the request of the CIC—that we were holding the case until we could make a determination of eligibility and that we were investigating.

Mr. ARENS. Did you, in the course of your discharge of your duties, as an employee of the United States Government, have occasion to be in official contact with the persons who had been identified with the voluntary agency with which you had been identified prior to your employment with the Displaced Persons Commission?

Miss RUSKIN. No. There were no representatives of, there were no people working with USNA in Europe, no people on the staff of USNA in Europe.

Mr. ARENS. Have you revealed to representatives of the voluntary agencies the information contained in the CIC reports respecting the alleged subversive activity of an applicant?

Miss RUSKIN. Never. I would be violating the very serious regulation we regard to maintaining classified information and keeping it secret except from those who are authorized to know it.

Mr. ARENS. Have you revealed to voluntary agencies the essence of a report from CIC which is unfavorable, but which the CIC has not classified as confidential?

Miss RUSKIN. If it were not classified, we could give the information; that is, give the essence of the report.

Mr. ARENS. Did you display the files to the voluntary agency representatives?

Miss RUSKIN. No. The files of the Commission were confidential and were never available.

Mr. ARENS. In these 10 or 12 cases in which the CIC had come up with derogatory information and which you had subsequently transmitted information to the CIC on, what was the nature of your transmission of that information? Did you just say, "Here is further information for your enlightenment," or what did you do in those cases?

Miss RUSKIN. We explained that there wasn't enough information in the record, perhaps. I am just indicating what we might have done.

Mr. ARENS. I am asking for your policy now in cases which you have processed.

Miss RUSKIN. We might have said, "We don't have enough information here to take a positive kind of action. Could you, if possible, let us have more information?"

"Incidentally, in the course of this, we have received this information from the applicant. You might be interested in seeing it."

Mr. ARENS. Why could you not take part positive action on a case in which the CIC had given an adverse security report?

Miss RUSKIN. Because they themselves were not sure that the person was a security risk.

Mr. ARENS. Under the law the burden of proof is on the applicant; is it not?

Miss RUSKIN. It is; yes.

Mr. ARENS. Then, if the CIC comes in with a report and says in effect that it is probable that this applicant is a security risk, or it is probable——

Miss RUSKIN. No; they don't say it is probable at all. They give you facts. They make no conclusions except in the one instance where they state, "It appears," or "it does not appear that this person is or has been a member of a hostile movement or a hostile party." That is the only conclusion they make.

Senator O'CONOR. Might I interrupt at that point? My recollection is that Mr. Bashein testified in his area the CIC would send back a report with some seven different items denominated, and opposite six out of the seven would be either "yes" or "no," and that the "yes" meant a derogatory report and the "no" meant not a derogatory report. Did you have that practice with the CIC, too?

Miss RUSKIN. That is not what we are referring to. That simply means that in this listing, the Provost Marshal's report, the central

registry check, and so on, they would indicate there that in checking this information they got a positive or a negative report. But then they would give us the essence of the facts from that positive or negative report. If it were negative they wouldn't say anything about it, but if it were positive, which means derogatory information, they would then in a covering memorandum indicate the nature of that positive report. That positive report might simply be the facts out of a denunciatory letter that they had received about this person, and nothing more. They would themselves evaluate the validity or authenticity or reliability of that particular report by a coding that they used and that we had, that we were acquainted with.

Mr. ARENS. When they sent it back to you and the report was in the general adverse category, why did you send back to the CIC for further information?

Miss RUSKIN. Because they couched their report—this was not always, but it was always so when they themselves did not really give much credence to the particular evidence that they had, and when you have worked long enough with an agency you begin to recognize those things, and that would give us what they had on the record, because that was their obligation.

Now, just a moment, let me finish. We would go back to CIC to get as much information as they had, and when we would get that back we would be better prepared, if we thought it was necessary, to interview the applicant and get his statement on the case. Then, with that statement, we would probably—and this has happened, as I say, in some of these cases—send it back again to CIC with the statement of the applicant; which would sometimes help to fuse the information that CIC had.

Mr. ARENS. The query I have here is: Why would you proceed further with the case if you had a derogatory report from CIC?

Miss RUSKIN. Because it might not be the kind of derogatory information on which we could take a positive action.

Mr. ARENS. By positive action, do you mean to reject the case?

Miss RUSKIN. That is right.

Mr. ARENS. What was required before you could take positive action or did take positive action in rejecting a case?

Miss RUSKIN. Some facts which indicated that the man was a security risk or a criminal or something of that sort.

Mr. ARENS. Do you mean positive proof?

Miss RUSKIN. No, I do not mean positive proof. I mean a fact.

Mr. ARENS. As a matter of fact, you have received letters from the Frankfurt office, have you not, to the effect that rejections must be based upon proof?

Miss RUSKIN. No, not that they must be based on proof; simply that they must be based on facts.

Mr. ARENS. How do you distinguish between facts and proof?

Miss RUSKIN. If I say that John Jones is a Communist and I can call John Jones and say "Prove to me that you are not," and he must submit some kind of evidence. If I say that we don't know, but it may be, or it may not be, or somebody said that John Jones is a Communist, that is not a fact.

Mr. ARENS. It is a fact that somebody said it, though, is it not?

Miss RUSKIN. No. It may or it may not be. You see, CIC, in pre-

senting its reports says to us, "This man was a member of the Bandero group for such and such a time."

Mr. ARENS. Or VVN, we will say.

Miss RUSKIN. Or VVN, or "he is known to have gone into the camps to spread pro-Communist propaganda; he has been seeing a member of the Russian repatriation group."

That may come into one report. At the bottom they will say "It appears that this man is or has been a member of a hostile group." Those are facts. That is all we need. It is more than we need. We reject the case and that is the end of it.

But it may be that the CIC report is clear, and it may be that in the record of the man's activity for the last 12 years, it shows that he was a member, or in the Russian Army in 1944. Somebody might decide that he was a Communist on the basis of that and reject his case. That is the type of case that we might get back from Frankfurt saying, "We need some facts here."

Mr. ARENS. "Before we can reject him"?

Miss RUSKIN. We might.

Mr. ARENS. What if CIC comes back and reports in effect that, "On the basis of our information, this man has been engaged in black-market activities"? What do you do in a case like that?

Miss RUSKIN. We try to find out what kind of black-marketing activities they are.

Mr. ARENS. What difference does it make?

Miss RUSKIN. Because if they are what we call small-scale, it isn't always an excludable offense.

Mr. ARENS. What if he has been convicted of black marketing, irrespective of the scale?

Miss RUSKIN. Even convictions of black marketeering are not always an excludible offense where it was a small thing; as, for example, a man who is convicted because he had three packages of American cigarettes on his person.

Mr. ARENS. What if a man has been found, let us say, with two or three thousand dollars in United States currency, and had been engaged in black marketing through which he had acquired that two or three thousand dollars in United States currency, but had not been convicted?

Miss RUSKIN. We would reject him.

Mr. ARENS. But is it your testimony that mere conviction of black marketing is not in and of itself, under your practice, sufficient to reject the individual?

Miss RUSKIN. No. It isn't necessary to have a man convicted to reject him for black marketing, nor is the fact that he has been convicted in and of itself. It depends on the facts of the situation with regard to black marketeering.

Mr. ARENS. What is the theory upon which you go behind a conviction for black marketing?

Miss RUSKIN. That it is not a crime involving moral turpitude, that it stems from the irregular and abnormal situation in which the displaced person finds himself in Europe, his position in Europe, his position in the European economy, and the need that he has many times in order to black-market to keep body and soul together.

Mr. ARENS. What if an individual, on the face of the record, had been guilty of misrepresentation and fraud under the Truman directive? Does that, under your practice, constitute sufficient grounds for rejecting him?

Miss RUSKIN. Do you mean that he had been found by the consul guilty of misrepresentation or fraud?

Mr. ARENS. That is right.

Miss RUSKIN. We had this kind of arrangement with the consul: At the time we sent the cases to CIC we would also send a list of those names to the consul. The consul would provide us with any material they had on their records, and they would at that time tell us, "If this man is presented again, we will find it necessary to reject him." At which point the case did not move any further. We just rejected it and that was it. If they said, "It would depend on the facts of the situation at present what action we would take," we would send the case to them on this theory only: That if, from what we had in the record, exclusive of that information, that he had had some difficulty with the consul under the Truman directive——

Mr. ARENS. Let us not say difficulty; let us say he lied to the consul and was rejected before.

Miss RUSKIN. All right. If, exclusive of that fact, what he presented to us appeared—I say appeared—to make him eligible, we would send that case to the consul.

Mr. ARENS. You would approve him; is that right?

Miss RUSKIN. We would say that, as far as the Displaced Persons Commission was concerned, he appeared to be eligible. But we would also bring out that the other questions in the case were for the attention and decision of the consul. It was the definition of the various jurisdictions operating on this one case.

Mr. ARENS. Let us assume that the individual had been convicted of black marketing, but in a type of offense which you would normally pass, and also, on the basis of reliable information, had lied to the consul and had been found to have lied to the consul when he was trying to get an immigration visa under the Truman directive. What would you do in a case like that?

Miss RUSKIN. Let me clarify one other thing. We did not get the reports on consular action in quite those terms. We did not get a clear-cut statement that this man had been found guilty of fraud and had been denied a visa by the consul.

We got reports which said, "This man had applied for an immigration under the Truman directive and the immigration visa had been denied." Sometimes they would say for fraud in a case where there had been no fraud.

Mr. ARENS. The consular officer would say that they had denied it on the basis of fraud?

Miss RUSKIN. No, the consul did not say it. The CIC would come in with the report.

Mr. ARENS. The CIC would say the man had been denied a visa because of fraud?

Miss RUSKIN. Yes.

Mr. ARENS. What would you do in a case like that?

Miss RUSKIN. As I said before, because we didn't attempt to usurp the consul actively on that, we would allow the consul to decide. And

in many cases where just that kind of a statement was made, the consul would give a visa because, actually, there had been no fraud in their first action, they had simply denied it because they didn't have adequate proof, or they didn't feel that they had enough information about the case.

Mr. ARENS. Who did not have adequate proof?

Miss RUSKIN. The consul, in the first instance; because when they reviewed the case as we sent it to them thereafter, they issued a visa with full knowledge of their own records and their own facts.

Mr. ARENS. Did you receive a directive from your Frankfurt headquarters to the general effect that persons who had previously lied in attempting to establish eligibility should, under certain circumstances, be brought in and encouraged to change their stories?

Miss RUSKIN. Well, I don't think that is an adequate representation of that particular memorandum.

Mr. ARENS. What is the memorandum that you received, and how did you interpret it?

Miss RUSKIN. It was in line with the practice. As I recall it, we were told that some displaced persons, in fear of repatriation at the time that they had made first statements to the consul, had misrepresented the facts as to perhaps their birthplace or their residence, and that now they wished to correct their stories to give the true facts, and that we should in those cases where it was warranted; understand, I told you this morning that no directive ever forced us to do anything where we thought that a case required further information, or that we should reject a case. We were not compelled to take any kind of action because we had gotten a directive from Frankfurt, where we thought the action was not warranted. In those particular cases, where people had lied or misrepresented because of fear, we were told that if they thereafter corrected the record and they appeared to be eligible under the displaced persons law, we should submit them to the consul for the consular consideration, review, and action, on the basis of the immigration laws, with the consuls having the full record before them.

Mr. ARENS. Under the arrangement over there, the consul and the Immigration Service are both bound to accept the findings of the Displaced Persons Commission with respect to the eligibility of the applicant under the displaced persons law, are they not?

Miss RUSKIN. No, they are not. They are not, and they don't.

Mr. ARENS. When did they change that system?

Miss RUSKIN. In my area that has been from the beginning.

Mr. ARENS. Would you state what is the practice in your area?

Miss RUSKIN. In my area, when we have found that a case is eligible under the displaced persons law, we submit it to the consul. The consul, in his investigation can, and does, interview the applicant with respect to all of the information in the record. If, in the course of that interview, he brings out certain facts which go to the eligibility of the applicant under the displaced persons law if, for example, he discovers fraud, he can, and frequently has, rejected it right at that point.

Mr. ARENS. Just a minute. When you say for example, if he discovers fraud, what if he discovers that the applicant just is not a dis-

placed person, or just is not an eligible displaced person, but does not discover fraud?

Miss RUSKIN. Then he sends it back to us and indicates those facts and we thereafter investigate, if we think it is warranted. Sometimes the facts, as presented by the consul, are so clear that we simply reject the case, on the basis of the information gathered by the consul. After all, Mr. Arens, you must remember that we are cooperating agencies.

Mr. ARENS. Wait just a second here. Let us say he sends it back and you decide that nevertheless he still is an eligible displaced person; what do you do in a case like that?

Miss RUSKIN. As I say, if he sends it back and indicates certain facts that we did not have before us, we will investigate further. For example, if it is a question of eligibility under the IRO constitution, we will give the facts to IRO and say, "Rescreen this man". And IRO may, and has in many cases, withdrawn their eligibility, which, of course, makes the man ineligible right there.

Mr. ARENS. Let us assume that you think he is eligible; what do you do?

Miss RUSKIN. We send it back again to the consul, with our reasons for thinking it eligible under the displaced persons law. He may still not believe that is so.

Mr. ARENS. Let us assume he does not believe the man is an eligible displaced person.

Miss RUSKIN. If he can exclude it under the immigration laws, he does.

Mr. ARENS. I mean under the displaced persons law. We are talking about the displaced persons law now.

Miss RUSKIN. I have only had one such case. In those cases, on the basis of these facts, we send the case to Frankfurt.

Mr. ARENS. As a practical matter, then, neither the consul nor the Immigration Service exclude under the displaced persons law, do they?

Miss RUSKIN. No. That is not their function.

Mr. ARENS. That was the question I asked you some several minutes ago.

Miss RUSKIN. No, that is not the question you asked me. You asked me whether they were bound by our findings as to eligibility, and I said they could investigate in the area and present to us any facts. Usually when the consul has investigated any of the facts and disclosed information which relates to eligibility under the displaced persons law, the end result has been that the case has been rejected.

Mr. ARENS. Let us place the question in another way. They are bound, are they not, by the ultimate findings of the Displaced Persons Commission respecting the eligibility of the displaced person under the displaced persons law, irrespective of how many times the file goes back and forth between the Immigration Service and the Displaced Persons Commission?

Miss RUSKIN. If there is nothing to show that any of the information that has been gathered affects that person's eligibility, and that he is not excludable under the immigration laws.

Mr. ARENS. Let us go back to the question once more. Is it not true that the Displaced Persons Commission finding respecting the eligi-

bility of a displaced person under the displaced persons law, as distinguished from the immigration law, is final, under the practice?

Miss RUSKIN. Well, yes. But, you see you make that sound like a common occurrence when, as a matter of fact, in actual process, there has been one such case. When the consul reveals to us information that we did not have, the common practice is that the case usually ends up by being rejected, and that if he is eligible at all for admission into the United States, he is eligible under the displaced persons law and the immigration law.

Mr. ARENS. What happened to the 50 or 60 cases on which you had adverse security reports from the CIC which you sent to Frankfurt? I understood that about 10 of them you sent back for more information.

Miss RUSKIN. That is right; sent for directed action.

Mr. ARENS. What happened to those 50 or 60 cases which you sent on to Frankfurt?

Miss RUSKIN. No; 50 or 60 cases in all, and about 10 of those 50 or 60 were not rejected.

Mr. ARENS. What happened to the 40 or 50 cases sent to Frankfurt?

Miss RUSKIN. They were rejected and still are in the files as rejected cases.

Mr. ARENS. Were all of those cases rejected?

Miss RUSKIN. Yes, sir.

Mr. ARENS. Did you have occasion to receive directives from Frankfurt on those 40 or 50 cases to cause further investigation to be made to ascertain further information?

Miss RUSKIN. Not on the security cases, not at all.

Mr. ARENS. I just want to clear up one or two things, Miss Ruskin, if you please, with respect to this case which you discussed with Mr. Tripp in Bremen. What was the name of the applicant in this case, again, if you please?

Miss RUSKIN. Nathan Reich.

Mr. ARENS. Did you know when you talked to Mr. Tripp that Mr. Reich had been a member of the Russian Army for 5 years up to 1946?

Miss RUSKIN. I knew he had been a member of the Russian Army, not till 1946. That was quite clear from the record, because they had established his residence in Germany in 1945.

Mr. ARENS. Did Mr. Tripp contend with you that the man had been a member of the Russian Army up to 1946?

Miss RUSKIN. No. I didn't discuss that with Mr. Tripp at all.

Mr. ARENS. What was it you discussed with Mr. Tripp with reference to this particular case?

Miss RUSKIN. I told him that I had the letter he had been waiting for from the consul, and I told him also that because of our high standards of operation, as I told you before, in Ludwigsburg, and the information that we had on this case, which included the entire consular record, we believed that the case was clear and that the man was eligible.

Mr. ARENS. Did Mr. Tripp contend with you on the basis of the facts that were then available to him?

Miss RUSKIN. No, we didn't discuss facts on that case. We didn't discuss residence, we didn't discuss the Russian Army. We didn't discuss anything. I simply told him why I felt, as far as the Commission was concerned, the case was a clear one.

Mr. ARENS. Do you have a pretty good recollection as to the facts of the case?

Miss RUSKIN. Yes. I remember that there was a question of residence in Munich and that there was this business of service in the Russian Army.

Mr. ARENS. There was a question of veracity of certain witnesses in that particular case, was there not?

Miss RUSKIN. I don't remember.

Mr. ARENS. There was a question of a conflict in statement as between the principal applicant and his brother, with respect to the principal applicant's service in the Russian Army, was there not?

Miss RUSKIN. No. That I don't remember at all. I heard you mention before that this was some kind of an affidavit from the principal applicant's brother, but I don't remember anything about that affidavit. I knew about that case, this question of residence in Germany—in Munich, as a matter of fact—and the question of service in the Russian Army.

Mr. ARENS. I just have one more question. I want the record to be overly clear on this.

Have you, since the course of your service with the Displaced Persons Commission, received any income, in any form whatever, other than the income which you have from your salary with the Displaced Persons Commission?

Miss RUSKIN. The answer is: Absolutely, definitely, positively no.

Mr. ARENS. Have you received any promise of money or thing of value, payable in the future, from any source other than from the Displaced Persons Commission?

Miss RUSKIN. The answer is, again, absolutely, definitely, positively no.

Mr. ARENS. Have you received any promise of employment by any person, firm, or organization which would begin upon the termination of your services with the Displaced Persons Commission?

Miss RUSKIN. The answer is again definitely, absolutely, positively no. And may I say something about this line of questioning?

Mr. ARENS. Yes, ma'am. You are at liberty to express yourself.

Miss RUSKIN. I resent the inference. I resent the implication. I have a very good reputation in the social-work field, and in every other field in which I have been engaged, for honesty and my general approach to a job of any kind. And I would like to say also that I happen to be the kind of person who gladly does things for others if I can be of help. And I think perhaps the business of Christian charity ought to be reexamined by some of the people who have been involved in this investigation. I resent these questions, and I would like that on the record.

Senator DONNELL. Miss Ruskin, the salary that you were receiving from the agency with which you were connected was larger than the salary that you are now getting from the Displaced Persons Commission; is that correct?

Miss RUSKIN. Yes; it was.

Senator DONNELL. Why did you accept a lower salary? Why did you go with the Commission to accept a lower salary?

Miss RUSKIN. I told you that before. I had several reasons. One was that I was interested in this program. I had been very much interested in the plight of the displaced persons. I felt that the Government was doing a very good thing in having a displaced-persons program. I wanted to participate in it because I was, well, let us say, conceited enough to think I could do a good job, and that I could help the Government. Then, as I told you before, I have had social-work experience on every level of government, including the national, and I felt that this was a good opportunity to get international experience.

Senator DONNELL. You went with the Displaced Persons Commission at what time?

Miss RUSKIN. October.

Senator DONNELL. 1948?

Miss RUSKIN. Yes.

Senator DONNELL. Have you made your income-tax return yet for 1949?

Miss RUSKIN. Yes.

Senator DONNELL. That is all for the present. Mr. Arens, do you have more questions?

We will call Mr. Kaplan.

Mr. Kaplan, will you raise your right hand and be sworn, please?

Do you solemnly swear that the testimony you are about to give in the matter at hand will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KAPLAN. I do.

Senator DONNELL. Will you proceed, Mr. Arens?

Mr. ARENS. Mr. Kaplan, will you kindly state your full name and identify yourself by occupation for the record, please?

TESTIMONY OF BEN KAPLAN, EXECUTIVE ASSISTANT TO THE EUROPEAN COORDINATOR, DISPLACED PERSONS COMMISSION

Mr. KAPLAN. My name is Ben Kaplan. I am the executive assistant to the European Coordinator, the Displaced Persons Commission.

Mr. ARENS. How long have you been so employed?

Mr. KAPLAN. Since the 12th of December 1948.

Mr. ARENS. Where were you employed prior to that time?

Mr. KAPLAN. I was the director of supplies for Germany for the American Joint Distribution Committee.

Mr. ARENS. What is the American Joint Distribution Committee?

Mr. KAPLAN. It is a voluntary agency which was engaged in helping the refugees and the Jewish people left in Europe after this war.

Mr. ARENS. How long were you employed as the director of supply of the American Joint Distribution Committee?

Mr. KAPLAN. Just 2 years.

Mr. ARENS. What was your salary with the American Joint Distribution Committee?

Mr. KAPLAN. Seventy-five hundred dollars a year.

Mr. ARENS. What is your salary with the Displaced Persons Commission?

Mr. KAPLAN. $7,260.

Mr. ARENS. And what was your salary at AJDC?

Mr. KAPLAN. Seventy-five hundred dollars.

Mr. ARENS. During the course of the time in which you have been employed by the Displaced Persons Commission, have you received any money, or promise of money, from the American Joint Distribution Committee?

Mr. KAPLAN. Absolutely none. I might qualify that, that the moneys that I had accrued, my leave time, et cetera, came to me subsequent to my leaving the AJDC, but nothing further.

Mr. ARENS. Have you received a commitment from the American Joint Distribution Committee to be reemployed upon the termination of your services with the Displaced Persons Commission?

Mr. KAPLAN. Absolutely not.

Mr. ARENS. Have you received any income from any source whatsoever other than your income from the Displaced Persons Commission?

Mr. KAPLAN. None.

Mr. ARENS. Have you received any promise of income or anything of value from any source during the tenure of your service with the Displaced Persons Commission, other than from the Displaced Persons Commission?

Mr. KAPLAN. Never.

Senator DONNELL. You have no further questions of Miss Ruskin, do you, Mr. Arens?

Mr. ARENS. That is right.

Where were you employed prior to the time you were employed by the American Joint Distribution Committee?

Mr. KAPLAN. I was director of the United States zone depot warehouse in UNRRA in Hanau, Germany.

Mr. ARENS. How long were you employed there?

Mr. KAPLAN. One year.

Mr. ARENS. Would you care to elaborate on your previous employment experiences and give us a word about your background and education? I will let you proceed at your own pace.

Mr. KAPLAN. Prior to that I had been in the Army approximately 4 years. I was discharged overseas to accept employment with UNRRA. Prior to that I had been working in Westchester County with the Blythdale Home, a convalescent home for crippled children. I was doing some work with them; also with the Pleasantville Cottage School. I went to high school in Brooklyn, N. Y.—the Abraham Lincoln High School—and then went to Antioch College in Yellow Springs, Ohio.

Mr. ARENS. Did you graduate?

Mr. KAPLAN. No, sir; I did not.

Mr. ARENS. What are your duties in your present job, and would you indicate the title of the job?

Mr. KAPLAN. The title of the job is executive assistant to the European Coordinator.

Senator DONNELL. To Mr. Squadrilli?

Mr. KAPLAN. That is right; Mr. Squadrilli. And my duties are strictly in the operational part of the program. I do not come in on the policy. I have no jurisdiction in policy. My job is merely, once we

have decided on an operational plan, to follow through and see that it goes through.

Mr. ARENS. Have you been, for the entire 2-year period in which you have been associated with the Displaced Persons Commission, identified with that particular position as executive assistant to the European Coordinator?

Mr. KAPLAN. That is right.

Mr. ARENS. By the way, at the present time there are two coordinators there; are there not?

Mr. KAPLAN. Not two. They have an associate and a European Coordinator.

Mr. ARENS. Who is the Associate Coordinator?

Mr. KAPLAN. Mr. Richard Dervan.

Mr. ARENS. What are Mr. Dervan's duties; do you know?

Mr. KAPLAN. There has been a very recent change, and Mr. Squadrilli came over here right shortly after it was set up, and I don't believe the lines have been clearly drawn as to the division of duties. At the present time he is in charge of the entire operation in Mr. Squadrilli's absence.

Mr. ARENS. When Mr. Squadrilli and Mr. Dervan are both there, who is in charge?

Mr. KAPLAN. Mr. Squadrilli.

Mr. ARENS. What is the area of distinction between their two duties?

Mr. KAPLAN. I imagine it is the same as a coordinator and his deputy. Mr. Dervan is the equivalent of a deputy or associate, but Mr. Squadrilli is the man in charge of the operation.

Mr. ARENS. How do you distinguish between the duties of yourself, as executive assistant to the European Coordinator, and the duties of Mr. Dervan, as the Associate Coordinator?

Mr. KAPLAN. Actually, we have had no chance to work under the new arrangement yet, because Mr. Dervan had to finish up in Austria. He came down, and shortly thereafter, within a matter of days, we were called in to Washington.

Mr. ARENS. Do you have a recollection of the Majendenbaum case?

Mr. KAPLAN. You might give me some of the details. I remember having heard it, and remember about it, but I don't remember the details of the case. If you would just give me one or two of the details, it might refresh my memory.

Mr. ARENS. Without myself testifying, may I suggest to the witness that it is a case which originated in the Munich area, in which the intimation is that it was initially rejected and thereafter sent to Frankfurt, and there was some intervention, let us say, by Frankfurt in the case. Do you have any recollection of that?

Mr. KAPLAN. Frankfurt, many times, when a case comes back—I don't come in on that, but many times when a case comes back, it will be sent back to the field for further investigation, or possibly with a directed action. That might happen.

Mr. ARENS. Do you recall these facts in this case; that the CIC stated in its report:

> From the information available to this agency at this time, it appears that the subject is or has been a member of or participated in a movement hostile to the United States or to the form of Government of the United States.

Mr. KAPLAN. That is the wording in every one of the CIC rejections, which makes that case mandatorily rejectable.

Mr. ARENS. You say that case would be mandatorily rejectable on the basis of this?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. What did you do in this case which was mandatorily rejectable?

Mr. KAPLAN. Ordinarily, I did nothing in these cases. I may have received an inquiry on this case. I don't remember the name or whether I received this inquiry on this case. I may have received an inquiry on it. I may have sent it over to the investigative section, or to our legal section.

Mr. ARENS. Did you receive an inquiry on this case from one of the voluntary agencies, or an associate, an affiliate, of one of the voluntary agencies?

Mr. KAPLAN. It is very possible that I might have.

Mr. ARENS. And did you put a little heat or a little pressure on this case on the senior officer down in Munich?

Mr. KAPLAN. Absolutely not.

Mr. ARENS. Did you write a letter on the case?

Mr. KAPLAN. No, sir.

Mr. ARENS. Did the senior officer?

Mr. KAPLAN. No, sir; that is not within my province.

Mr. ARENS. This AJDC, the agency with which you were associated prior to your affiliation as executive assistant to the European Coordinator, is an agency presently engaged in expediting the processing of displaced persons; is that not right?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. Who are some of the key persons in AJDC in Europe at the present time with whom you have contact?

Mr. KAPLAN. Well, there is Mr. Charles Jordan, who has his headquarters in Paris. There is Mr. Nicro, who also has his headquarters in Paris. There is Miss Etta Deutsch, who has headquarters in Frankfurt, and Mr. Max Newman.

Mr. ARENS. Were all of these four people in AJDC at the time you worked for AJDC?

Mr. KAPLAN. No, sir.

As a matter of fact, two of these people are not with AJDC. They are with HIAS, the Hebrew Immigrant Aid Society.

Mr. ARENS. The two agencies are interlocking; are they not?

Mr. KAPLAN. Yes, sir; they are working together on this present program.

Mr. ARENS. Who of these four persons whom I understand you to identify as key people with AJDC were with that organization when you were employed with AJDC?

Mr. KAPLAN. Miss Etta Deutsch a very short time, in Munich. When I first came to the AJDC, Miss Etta Deutsch was employed in Munich on a job on the work program plan which they were trying to institute in order to teach skills and retrain the displaced persons for future resettlement. She left shortly thereafter. Mr. Jordan I met in the last 2 months of my working for the AJDC in Paris.

Mr. ARENS. Are you in contact with those folks in the course of your work?

Mr. KAPLAN. Yes, sir; I am in contact with all the voluntary agencies.

Mr. ARENS. Could you elaborate a little bit more on just what your duties are?

Mr. KAPLAN Yes, sir.

Mr. ARENS. Of I should say not only what your duties are, but what your functioning is.

Mr. KAPLAN. Yes, sir. In order to maintain the records and the flow of the operation, I maintain the statistics necessary to show us in what direction the operation is going and to forecast as closely as possible what visas we are going to get so that we can plan with IRO the necessary movement, as far ahead as 90 days in advance. I coordinate the movement with IRO of the movement of the people from the resettlement centers to the ports. I maintain liaison with the Counter Intelligence Corps, giving them the forecasts of the work load that they will have in each one of our areas of operation.

Mr. ARENS. Just a moment. I want to make a confession here of an error in my questioning on this Majdenbaum case. The questions which I have previously posted intimate that Mr. Kaplan was involved in this case. The information which I now observe from the file is that you were not in any sense involved in the Majdenbaum case. There are other cases I want to question you about. I made a mistake on the reference to the Majdenbaum case, and I want to apologize for doing so.

All right, sir; will you now proceed?

Mr. KAPLAN. I also maintain liaison with the consuls to give them forecasts of what the load is going to be at each one of the resettlement centers, so that they will have sufficient staff there to cope with the work load. I follow up on the operations procedures as outlined in our instruction bulletins and instruction memorandums. That, in brief, would be the scope of my operational job in the program.

Mr. ARENS. Do you have frequent occasion to be in contact with the senior officers in the various areas respecting the processing of particular cases?

Mr. KAPLAN. Particular cases?

Mr. ARENS. Yes, sir.

Mr. KAPLAN. No, sir.

Mr. ARENS. Have you had occasion to make inquiry of the senior officers or area offices respecting the status of particular cases?

Mr. KAPLAN. For awhile my office did do that, where we would go for congressional requests or senatorial requests for the status of a case.

Mr. ARENS. How about requests from voluntary agencies?

Mr. KAPLAN. Occasionally also, and that is all now handled by a special section, which we call the status section.

Mr. ARENS. Who heads the status section?

Mr. KAPLAN. Mr. Lawrence.

Mr. ARENS. How long were you engaged in the work of making inquiry of the area offices respecting the status of particular cases?

Mr. KAPLAN. That was never a definite job. It was handled by whichever office had the time to do it. That was why we were forced to set it up as a section.

Mr. ARENS. How long and to what extent did you do it when you were engaged in that work?

Mr. KAPLAN. Never engaged to any great extent, just for a few months.

Mr. ARENS. How many months?

Mr. KAPLAN. I would say 2 or 3 months. Occasionally today yet I will get a request for the status of a case, and I might answer it; but that is a rarity rather than the rule.

Mr. ARENS. Are your communications with the field offices generally orally or by written communication?

Mr. KAPLAN. I maintain daily communication with every office, at least my office does. I may not necessarily speak to them, but that will be on the daily reports which we get in. Each office telephones in a daily report. In the matter of basic procedures, that is generally written, sir.

Mr. ARENS. How about in specific cases? Let us just post a hypothetical illustration. Let us say that a voluntary agency representative appears at your office and makes inquiry respecting the case of Mr. X, which is in process at some stage of process down in one of the area offices. Would you have occasion in that type of an incident to communicate with the area office on the status of the case?

Mr. KAPLAN. Yes, sir; I would.

Mr. ARENS. How frequently have you made inquiries of the field offices with reference to a specific case?

Mr. KAPLAN. Quite rarely; not too often. The type which I would generally receive would be where the case has been rejected in the field and has come in, in which case they might send me a letter asking me about it, or give me an oral request; at which time I might look at the case. But I am in no position to take any action on it.

Mr. ARENS. Were you, in the company of other associates of the Displaced Persons Commission, at a conference with Mr. Tripp of the Immigration Service, with reference to his procedures in the course of the last several months?

Mr. KAPLAN. Yes, sir; I was there one night when Mr. Reilly, from the central office, was there; Mr. Carusi, I believe; Mr. Tripp, and Mr. Squadrilli, I believe were there that night.

Mr. ARENS. Could you tell the committee the essence of the subject matter which was under discussion?

Mr. KAPLAN. The subject matter that night was the decentralization of the Bremen operation of the Immigration and Naturalization Service.

Mr. ARENS. Have you had occasion to be in consultation with Mr. Tripp respecting an inquiry or a request that caused immigration officers not to interview applicants respecting their eligibility under the displaced-persons law?

Mr. KAPLAN. Never.

Mr. ARENS. Do you know whether or not such a conference was held?

Mr. KAPLAN. To my knowledge, no.

Senator DONNELL. Do you mean by that that you never heard anything, or that you do have knowledge that it was not held?

Mr. KAPLAN. Well, I do know that we have never officially, we have never from headquarters requested any such procedure and I have never been present at any discussion where they asked that the Immi-

gration and Naturalization Service should not go into all the facets of a man's eligibility and his admissibility to the United States.

Mr. ARENS. Under the practice which is followed both by the Immigration and Naturalization Service and the consular officers, they do not reach final determinations respecting the applicant's eligibility under the displaced-persons law, do they?

Mr. KAPLAN. No; but they refer it back if there is any doubt. And the only way in which they could discover doubt would be by going into it. And there are any number of cases where they have referred them back to the Commission for reaffirmation or redetermination of eligibility.

Mr. ARENS. But the reaffirmation by the Commission is binding upon the Immigration Service, is it not?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. So, under the practice, the finding by the Displaced Persons Commission respecting the applicant's eligibility under the displaced-persons law is binding, is it not?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. Do you have a recollection of a case known as the Brukirer case?

Mr. KAPLAN. I believe I do.

Mr. ARENS. If you have a recollection of the case, would you kindly tell us about the case?

Mr. KAPLAN. That was a case which was disqualified under section 2 (c), I believe, and in addition had a security objection on the part of the CIC. Both findings were made on the basis of the CIC report.

Mr. ARENS. What did the CIC report say in essence, if you recall?

Mr. KAPLAN. I don't. I just remember the outline. They questioned the date line, and they also had the statement: "It appears," and the case came back to headquarters as a section 13 rejection. I believe I received a letter on that case from Major Hyman, who at that time was the assistant to the adviser on Jewish affairs to the commanding general of the theater. At that time it was General Clay.

Mr. ARENS. I wonder if we could just bring up in proper order the sequence of events. Was this a case in which there had been a rejection by the field office?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. And the case had been subsequently then the subject of an inquiry by Major Hyman?

Mr. KAPLAN. Yes.

Mr. ARENS. What was he at that time?

Mr. KAPLAN. He was the assistant to the adviser on Jewish affairs to General Clay.

Mr. ARENS. What did he say in his communication or inquiry?

Mr. KAPLAN. He asked me what the status of the case was, and I believe I explained to him that the man was disqualified because of date line; that, in addition, he had been rejected under section 13, and that the information was confidential, and therefore, we could not disclose it to him.

Mr. ARENS. Then what happened in the case?

Mr. KAPLAN. I believe that is all I did in that particular case. I just answered his inquiry.

Mr. ARENS. Did you not have a communication with the field office on this case?

Mr. KAPLAN. I don't remember that. If I might put this in here, if I am not mistaken, I followed my usual procedure in those cases where I received written inquiry on cases, and the copy of the letter that Mr. Hyman sent me, and a copy of the answer, were both included as part of the file.

Mr. ARENS. What did you do with the case then?

Mr. KAPLAN. I did nothing with it.

Mr. ARENS. Did you send that on down to the field level?

Mr. KAPLAN. No, sir; I did not send the case to field level.

Mr. ARENS. How could the field level have the information which Mr. Hyman transmitted if it was not sent down to them?

Mr. KAPLAN. Which information, sir?

Mr. ARENS. The information which Mr. Hyman transmitted to you.

Mr. KAPLAN. That the case had been stopped, or rejected?

Mr. ARENS. Yes.

Mr. KAPLAN. When a case is rejected at field level, the senior officer in that area sends notification to the voluntary agency sponsoring that case, to the IRO, and to the displaced person. In this case, what happened is that the displaced person went to see Major Hyman at his office in Heidelberg.

Mr. ARENS. Then what happened?

Mr. KAPLAN. Major Hyman wrote me an inquiry, and I explained to him that the man was disqualified under section 2 (c), and also that we had this confidential information on him which I could not disclose, and therefore, he was rejected under section 13 also.

Mr. ARENS. Did you not proceed further with the case to transmit the information which Major Hyman submitted to you on down to the field level?

Mr. KAPLAN. No, sir.

Mr. ARENS. How did the case happen to be in your office in the first place?

Mr. KAPLAN. It was not in my office.

Mr. ARENS. How did it happen to be in Frankfurt?

Mr. KAPLAN. When a case is rejected, it is then sent to headquarters for final action. That is the normal procedure in all our cases.

Mr. ARENS. Do you have any way to account for the fact that the correspondence on the case got back down to the field level?

Mr. KAPLAN. No, sir; I have no way of accounting for that.

Mr. ARENS. Do you know whether or not the correspondence on the case did get down to the field level?

Mr. KAPLAN. No, sir.

Mr. ARENS. Have you had occasion to transmit communications to the field offices suggesting that a parole or a pardon be procured in a case in which the applicant had been convicted, so that his case could after the parole or pardon had been received be processed?

Mr. KAPLAN. No, sir; never.

Mr. ARENS. Do you know of any such cases?

Mr. KAPLAN. No, sir.

Senator DONNELL. Do you know of the existence of any such group or individuals bent upon having such results attained?

Mr. KAPLAN. It would not apply in any event under the man's admissibility to the United States whether the man received a parole or a pardon.

Senator DONNELL. Why?

Mr. KAPLAN. Because the fact that he was paroled or pardoned would not change the fact that he had committed the original act, which, in itself, would be sufficient to exclude.

Senator DONNELL. Do you not consider that, assuming for the sake of discussion that there had been a subsequent pardon, that they might have operated to obliterate the guilt or to wipe the record clear?

Mr. KAPLAN. I don't know of anything of that nature. I do know that in a number of cases there had been some convictions of displaced persons on having some foreign currency in their possession. Late in 1947—I do not remember the exact date—a law was passed—I think it was military government law No. 53—which specifically allowed the DP's a procedure for conversion of their—not conversion, but for the safekeeping of their foreign assets. Therefore, the first time they were required to turn them in to either one of the registered German banks or to the IRO, for which they received a receipt and which they could draw upon when they finally left Germany. I do know that there were a number of convictions prior to that time, which were illegal because the displaced persons did not come under the provisions of that law. Now, whether there were any cases of that nature, I do not know, but that is the only type. In any event, the conviction in that case I don't think would have been an excludable one. I am not an expert on immigration law. I don't know.

Mr. ARENS. Who employed you?

Mr. KAPLAN. Mr. Squadrilli.

Mr. ARENS. Upon what recommendation did he employ you? Did you have letters of recommendation?

Mr. KAPLAN. Mr. Squadrilli and I had worked together in UNRRA, and we had been fairly closely associated for 2 years. Mr. Squadrilli had been the director of the displaced-persons branch of the Civil Affairs Division of the United States Army, and my office with the American Joint Distribution Committee was attached to that section of the operation. My offices were in the same building with Mr. Squadrilli's, and we worked very closely together for over 2 years.

Mr. ARENS. You and he knew each other for some time?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. Did you make your application directly to Mr. Squadrilli?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. Were you interviewed by a member of the Displaced Persons Commission before your appointment came through?

Mr. KAPLAN. Not before, but shortly thereafter.

Mr. ARENS. Who interviewed you?

Mr. KAPLAN. Mr. Carusi.

Mr. ARENS. What was the practice of the Displaced Persons Commission with reference to rejections on the basis of false documents and perjury cases?

Mr. KAPLAN. I did not come into that very much, so I can only give you a general picture of the policy in those cases. I believe we followed the State Department policy. Most of these false document cases were those that had to do with place of birth, based upon the Truman directive, and had no material bearing upon the Displaced Persons Act of 1948.

Mr. ARENS. Let us assume that the applicant lied in an attempt to gain admission into the United States and was rejected for his lying under the Truman directive; what was the policy with reference to those cases?

Mr. KAPLAN. If perjury were committed, the man was mandatorily excludable under the normal immigration laws, and that was a problem which fell within the province or the jurisdiction of the consular service.

Mr. ARENS. You say if perjury were committed. What was necessary in order to establish that perjury had been committed?

Mr. KAPLAN. That was not within our jurisdiction, sir; that is the jurisdiction of the consular service.

Mr. ARENS. Are you familiar with the Josef Kohn case, No. 5664? Does that case mean anything to you?

Mr. KAPLAN. I believe I have heard it, but I don't remember the details of that case, sir.

Mr. ARENS. Was that not a case in which a directive came down from Frankfurt headquarters that, so far as the Commission is concerned, rejections under section 10 of the act in document and perjury cases must be based upon proof?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. What proof did you require before a man could be rejected under these circumstances?

Mr. KAPLAN. I am not familiar with this particular case, but it is very possible that when we got the file from the Truman directive there may have been a slip of paper in that file written in pencil, with no signature or initials to identify who had written it, stating simply "fraudulent document." In going through the file you could find no such thing. We knew that the consuls had maintained files on these fraudulent cases and we felt, therefore, that it was the province of the consul to make the determination where there was no proof within the file itself.

Mr. ARENS. So you would pass it unless there were proof; is that right?

Mr. KAPLAN. Yes, sir; pass it insofar as eligibility under Public Law 774 was concerned.

Mr. ARENS. As far as the Displaced Persons Commission is concerned, you would pass it?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. Did you prepare these directives which Mr. Squadrilli sent down on particular cases? Was that part of your duty?

Mr. KAPLAN. No, sir.

Mr. ARENS. Who prepared those?

Mr. KAPLAN. Mr. Squadrilli wrote those himself.

Mr. ARENS. What was your policy on black marketeers?

Mr. KAPLAN. The policy of the Commission.

Mr. ARENS. I mean the Commission, of course.

Mr. KAPLAN. The policy on black marketeers was that if the man were engaged in petty bartering so that he could maintain himself or his family, that we did not consider that constituting black marketing.

Mr. ARENS. What if he were convicted of it, if it was sufficiently grave that somebody filed a charge and convicted him of it and fined him or put him in jail for it, would you under any circumstances then pass the case?

Mr. KAPLAN. Based upon the type case it was.

Mr. ARENS. Notwithstanding the fact that somebody in the military government or in the Allied Government over there felt that the offense was sufficiently grave that they would take the man into court and have him convicted, you would nevertheless look behind the conviction in the case?

Mr. KAPLAN. Many of these convictions were of very, very minor nature. I might state that in my previous experience we had distributed—this was in the winter of '45 and '46, the first winter we had after the end of the war—we distributed thousands of blankets, thousands of comforters. We distributed army cots to the displaced persons. As you know, the displaced persons were the Army's responsibility, and the Army would turn over captured enemy material, class X, which is used, and in many cases new material, for distribution to the displaced persons.

In addition to that, the American Red Cross turned over to the Army for distribution through UNRRA channels prisoner-of-war packages, each one of which contained some four to five packs of American cigarettes. These were distributed to the DP's. There were very numerous instances where there would be raids, where these people would be arrested. I might also add that Army clothing was also distributed. At that time they did not have the facilities or the wherewithal to dye them. So these people were given American Army uniforms and then periodically there would be raids where these people would be arrested for having in their possession Army blankets, American cigarettes, and GI clothing.

Senator DONNELL. Raids by whom?

Mr. KAPLAN. The military police, sir.

Senator DONNELL. Mr. Kaplan, on at least two occasions you have referred to petty offenses, or offenses of a minor nature. Just what would you classify in those categories?

Mr. KAPLAN. That is left generally to the discretion of the senior officer in each area, sir. It is very difficult to draw an accurate yardstick. I think the big distinction should be, or, at least, in my mind, it always has been, whether the man was engaged in it for the motive of profit, or whether he was engaged in it because it was the only way in which he could get certain needed items for himself or his family.

Senator DONNELL. I was wondering just to what extent you would call the offense minor that he would have to go to, or to what extent it would have to go before getting out of that class or those classes.

Mr. ARENS. Mr. Kaplan, have you read Mr. Bashein's testimony where he testified about a man who got $50,000 in black marketing, and the man was passed by the Displaced Persons Commission?

Mr. KAPLAN. No, sir. I do not believe the man was convicted. I do not remember the exact case.

Mr. ARENS. The CIC said he had it.

Mr. KAPLAN. To the best of my knowledge, the man was not convicted. I don't know which case you are talking about, but I don't believe that if the CIC would come out with a flat statement that he had it, that this case would go through.

Mr. ARENS. Let us pose a hypothetical case. Let us say the CIC comes out and says that it is estimated that Mr. X has acquired $50,000 in American currency by black-market operations, but there had been no conviction in the case. What would you do in a case like that? Would you pass him, or would you reject him?

Mr. KAPLAN. As I have said, I have never come in on that end of the operation. But if the CIC says that he had it, I would definitely reject him.

Mr. ARENS. They say it is estimated he had it.

Mr. KAPLAN. Estimated, alleged, or "it is said"; I don't know. I don't know the exact wording of it.

Mr. ARENS. Does it make much difference if an investigative agency gave that report? Would you reject him, or would you accept him?

Mr. KAPLAN. In that particular case, the case would probably be sent back for further investigation.

Mr. ARENS. What if the CIC says in its report, in effect, or in substance, that Mr. X is or has been a member of the Communist Party?

Mr. KAPLAN. That is mandatorily excludable.

Mr. ARENS. Did you ever write back and ask CIC, or did the Displaced Persons Commission ever write back to the CIC, and tell them that their reports must be based on facts in those respects?

Mr. KAPLAN. No, sir; never when it touched upon security.

Mr. ARENS. Who is Mr. Hightower?

Mr. KAPLAN. Mr. Hightower is an employee of the Displaced Persons Commission who was stationed in Bremen for some time and was then brought in to Frankfurt.

Mr. ARENS. When is the last time you saw Mr. Hightower.

Mr. KAPLAN. I saw Mr. Hightower on Thursday, the 23d or 24th of February, the day before we came over here.

Mr. ARENS. You saw him the 23d or 24th of February?

Mr. KAPLAN. I can give you the exact date in just a moment.

Mr. ARENS. I wish you would do that.

Senator DONNELL. The 23d was a Thursday.

Mr. KAPLAN. That is the last time I saw him.

Mr. ARENS. You saw him last on the 23d of February; is that right?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. When did you arrive in the United States?

Mr. KAPLAN. On Friday, the 24th of February.

Mr. ARENS. Do you know anything about a CID investigation of Mr. Hightower in Frankfurt before you left?

Mr. KAPLAN. In Frankfurt; no, sir. Not in Frankfurt.

Mr. ARENS. Well, where was it?

Mr. KAPLAN. I knew there was a CID investigation going on in Bremen.

Mr. ARENS. In Bremen?

Mr. KAPLAN. Yes, sir.

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Mr. ARENS. You saw him in Bremen, did you?

Mr. KAPLAN. No, sir; I saw him in Frankfurt, but I knew there was a CID investigation under way in Bremen.

Mr. ARENS. Of Hightower?

Mr. KAPLAN. Mr. Hightower; yes, sir.

Mr. ARENS. Do you happen to know what that investigation disclosed?

Mr. KAPLAN. The investigation was not complete when we left, but to date they had failed to substantiate anything against Mr. Hightower.

Mr. ARENS. What is the CID?

Mr. KAPLAN. Criminal Investigation Division of the United States Army.

Senator DONNELL. On what do you base the statement that they had failed to substantiate anything?

Mr. KAPLAN. The investigation of Mr. Hightower, at our request, started, I believe, sometime in the early part of December, upon certain alleged activities which had come to us as rumors.

Senator DONNELL. Had your office caused the investigation?

Mr. KAPLAN. Yes, sir.

Senator DONNELL. Did you request the investigation?

Mr. KAPLAN. Yes, sir; I did. Mr. Squadrilli was away at the time. Mr. Tripp mentioned these rumors to me, and I immediately called Mr. Conan and asked him to start an investigation immediately, which he did the next day, and sent us a copy of his letter to the CID giving them all the facts at his disposal, or, at least, all the rumors, and requesting that they make a thorough investigation.

Mr. ARENS. What was the CID investigating up in Bremen for? Was Hightower at one time stationed there?

Mr. KAPLAN. Yes, sir; he was stationed there. He was transferred to Frankfurt sometime, I believe, in December.

Mr. ARENS. Did not the CID make an investigation in Frankfurt just prior to the time you left?

Mr. KAPLAN. How the CID operates I do not know. It is possible that they had an agent in Frankfurt investigating, because following up where Mr. Hightower was, probably they wanted to interrogate him. I do not know.

Mr. ARENS. Do you know where Mr. Hightower is now?

Mr. KAPLAN. He may be in Frankfurt, or he may be on his way here. I don't know.

Mr. ARENS. Could he have gone to Switzerland? Do you know whether or not he is in Switzerland?

Mr. KAPLAN. No, sir; I do not.

Mr. ARENS. Do you know whether or not the CID caught him in his apartment in Frankfurt, about the time you left, with two women, in a compromising position?

Mr. KAPLAN. I had heard something about that; yes, sir.

Mr. ARENS. What is the source of your information on that?

Mr. KAPLAN. Telephone call from Frankfurt.

Mr. ARENS. Since you arrived in Washington?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. Who called you from Frankfurt?

Mr. KAPLAN. Didn't speak to me. I just heard this third- or fourth-hand.

Mr. ARENS. You say a telephone call from Frankfurt?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. To whom was the telephone call from Frankfurt directed?

Mr. KAPLAN. I believe it was Frankfurt calling, rather Washington calling Mr. Dervan.

Mr. ARENS. Mr. Dervan is here, is he?

Mr. KAPLAN. No, sir; to the best of my knowledge.

Mr. ARENS. Someone here in Washington?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. Who placed the call from Washington?

Mr. KAPLAN. It was probably Mr. Squadrilli.

Mr. ARENS. What is your information on it?

Mr. KAPLAN. Just what I said, and nothing more. I didn't even know about the two women. I just knew an incident had occurred, and I didn't know anything further about it.

Mr. ARENS. How did you know Mr. Squadrilli placed that call?

Mr. KAPLAN. I don't. I assume it.

Mr. ARENS. Who told you he placed it?

Mr. KAPLAN. Because I knew Mr. Squadrilli wanted to speak to Mr. Dervan about a number of things of an operational nature.

Mr. ARENS. Who told you that Mr. Squadrilli had placed the call? How do you know he placed it?

Mr. KAPLAN. I don't know.

Mr. ARENS. You mentioned a call. What is the source of your information that the call was placed?

Mr. KAPLAN. The only information I have is that there was a call.

Mr. ARENS. How do you know that call was made?

Mr. KAPLAN. Because someone told me.

Mr. ARENS. Who told you?

Mr. KAPLAN. Let me see. If I am not mistaken, Mr. Rosenfield mentioned that to me.

Mr. ARENS. When did Mr. Rosenfield mention that to you?

Mr. KAPLAN. I believe it was almost a week ago.

Mr. ARENS. What did he say?

Mr. KAPLAN. He just said that Hightower had been mixed up in an incident.

Mr. ARENS. Who said that?

Mr. KAPLAN. Mr. Rosenfield.

Mr. ARENS. When did he say that?

Mr. KAPLAN. About a week ago.

Mr. ARENS. Where were you when he said it?

Mr. KAPLAN. In the office.

Mr. ARENS. What office?

Mr. KAPLAN. The Displaced Persons Commission office in Washington.

Mr. ARENS. What else did Mr. Rosenfield say?

Mr. KAPLAN. We did not discuss it any further.

Mr. ARENS. Who told you that Mr. Squadrilli had put in a call to Frankfurt? Did Mr. Rosenfield tell you that?

Mr. KAPLAN. No, sir. I have spoken to Mr. Squadrilli, and there have been a number of calls since we have been here.

Mr. ARENS. Who told you that Mr. Squadrilli talked on the telephone with Frankfurt respecting the CID investigation in Frankfurt of Mr. Hightower?

Mr. KAPLAN. No one did. I did not know there was a CID investigation of Mr. Hightower in Frankfurt. I do know that there have been a number of telephone calls between Frankfurt and Washington since we have been here, and which calls originated with Washington and which originated with Frankfurt, I do not know.

Mr. ARENS. What makes you think, if you do think so, that somebody talked with Frankfurt respecting the Hightower case?

Mr. KAPLAN. Just based upon the phrase that Mr. Rosenfield gave me.

Mr. ARENS. Then from that you surmised someone has gotten the information; is that right?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. And would you repeat again what Mr. Rosenfield said to you with respect to the Hightower case?

Mr. KAPLAN. I believe he said that Hightower has been involved in an incident, and that is all.

Mr. ARENS. How did he happen to get on that subject?

Mr. KAPLAN. I really don't know.

Mr. ARENS. Well, did he just start the conversation by saying, "Hightower has been involved in an incident"? How did you lead up to it in the conversation? What transpired in the conversation?

Mr. KAPLAN. As I remember it, I received this word on the Friday morning that we had the first hearing, if I am not mistaken, and we were getting ready to come down to the hearing room. It was in the morning, and Mr. Rosenfield just mentioned that in passing. I believe that that was the time.

Mr. ARENS. Did he say what the source of his information was?

Mr. KAPLAN. Yes; a telephone call. I knew there had been one.

Mr. ARENS. Telephone call by whom to whom?

Mr. KAPLAN. I don't remember. I don't know. It is not a question of remembering.

Mr. ARENS. What did he say about the telephone call?

Mr. KAPLAN. That was the only thing he mentioned to me at that time.

Mr. ARENS. He said something more than just the words "telephone call"; did he not?

Mr. KAPLAN. He didn't even mention telephone call. He just mentioned offhandedly that there had been an incident with Mr. Hightower. I knew there had been a call, and I knew that I had spoken to Mr. Squadrilli about it to see just what was happening to the operation.

Mr. ARENS. Did you learn whether or not the persons with whom the incident occurred were displaced persons?

Mr. KAPLAN. No, sir.

Mr. ARENS. What did Mr. Squadrilli tell you about this incident?

Mr. KAPLAN. Nothing more than I have just given you now.

Mr. ARENS. Well, state it again so that we will have the record clear on it.

Mr. KAPLAN. That there had been an incident with Mr. Hightower in Frankfurt.

Mr. ARENS. When did Mr. Squadrilli tell you that?

Mr. KAPLAN. I do not remember the exact time; sometime within a few days after we had received or this phone call had taken place.

Mr. ARENS. After you had arrived in Washington?

Mr. KAPLAN. Yes, sir.

Mr. ARENS. Did he use the word incident, the same word that Mr. Rosenfield used?

Mr. KAPLAN. I don't remember the exact word. I do know that we have not discussed it in any detail, and I have none of the details at my disposal.

Mr. ARENS. Or did he imply to you or tell you directly or indirectly what the incident was?

Mr. KAPLAN. No, sir.

Mr. ARENS. Is Hightower still on the pay roll of the Displaced Persons Commission?

Mr. KAPLAN. To the best of my knowledge—I don't know. I believe so.

Mr. ARENS. What were Mr. Hightower's duties at Frankfurt?

Mr. KAPLAN. Mr. Hightower was assisting in the statistical section.

Mr. ARENS. Did he have any other duties?

Mr. KAPLAN. No, sir.

Mr. ARENS. To what extent did Mr. Hightower have a determination to make with respect to applicants for displaced persons status?

Mr. KAPLAN. Absolutely none.

Mr. ARENS. To what extent did Mr. Hightower have access to the files of the Displaced Persons Commission in Frankfurt?

Mr. KAPLAN. He had no justification for going to any of the files. All our files are controlled so that when a file is taken out there is someone in charge to see that it is signed for, and he had no reason for taking any of the basic files out.

Mr. ARENS. What is Mr. Hightower's full name?

Mr. KAPLAN. I believe it is Bernard J. I am not sure.

Mr. ARENS. How long has he been in Frankfurt?

Mr. KAPLAN. He has been in Frankfurt now since the latter part of December.

Mr. ARENS. Where was he prior to the time he was assigned to Frankfurt?

Mr. KAPLAN. In Bremen.

Mr. ARENS. What was his assignment or duties at Bremen?

Mr. KAPLAN. He was in the nominal roll pool.

Mr. ARENS. In what?

Mr. KAPLAN. Nominal roll. As we prepare shipments in the United States for each ship a nominal roll is made up for transmission to the States and also for posting in the camp designating those who are going on the ship and their designation. That was his job.

Mr. ARENS. Have you talked to Frankfurt since you have been here?

Mr. KAPLAN. Yes; I spoke to Mr. Dervan for a few minutes.

Mr. ARENS. What was the occasion for your talking to Frankfurt?

Mr. KAPLAN. I requested that certain information be sent to me which I was interested in to see how the operation was going along in our absence, because I still have to make certain forecasts as to our shipments, and I had been away for some time.

Mr. ARENS. What is Mr. Dervan's full name?

Mr. KAPLAN. Mr. Richard Dervan.

Mr. ARENS. Do you know whether or not he has always used that name?

Mr. KAPLAN. To the best of my knowledge he has.

Mr. ARENS. You have no knowledge to give this committee respecting any information which has come to you other than that the CID has discovered an incident in connection with Mr. Hightower in Frankfurt; is that right?

Mr. KAPLAN. Mr. Hightower? Yes.

Mr. ARENS. How long has Mr. Hightower been with the Displaced Persons Commission?

Mr. KAPLAN. I believe he has been with the Commission just about 1 year now, sir.

Mr. ARENS. He has only served at Bremen and at Frankfurt?

Mr. KAPLAN. That is right.

Mr. ARENS. Where did he serve prior to the time that he was with the Displaced Persons Commission, do you know?

Mr. KAPLAN. He was in the Government employ. I do not know what his job was.

Mr. ARENS. Was he employed in the Government in Europe or over here?

Mr. KAPLAN. I would say over here, sir.

Mr. ARENS. Who employed Mr. Hightower?

Mr. KAPLAN. I have no knowledge of that because he came over from Washington. When he arrived he had already been employed in Washington.

Mr. ARENS. Do you know whether or not Mr. Hightower has an apartment at Frankfurt?

Mr. KAPLAN. He could very well have. All the personnel who were assigned permanently to a station received their billeting through the United States Army.

Mr. ARENS. Have you had occasion to do any collecting of any antiques in or around your area there?

Mr. KAPLAN. Absolutely none.

Mr. ARENS. Who is the antique collector there? Is it Mr. Dervan or is there somebody on your staff who is a kind of antique collector?

Mr. KAPLAN. I believe most of the people there would go around and try to collect a few. I don't know of any big collectors.

Senator O'CONOR. For purposes of identification, is Mr. Hightower white or colored?

Mr. KAPLAN. He is colored.

Senator O'CONOR. I see.

Mr. ARENS. Were you the gentleman who interviewed the seven persons who came up from Frankfort to protest about the operations in Frankfort?

Mr. KAPLAN. No, sir.

Mr. ARENS. Who was that?

Mr. KAPLAN. Mr. Shirk.

Mr. ARENS. I think that is all right now.

Senator O'CONOR. All right, Mr. Kaplan, that is all. Thank you.

(Discussion off the record.)

Senator O'CONOR. That concludes the hearing for today and we will resume on Wednesday morning at 10 o'clock in this room.

(Whereupon, at 4:30 p. m., the hearing recessed until 10 a. m., Wednesday, March 15, 1950.)

DISPLACED PERSONS

WEDNESDAY, MARCH 15, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENT TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10 a. m., pursuant to recess, in room 424, Senate Office Building, Hon. William E. Jenner, presiding.

Present: Senators Jenner, O'Conor, and Kilgore.

Also present: Messrs. Richard Arens, Frank W. Schroeder, and Thomas J. Davis, of the Professional Staff; Watson B. Miller, Commissioner of the Immigration and Naturalization Service; and Harry N. Rosenfield and Edward M. O'Connor, Displaced Persons Commissioners.

Senator JENNER. We will please come to order.

Will you be sworn, Mr. Carusi?

Do you solemnly swear that the testimony you will give to the committee in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CARUSI. I do.

Senator JENNER. Mr. Carusi, the committee is interested in clearing up some points because we are getting this record printed. We understand it will be completed by the 25th of March.

I understand you have a prepared statement.

TESTIMONY OF UGO CARUSI, CHAIRMAN, DISPLACED PERSONS COMMISSION—Resumed

Mr. CARUSI. Yes.

Senator JENNER. Before you proceed with the prepared statement, the committee has certain questions here that we would like to bring out for the purpose of the record.

Do you have some questions there, Mr. Arens?

Mr. ARENS. Yes.

Senator JENNER. You may proceed.

Mr. ARENS. Would you kindly identify yourself by name and occupation?

Mr. CARUSI. My name is Ugo Carusi. I am presently serving as Chairman of the Displaced Persons Commission.

Mr. ARENS. How long have you been serving as the chairman of the Displaced Persons Commission?

Mr. CARUSI. Since August 13, 1948.

Mr. ARENS. Who are your co-Commissioners, or fellow Commissioners?

Mr. CARUSI. Mr. Edward M. O'Connor, and Mr. Harry N. Rosenfield.

Mr. ARENS. How long have they been serving on the Displaced Persons Commission?

Mr. CARUSI. They were both appointed at the same time I was, but I think Mr. Rosenfield took the oath a week or two later.

Mr. ARENS. Where is the headquarters of the Displaced Persons Commission?

Mr. CARUSI. At 815 Connecticut Avenue, here in Washington.

Mr. ARENS. First of all, Mr. Carusi, would you kindly express yourself with reference to the employment of Mr. Kaplan, Mr. Bashein, Mr. Squadrilli, Miss Ruskin, and Miss Mayerson?

Mr. CARUSI. I don't know what you mean by expressing myself.

Mr. ARENS. Who employed them?

Mr. CARUSI. They were all employed by the Commission.

Mr. ARENS. Who interviewed them for employment?

Mr. CARUSI. I don't know who interviewed them, except that, I mean who interviewed all of them, except that I interviewed Mr. Squadrilli and had a sort of a postappointment interview with Mr. Kaplan. I believe I had also talked to Mr. Bashein and Miss Mayerson very early in the history of the Commission.

Mr. ARENS. Did you express yourself in agreement, or in disagreement with the employment of Mr. Kaplan?

Mr. CARUSI. I didn't express myself.

Mr. ARENS. Did you vote for the employment of Mr. Kaplan?

Mr. CARUSI. In Mr. Kaplan's case we had told Mr. Squadrilli in those early days that if there were folks overseas that he thought he could employ and whom he needed, that he should pick them up and make recommendations to us. That was done in that case, and we got his recommendation and approved it on that basis, and that basis alone.

Mr. ARENS. Did you give your approval to the employment of Mr. Kaplan?

Mr. CARUSI. Yes, I signed the appointment.

Mr. ARENS. Did you give your approval to the employment of Mr. Bashein?

Mr. CARUSI. He was employed here in Washington while I was overseas, so I had no part in it.

Mr. ARENS. Who employed Mr. Bashein?

Mr. CARUSI. I don't know how it actually happened mechanically, but I do know that Mr. Rosenfield was the acting Chairman at that time, and probably signed that appointment.

Mr. ARENS. Did you subsequently confirm it?

Mr. CARUSI. No, I did not. I did nothing about it.

Mr. ARENS. Who employed Miss Ruskin?

Mr. CARUSI. I think the same applied to her.

Mr. ARENS. What do you mean the same applied to her?

Mr. CARUSI. I mean the same occurred. That is to say, while I was overseas she was interviewed here by my two associates. I am now really restating her testimony. That is the way I think she put it, that she was interviewed by my two associates and her appointment ensued.

Mr. ARENS. Did you vote for the confirmation of her appointment?

Mr. CARUSI. No. That was unnecessary because two members had already agreed, you see.

Mr. ARENS. Did you vote for the confirmation or appointment of Miss Mayerson?

Mr. CARUSI. No. Her appointment was effected in much the same manner.

Mr. ARENS. Did you express yourself in disagreement with respect to the appointment, or employment, of certain of the personnel of the Displaced Persons Commission overseas?

Mr. CARUSI. Well, that is an awkward question, but I guess I will have to answer it. I was not pleased with some of those appointments.

Mr. ARENS. With whose appointments were you not pleased?

Mr. CARUSI. Before I answer that, I would like to say this, too, that the fact that I am not pleased or was not pleased then does not indicate that I was right and someone else was wrong. I may have been the one that had the bad judgment on it. With that preface, I will say this: That I was displeased with the appointment of Miss Mayerson, Miss Ruskin, and Mr. Bashein. And I quickly add, and hasten to add, that the grounds of my disappointment then have been dissipated by their performance since.

Mr. ARENS. Did you express your disapproval or displeasure at the appointment of Miss Mayerson, Miss Ruskin, and Mr. Bashein, to your fellow Commissioners?

Mr. CARUSI. I don't think I expressed it as a displeasure. I think I said that if I were to have made the decision I should probably not have agreed. I think it was worded that way, but quite sometime after it all happened. I remember that in one or two of those cases I said that, I added these words: "They now seem to be doing a good job."

Mr. ARENS. Did you express displeasure at the appointment of Mr. Squadrilli?

Mr. CARUSI. No, sir.

Mr. ARENS. Did you have occasion to suggest to the other Commissioners that the Commission resign en masse?

Mr. CARUSI. I don't know whether I did it exactly that way, or not; or whether I did it. I do know this: That I get hotheaded at times, and now and then when things get difficult, I usually say, "Oh, I'd better quit," or "Let's get out," or something of that sort. I would be very much surprised if I haven't said that in this connection, because I know I have said it in just about every job I have ever had.

Mr. ARENS. When was it that you suggested to the other Commissioners that the Commission resign en masse?

Mr. CARUSI. Well, you have now been very specific in your choice of words. I don't think I ever said that. I probably said in a moment of—because I do feel these things very keenly, and I probably get emotional about them, I may well have said, "Oh, let's get out," or "Let's quit," or something like that; which I sometime may even say to my wife when something goes wrong around the house, "Let's get out of here." I don't think you should give it the significance of a formal suggestion.

Mr. ARENS. But did you suggest to the other Commissioners that the Commission resign en masse?

Mr. CARUSI. Not with the expectation or the intention that it be taken seriously.

Mr. ARENS. But did you suggest to the other Commissioners that the Commission resign en masse?

Mr. CARUSI. Well, so that you can take it out of context and quote me, I will say "Yes."

Mr. ARENS. Irrespective of the use to which your statement might be put, did you suggest to the other Commissioners that they resign en masse?

Mr. CARUSI. I said "Yes," if we aren't going to be particular about the choice of words. But I also say that it was not intended to be a formal request, or suggestion, that they resign, or that I resign, or that all three of us resign. I think it is just one of those things that people say when they get into a hot discussion and feel a little down in the dumps at times.

Mr. ARENS. When was it that you made this suggestion?

Mr. CARUSI. I may have been guilty of it a half a dozen times. I know that early in the proceeding, when we were trying to get some sense into this very complex law, we had discussions and differences of view of what the law meant and how we would operate under it.

I know three or four times I was tempted to give up, at least personally, and I may well have extended it to them. It was an awfully tough job.

Mr. ARENS. To what extent have you had these hot discussions, which you referred to, with reference to the administration of the program in Europe?

Mr. CARUSI. Well, we had quite a few of them in the early days. We were three persons of independent and determined judgment, and we did not always agree. I think it was very salutary that we expressed those views and expressed them openly and candidly and fought them out.

Mr. ARENS. On what did you not agree with reference to the administration of the program in Europe?

Mr. CARUSI. Really, it didn't have much to do with Europe. It had to do with basic policies and general administration, sometimes important things, and sometimes what I considered very unimportant things.

Mr. ARENS. What were some of the important things over which you had these hot discussions with the other commissioners?

Mr. CARUSI. Well, I think you can take section 1 and wind up with section 14 and have it. I think we discussed every phase. And I know when I discuss a thing I discuss it very seriously and with all there is in me, whether I am right or wrong. And I would daresay it covered the whole gamut of the operation and the law.

Mr. ARENS. To what extent did you have hot discussions with the other Commissioners respecting the personnel of the Displaced Persons Commission overseas?

Mr. CARUSI. Those were not hot, if I understand the term. Of course, I used it. By hot I don't mean anger; I don't mean that there was bitterness or acrimony or acerbity. I mean that it was intense and serious.

Mr. ARENS. To what extent did you and the other Commissioners have disagreements respecting the persons who were employed to operate the program overseas?

Mr. CARUSI. Well, to the extent that one of us—and it wasn't always I, it might have been one of the others—one of us would say, "Well, are you sure that he is all right, or she is all right," and one of us would say, "Well, I don't know." Obviously, three different people can't start agreeing on everything.

I should add this: We usually wound up at the end of those arguments with an agreement one way or another upon the point. We rarely wound up with somebody still maintaining a very strong dissenting view. We always worked it out somehow.

Mr. ARENS. Did you go to the White House with the matter?

Mr. CARUSI. The only time I went to the White House was in August of last year. And while I don't wish to discuss what I said to the President, it had nothing to do with my associates or their mode of doing business.

Mr. ARENS. What is the allocation of function among the three Commissioners?

Mr. CARUSI. So far as authority is concerned, the authority is joint. Under the act, no one of us has any separate, individual authority. Even the chairman is only made such by designation. There is no giving to him of any particular authority or jurisdiction that is not available to the other members. So we have to act in concert.

Under our regulations, a 2-out-of-3 majority, in case there is a decision, governs. However, for operating purposes, because, I guess, primarily of our experience, we have sort of divided what we call loosely primary responsibility, in this fashion: my chore is general administration and overseeing the European operation. Mr. Rosenfield oversees what you might call the legal aspects; that is, the processing of cases, the handling of assurances, the regulations, and legal interpretations, and things of that sort, and the preparation of the annual report and the legislative work, such as we have. Mr. O'Connor looks after primarily the resettlement aspects and the working out of relationships with agencies, public and private, in the United States, as it relates to resettlement.

As I say, those are primary responsibilities in the sense of operation. But if any policy or basic determination or decision is to be made or expounded on the subject of the responsibility of each of us, we do that jointly.

Mr. ARENS. Do you have an office in Europe? I understand you to say that one of your duties is primarily the supervision of the overseas operation.

Mr. CARUSI. That is right.

Mr. ARENS. Do you have an office in Europe?

Mr. CARUSI. I use the offices that are there. I don't have a room of my own.

Mr. ARENS. How much time have you spent in Europe since you have been a Displaced Persons Commissioner?

Mr. CARUSI. About 25 weeks.

Mr. ARENS. How long have you been a Displaced Persons Commissioner?

Mr. CARUSI. As long as I put it in weeks, it is about 85 weeks.

Mr. ARENS. How much time have your colleagues on the Commission spent in Europe?

Mr. CARUSI. I don't presume to remember exactly—and they can correct me—but I think Mr. O'Connor was there about 2 months. I think Mr. Rosenfield was there about 2 months.

Mr. ARENS. The rest of the time has been spent here in the States; is that right?

Mr. CARUSI. That is correct.

Mr. ARENS. Did you tender your resignation to the President when you had this conference with him?

Mr. CARUSI. I did not.

Mr. ARENS. With reference to the legislative functions of the Displaced Persons Commission, I understood you to say that one of the Commissioners has that as one of his responsibilities.

Mr. CARUSI. I am sorry, I did not catch that, which one.

Mr. ARENS. The legislative responsibility. Did the Commission prepare and submit the Senate bill S. 311 to the Congress?

Mr. CARUSI. Well, it prepared a bill which, through the regular channels of the Bureau of the Budget and the White House, was submitted to the Congress and became S. 311.

Mr. ARENS. The House version of the bill was submitted to the chairman of the House Judiciary Committee, was it not?

Mr. CARUSI. Again, through the normal processes, it would have been presented to the Speaker of the House of Representatives. But he asked that it be referred directly to the chairman of the House Judiciary Committee, and it was done.

Mr. ARENS. And the Senate bill was not referred to the chairman of the Senate Judiciary Committee, was it?

Mr. CARUSI. That is correct.

Mr. ARENS. To what extent did the Commissioners or their representatives, employees of the Displaced Persons Commission, participate in the drafting of the minority report which was filed after the majority report was filed on H. R. 4567 in the Senate?

Mr. CARUSI. I don't know except this way, and I will speak for myself: I had no part in it, and so far as I am aware, Mr. Rosenfield's office was asked and did furnish material, facts, or other suggestions, like interpretations of what this or that bill would accomplish if enacted, to some of the men who were working on the minority report. He should speak for himself, but I do not know that he participated in the drafting of the report itself.

Mr. ARENS. Did he participate, or did his office, or did any employees of the Displaced Persons Commission, participate in the drafting of the so-called substitute bill?

Mr. CARUSI. I don't know, unless it was done in that same fashion, in response to a request or suggestions; which, I may add, is a common practice in Washington.

Mr. ARENS. Did the Commission or employees of the Commission prepare that part of the minority report which commends the Displaced Persons Commission?

Mr. CARUSI. I am not aware of that.

Mr. ARENS. Would you express yourself kindly to the committee respecting this administrative agreement which has been worked out among the Visa Division, the Displaced Persons Commission, and the Department of Justice, whereby, under the practice, the determinations of eligibility made by the Displaced Persons Commission are

binding upon the Immigration and Naturalization Service, and upon the American Foreign Service?

Mr. CARUSI. May I ask a question before I answer that, please?

That is one of the subjects which I have covered in my prepared statement, and I ask your indulgence that I not begin answering piecemeal things which are covered by the general statement.

Frankly, it will break up my continuity of presentation here. I should like very much, if I may to read the statement and then submit to any questioning you wish, either as I go along, or when I finish.

Mr. ARENS. Well, was an administrative agreement worked out among the three administrative units of this Government, whereby the determinations of the Displaced Persons Commission with respect to eligibility would be binding upon the Immigration and Naturalization Service, and the American Foreign Service?

Mr. CARUSI. I take it you don't answer my query. But, in any event, the fact is that there was an agreement. In fact, all these things were done by mutual understanding. But I do not go further and say that the agreement fixed any particular bindings upon anyone. Some did and some did not. The question is joint there, and I want to be careful to answer it in separate parts.

Mr. ARENS. As a matter of practice, the determinations of eligibility under the displaced-persons law, which are arrived at by the Displaced Persons Commission, are accepted as binding by the Immigration Service and the consular service; is that not true?

Mr. CARUSI. As you put it, it is not true.

Mr. ARENS. What is wrong with what I said?

Mr. CARUSI. When the thing is binding, that means there is absolutely no question raised about it. That is not so.

Mr. ARENS. Are not the determinations which are reached by the Displaced Persons Commission with respect to eligibility of displaced persons under the displaced-persons law conclusive insofar as the Immigration Service is concerned and the consular service is concerned, under the administrative arrangement?

Mr. CARUSI. Under the administrative arrangement, they are conclusive, first, in the absence of fraud, just like a contract is binding on parties, unless it is based on fraud. It is conclusive, in the absence of fraud only to the extent that the consul or the immigration officer wishes himself to accept it without question.

Mr. ARENS. Have you seen the directives which have gone to the consul officers and to the immigration officers from their respective services with respect to——

Mr. CARUSI. I think I have; yes, sir.

Mr. ARENS. Is it not a fact that those directives which have gone to the consul officers and to the immigration officers direct them to accept the findings of the Displaced Persons Commission with respect to eligibility and the findings of the International Refugee Organization with respect to the question as to whether or not the applicant is a displaced person?

Mr. CARUSI. That is correct, if we limit ourselves to the precise sentences which say that. But if we read the whole memorandum, you will see that those are qualified.

Mr. ARENS. They are qualified, are they not, only to the extent that the Immigration Service and the consul officers may refer the cases

back to the International Refugee Organization, or to the Displaced Persons Commission, as the case may be, for further consideration by the International Refugee Organization, or the Displaced Persons Commission?

Mr. CARUSI. That is correct, if fraud is involved. As I have in the statement here—and I think I can prove—if fraud is involved, all these other things fall by the wayside.

Mr. ARENS. But in ascertaining whether or not there is fraud, the file upon which the Immigration Service and the consular service work is a file which has been initially prepared by the International Refugee Organization; is that not true?

Mr. CARUSI. In part.

Mr. ARENS. I say it was initially prepared by the International Refugee Organization; is that not true, Mr. Carusi?

Mr. CARUSI. Not the whole file, no. Part of the file gets its initial preparation elsewhere.

Mr. ARENS. The rest of the file is prepared by the Displaced Persons Commission, is it not?

Mr. CARUSI. I am not trying to be smart, but the fact is this: At the outset—we begin somewhere, obviously, and at the outset, when an assurance reaches Europe we have to start the case. We ask the IRO for the information which it has as result of prior registrations, or as a result of current acquirement of information, and they forward that to us.

Mr. ARENS. Right there let me ask: They also forward to you the conclusion which they have arrived at as a result of a personal interview of the applicant in certain cases; is that not true?

Mr. CARUSI. That is right. Anything they have that identifies or describes the man or bears upon his history, and even his probable eligibility, is made available to us.

Mr. ARENS. May I invite your attention to this excerpt from section 10 of the displaced-persons law?

> * * * except as otherwise expressly provided in this act, the administration of this act, under the provisions of this act and the regulations of the Commission as herein provided, shall be by the officials who administer the other immigration laws of the United States.

You are familiar with that language, are you, in the displaced-persons law?

Mr. CARUSI. Oh, yes.

Mr. ARENS. How do you construe that language in conjunction with the administrative agreement which we have been speaking about?

Mr. CARUSI. We construe it in this way: We notice that the law all through its passages talks about what will happen to an eligible displaced person in the way of getting a visa or not getting it, or of being eligible or not eligible under the immigration laws—and we think it is a fair interpretation, and I may say that, insofar as we have consulted with congressional leaders on it, it is the majority interpretation—and that somebody other than necessarily the immigration authorities will first start finding out who is an eligible displaced person, so that an eligible displaced person appears at the consulate to file his application as an immigrant.

Obviously, in a situation where courts have not passed on the thing and where lawyers, as we know, can have opposite views—I am not

self-righteous enough to say that that is it and nobody else can rightfully maintain the contrary, but I do say that it is an intelligent and reasonable interpretation. It is one which we thought was justified by the law and, as I say, one for which we have received strong congressional support.

Mr. ARENS. Are you familiar with the legislative history of this particular section in the Senate? To be more specific, are you familiar with the amendment which was proposed in the Senate at the time the Displaced Persons Act of 1948 was under consideration, which amendment would vest the administration of the act in the Displaced Persons Commission?

Mr. CARUSI. I think there was one made on the floor. I don't remember the language of it.

Mr. ARENS. What was the outcome of that amendment on the vote?

Mr. CARUSI. It didn't pass.

Mr. ARENS. Did you have occasion to call on Mr. Tripp, the Chief of the Immigration Service in Europe, in conjunction, or in company with some of your fellow associates on the Displaced Persons Commission, with reference to the proposition of the immigration officials interviewing applicants respecting their eligibility under the displaced-persons law?

Mr. CARUSI. Well, there again, it is a subject covered by my statement. But if I am not going to be able to read the statement, I will answer it.

Senator JENNER. You will be able to read your statement. We want it all in the record.

Mr. CARUSI. But you are getting it all backwards here, and out of context. Anyway, if that is the way you want it done, that is the way it will be done.

Yes, I did have such an interview.

(Senator Kilgore entered the hearing room at this point.)

Mr. ARENS. Would you kindly tell the committee whether or not the representatives of the Displaced Persons Commission requested Mr. Tripp to cause his immigration officers not to interview applicants respecting their eligibility under the displaced-persons law?

Mr. CARUSI. Not only did we, or they, not tell him that, but we argued with him to convince him that he could interview them. He was the one who insisted he couldn't, under the instructions of his chief, as he interpreted them; and I think he interpreted them incorrectly.

Mr. ARENS. Who is it that worked out this calculated risk theory which Mr. Squadrilli and, I think, Mr. Tripp and some others, have testified about?

Mr. CARUSI. I don't know. Of course, personally, I don't think the military phrase, "calculated risk," has any application there, but it has been used, and used by some of our people, I think, unwisely because it gives the wrong impression. But leaving that aside, I think it had its origin, as far as I am concerned, a full year before there was any Displaced Persons Act. We discussed the efficacy and the usefulness—I say we, the military intelligence and I—of the Berlin document check, and they told me then——

Senator KILGORE. May I ask a question right at that point, Mr. Chairman?

Senator JENNER. Yes.

Senator KILGORE. At that time were you not Immigration Commissioner?

Mr. CARUSI. The first time it was mentioned, I was Commissioner of Immigration, and later it was mentioned when I was special assistant to the Attorney General, assigned by the President to work with the State Department.

Senator KILGORE. The reason why I wanted to bring that in was to determine what part of the past you were discussing.

Mr. CARUSI. Yes. And they were convinced then, on the basis of their experience, that the likelihood of a Berlin document check resulting positively, that is, with derogatory information on a displaced person, was very slight, indeed. As a result of that, having that in the back of my head, when I went to Europe in 1948 after my appointment as a member of the Displaced Persons Commission, I raised that same point again, and again I was told that that was so, but that they felt that in the very vast majority of cases, if we did not wait for the Berlin document center check at, let's say, the early stages, that those checks would be concluded and available by the time the person reached Bremen ready for embarkation. They also recognized that it was possible in a very few cases that the check would not be completed until after the person had actually sailed. Now, to the extent to which I personally participated in an agreement, let us say, not to wait for the Berlin document check and let it catch——

Mr. ARENS. How about the provost marshal check? I don't believe you included that in your testimony thus far. Is that included in your calculated risk?

Mr. CARUSI. No; it is not. The extent to which we decided we could allow the Berlin document check to catch up with us somewhere during the process was left, so far as I am concerned, at that point. However, the military authorities and the others who were working on the matter after I left Europe met further with the result that there was joint understanding and arrangement, in which our representatives overseas participated, which carried this to its present end, and that is that the Berlin document check would be sent along subsequently even if the person got to the United States, but there again, with the recognition of the fact that it would be in a very, very few cases; also in recognition of the fact of the nature of the information which might come even in a positive report from the Berlin document center and the question of whether or not it was dangerous information; and also the fact that there was soon thereafter made a special arrangement, which I have covered in this statement, that if there was the slightest indication that there would possibly come a positive reaction from that document, that special telephone communication would be made—and is being made—to the appropriate area, so that the case could be held up to await the final outcome of that check. As I say, I have elaborated on that in the statement.

Mr. ARENS. Would you say that 250 people getting through, of whom approximately 80 were principal applicants and their families, that had adverse information on them in the files, would be a relatively small number?

Mr. CARUSI. Are you suggesting that 250 is the number? You seem to be reading.

Mr. ARENS. Yes, I am.

Mr. CARUSI. My recollection is that it is not the number. The number, as I understand it, from Mr. Miller's testimony, is that the Berlin document checks would positively have come since arrival in about 75. I call that a small number.

Mr. ARENS. May I read you this question:

How many persons are involved in these cases which are presently under investigation?

Commissioner MILLER. I have not counted them, but I think that we could say that 250 to 300 would be a fair estimate.

Then we read over here:

Question: In other words—and I do not want to put words into your mouth in any sense at all; I just want to bring this thing to a crystal-clear statement of fact—is it a fact that of these 250 people that the Commissioner has been speaking about, who are presently under investigation in the country, the information would have been available on them prior to the time they were sent into the country?

Mr. TRIPP. In the cases of about 80 principal applicants and their families, contained in the Commissioner's record, entry could have been prevented if the provost marshal's check and the Berlin document center check had been completed prior to the embarkation in Europe.

Does that cover it?

Mr. CARUSI. That gets it. That is nearer to the 75 I have in mind.

Mr. ARENS. And their families.

Mr. CARUSI. But we are talking now about security to the United States. Two-year-olds won't hurt anybody.

Senator JENNER. Are they all 2-year-olds?

Mr. CARUSI. They are mostly youngsters, children, and the wives. If you know the European family make-up, you will know how insignificant, from a political sense, the wives and children are.

Mr. ARENS. Let us assume there are only 75 instead of the 80 Mr. Tripp estimates here, what is your view, with respect to the best interests of this country, as to letting those people come in prior to the time that the check is made and the returns received?

Mr. CARUSI. My view with respect to the public security of this country is that if one subversive gets in, it is one too many. You are suggesting that these people are security threats. If they are, then you should not support your own committee amendment, which makes every one of those 70 eligible under the new law, the new proposed law. They are ineligible now only because they don't meet IRO specifications which say they must not have applied for German citizenship. The only reason why they are ineligible or excludable now is because they have applied for German citizenship, and that is exactly what you make a ground of eligibility in your proposal.

Mr. ARENS. Included in these 75 or 80—you have read Mr. Tripp's and Mr. Miller's testimony—are criminals.

Mr. CARUSI. No, I have read Mr. Miller's testimony which says that those 75 are persons who have applied for naturalization.

Mr. ARENS. A number of them are being investigated for deportation under the criminal statutes, are they not?

Mr. CARUSI. Not those; no, sir. Those Berlin document checks don't have a blessed thing to do with Communists or criminals.

Mr. ARENS. They have to do with Nazis, though, do they not?

Mr. CARUSI. They do, German Nazis.

Mr. ARENS. And the provost marshal's office has to do with criminals, does it not?

Mr. CARUSI. Yes, but we were discussing the Berlin document check, and I don't want to get the two mixed up. That is one mistake that has been made here. We talk about one thing, and then bring in another.

Mr. ARENS. The Commission, on the calculated risk theory, does not in all cases wait for return to it from the provost marshal's office before it sends persons to this country; is that not so?

Mr. CARUSI. Well, again, I should not have used that calculated risk term. There should not be any risk involved in that sense. But that is true, that there has not been any waiting for the provost marshal's report.

Mr. ARENS. Then it is in the same category as the Berlin document center situation, is it not?

Mr. CARUSI. I know, but you have to keep them separate. When you talk about one you talk about security; when you talk about the other, you talk about criminality. But you must not combine the two and suggest they all have one or both defects.

Mr. ARENS. In other words, you make a distinction between your subversives and your criminal element; is that right?

Mr. CARUSI. Yes, an obvious distinction.

Mr. ARENS. Do you think it is to the best interests of this country to admit people on whom there are criminal records, as distinguished from people on whom there are subversive records?

Mr. CARUSI. I think they both should be excluded, and the law insists that they should both be excluded; and that if they get in illegally they should both be deported.

Mr. ARENS. Then where are these two cases which the Commissioner speaks about, in which he says:

> Two cases: These indicate a criminal record in Europe. On January 27, 1950, a report was received from the Displaced Persons Commission indicating that subjects were arrested for receiving stolen property and illegal possession of United States currency.
>
> On March 22 and March 24, 1949, the female subject was sentenced to 3 months' imprisonment. * * *

Do you make a distinction between that category of persons and your subversives?

Mr. CARUSI. I do in a basic sense, of course. I think a spy is a lot worse than a thief, although I don't like either of them.

Mr. ARENS. Then why do you have the calculated risk theory by which people on whom there are criminal records in the Provost Marshal's office are permitted to come to this country without waiting for the returns from the Provost Marshal's office?

Mr. CARUSI. Because in the great bulk of cases that Provost Marshal's check does come through before the person debarks, because we know from experience that in relation to the number of convictions for crime the displaced persons number is very small, thereby reducing the number of positive reports likely to come from the Provost Marshal General's office. We also know that when a person has a criminal record it usually manifests itself in the CIC report without

regard to the Provost Marshal General's check. We also know that the so-called crimes—and we refer to them as criminals and convicts—are in very large measure violations of military regulations, like the one you mentioned, possession of money. It may well be that it may be a serious possession, but it could also be that somebody got a tip or picked up $2 from an American GI. And you got 6 months for having it very frequently. So that you have to consider what you are talking about when you are considering the making of a rule. You have to consider that rule in the light of the circumstances as you know them.

I think that one indication of whether or not that was a reasonable—I am not saying it is the thing that ought to be done, somebody else may disagree with us—as to whether that is a good rule—I am saying this: That the proof of the pudding is that, as I understand, I think, either Mr. Miller's or Mr. Tripp's testimony, 33 persons have come in against whom there is derogatory provost marshal general information, and we have communicated that, of course to the Commissioner of Immigration; and I am very confident that his folks are on the job with respect to every one of them.

Mr. ARENS. You have formerly been a Commissioner of Immigration and Naturalization yourself, have you not, Mr. Carusi?

Mr. CARUSI. That is right.

Mr. ARENS. Is it not a fact that, as a practical matter, not a single one of these persons on whom the adverse information has been transmitted to this country, which information was available before they were sent to this country, will be deported?

Mr. CARUSI. That is not a fact. Unless, of course, there is a private bill introduced in Congress to keep them here.

Mr. ARENS. How many displaced persons who have been admitted into the United States have thus far been deported?

Mr. CARUSI. Not one. But there hasn't time enough elapsed for that purpose. I do know there is an outstanding order for one of them. But he is in jail, he cannot be deported yet. But he would have been by this time had he not been in jail. I have covered that, too, in my statement, and I hope to be able to explain it more fully.

Mr. ARENS. Are you now testifying that you are trying to justify this calculated-risk theory whereby the displaced persons are sent to the United States without first receiving the returns from the provost marshal's office, or the Berlin Document Center?

Mr. CARUSI. I am justifying to this extent: Of course, I am not justifying and wouldn't justify, and you wouldn't justify, the bringing of a criminal into the United States.

Mr. ARENS. Then why do you send him on in here without waiting for the provost marshal's report?

Mr. CARUSI. I was coming to that. The fact of the matter is this: We have been assured that the so-called risk entailed by that practice is very small and not at all commensurate with the defeat of the purposes of this law, which would ensue if hundreds of thousands of these people, innocent ones—as I say, most of them are innocent—all had to wait while we were trying to find out about the casual one against whom there might be positive information; remembering again that when they arrive here, notwithstanding what you suggest, they are deportable and they can be deported. And I am sure if Mr. Miller has anything to do with it, they will be deported.

Mr. ARENS. Mr. Miller has already testified to the general effect that they cannot be deported.

Mr. CARUSI. I read his testimony, in which he did not say they cannot be and, I think with grave injustice to him, has been interpreted so.

Senator JENNER. He said that as a practical matter it was almost impossible to deport them.

Mr. Miller is here. Is that not correct, Mr. Miller?

Mr. CARUSI. His testimony is in here.

Senator JENNER. Did you not say that, Mr. Miller, that, as a practical matter, it was impossible to deport these people?

Commissioner MILLER. I think I said in conclusion that I thought the chances were slender.

Mr. CARUSI. It wasn't slender when I was Commissioner of Immigration; I will say that.

Senator KILGORE. May I ask a question? Mr. Carusi, have you had experience in immigration matters prior to 1939?

Mr. CARUSI. In an indirect way. My experience in immigration has been this: I was in the office of the Attorney General for 20 years, beginning in 1925. I had passed upon and worked upon all the opinions of the Attorney General which he was constantly rendering to the Department of State and Department of Labor on immigration matters, and I was familiar with much of the litigation on those subjects.

In 1940, while I was still in the Attorney General's Office, the Immigration and Naturalization Service was moved to the Department of Justice, and I reviewed for the Attorney General all the immigration matters which, in the normal course, came to that office. In 1945, that is, after 5 years of that supervisory participation in immigration matters, I became the Commissioner of Immigration and Naturalization and remained in that office for slightly more than 2½ years.

Senator KILGORE. I just wanted that as background to my question. From your experience with normal immigration, not displaced-persons immigration, did people with criminal records get into this country? I mean people who had committed crimes. Did they get into this country?

Mr. CARUSI. Yes, they did. All these checks that we are talking about did not exist under normal immigration. They do not exist now. They don't exist with respect to the expellees. When an expellee walks into the consulate with an autobiography, an autobiographical statement of the facts, that is the first time he gets into the process. In the displaced-persons program, a half dozen things have happened in advance of that, and some of these so-called abuses—again, I hope that is covered here—some of these so-called abuses just can't be detected under the immigration programs of every other kind that I know anything about, except this one——

Senator KILGORE. Then in the normal course of immigration, assuming that Germany were not an occupied country and that the American Army did not have a Berlin Document Center, shall we say, and the provost marshal general's records did not exist, what access would either the Immigration Service or the Consular Service have to find out whether or not an applicant for immigration under the quota had a criminal record?

Mr. CARUSI. They would not have that access. As a matter of general practice, what is required is usually, at the consulates, that an

immigrant himself walks into the consular office with self-acquired police certificates.

Senator KILGORE. He brings his own records in with him; is that right?

Mr. CARUSI. That is right.

Senator KILGORE. Then they rely upon questioning him and interviewing him to determine whether or not those are correct, and things of that sort; is that correct?

Mr. CARUSI. That is the usual practice.

Senator KILGORE. Then when they get to this country, of course, under normal procedure the immigration inspectors would be in the United States, would they not?

Mr. CARUSI. They would be in the United States.

Senator KILGORE. When they get to this country, what sources of information do the immigration inspectors have normally?

Mr. CARUSI. They have the visa, they have the medical certificate, and they have the alien, the man himself.

Senator KILGORE. The alien is interviewed, is he?

Mr. CARUSI. That is right.

Senator KILGORE. So that the records in these centers and the CIC investigation, and all that, are actually safeguards which do not exist under normal immigration; is that not correct?

Mr. CARUSI. They are safeguards; they are innovations.

Mr. ARENS. They are not safeguards, however, if you do not wait to get the report from the Berlin Document Center and the provost marshal's office on criminals and on Nazis before you send the man to this country, are they?

Mr. CARUSI. They are safeguards, at least in this program, in every case, except possibly this 106 or 108, whatever it is, and those who can get by CIC. Now, we talk about people getting into this country in violation of law as though it were something that never happened before. There are people undetected who have committed murder, rape, and robbery, but that doesn't mean we should abolish the police system and the FBI and condemn the system. But we have law violators and punishments for law violators. The trouble is that we are here pretending that somebody, whether it is the Commission or Commissioner of Immigration, or whether it is the consul or whether it is yourself, could do a perfect job. That is absolutely impossible.

Mr. ARENS. You have read Mr. Tripp's testimony to the effect that approximately—which was his estimate—that approximately 30,000 displaced persons under the program have already been admitted, of doubtful eligibility, have you not?

Mr. CARUSI. I have read his testimony, and I don't answer that question "Yes" because it would have to be qualified, and that, too, is covered here in my statement.

Mr. ARENS. Mr. Tripp spends his time in Europe, does he not?

Mr. CARUSI. All of it or most of it.

Mr. ARENS. How much of your time do you spend in Europe? Twenty-four weeks out of eighty-five?

Mr. CARUSI. That is right.

Mr. ARENS. In view of the fact that in the allocation of function among the Commissioners, your responsibility is principally the overseas operation——

Mr. CARUSI. Partly.

Mr. ARENS. Or partially the overseas operation, why do you not set up an office in Europe and stay there and watch the program?

Mr. CARUSI. That is a very good idea, but I also have to set up an office here and watch this, too. I can't be in both places.

Mr. ARENS. There are three Commissioners, are there not?

Mr. CARUSI. And, mind you, the Secretary of State has offices overseas. The Commissioner of Immigration has never been over there in connection with this work. I don't say that in criticism of it. He has work to do here. There are hundreds of departments that have establishments overseas. They point an overseas staff to run it, and the supervision is by cable, telephone, memorandum, and occasionally visited. I don't see anythink unusual about that.

Mr. ARENS. Did you receive a communication asking for your approval of this practice which was followed, by which Mr. Squadrilli directed the removal of certain information from the files, the substitution of a letter, showing that the information had been removed?

Mr. CARUSI. When I learned about it, it received my disapproval.

Mr. ARENS. How long was it after that practice was instituted overseas that you heard about it?

Mr. CARUSI. I am told it was about 2 months. And I shouldn't refer to it as—well, I will stop there. I have that covered, too.

Mr. ARENS. On this calculated-risk theory, whereby you do not wait for the returns from the provost marshal's office, or the Berlin Document Center, did that receive your approval before it was instituted?

Mr. CARUSI. Only to the extent I have indicated. I was aware of the pros and cons of the situation. I was aware of the general feeling that it was the kind of thing which properly, reasonably, and safely could be done; and that to the extent that it failed, there was remedy and recourse available.

I was aware of all those things, and while I was not present at the actual consummation of the arrangement, I now say that if I had been I would probably have agreed with it.

Mr. ARENS. To what extent have persons been caught and been turned down because of false or fraudulent documents in the program?

Mr. CARUSI. To the extent they have been caught they have been turned down.

Mr. ARENS. How many would you say have been rejected because of false or fraudulent documents?

Mr. CARUSI. Quite frankly, I don't know.

Mr. ARENS. Would it be as much as a few hundred?

Mr. CARUSI. I would expect so, yes.

Mr. ARENS. May I invite your attention to an excerpt from a speech made by one of your colleagues on the Commission, which was delivered sometime in the recent past, in New York City, on January 15, 1950, in which he said, and may I quote:

> Thus far, some 10 cases of false documents have been alleged in a program of which 130,000 visas have been issued. Doesn't that sound like a pretty good batting average to you?

Mr. Carusi, how many times have you been up here before this committee, either in executive session or to confer with the committee in the course of the last several months?

Mr. CARUSI. I was here in connection with what I later on found out to be my confirmation, in April of last year.

Mr. ARENS. You testified then?

Mr. CARUSI. Yes, sir. That is I answered questions. I made no direct statement. I was here again before an executive session in the closing days of the consideration of the pending bill, which must have been a day or two or three before the 25th of January. I was called up here to attend a session and waited outside until the session was over and then was called back that afternoon and came in toward the close of the session. I then appeared again——

Mr. ARENS. Did you speak or talk or confer with the members of the committee?

Mr. CARUSI. Well, I answered questions. Yes; certainly. Then I appeared again, at your courteous invitation, when you had a confidential witness in executive session. And not only did I appear, I was graciously permitted to ask questions of that person to clarify some of the things in my own mind, at least, that he was saying. And we did indulge not only in the questioning of the witness, but we indulged in what I hoped was a fruitful, off-the-record discussion of some of the things that arose.

Senator Jenner was there.

That is three that I think of. I have since, of course, been in attendance without testifying in the hearings which this committee has had on the present subject, beginning with the time that Mr. Squadrilli testified. I think I have attended every session since.

Mr. ARENS. When did you first learn of the false- and fraudulent-document situation in Europe?

Mr. CARUSI. In 1947.

Mr. ARENS. Did you learn of the 3,500 people involved in the probable false-document scheme in the Munich area?

Mr. CARUSI. I learned there was such an estimate; yes, sir.

Mr. ARENS. When did you learn of that?

Mr. CARUSI. At about that time.

Mr. ARENS. When was that?

Mr. CARUSI. I would say October of 1947. It was when I talked to you about it.

Mr. ARENS. I am speaking of another incident, and that is the incident which Mr. Main testified about, the 3,500 people.

Senator KILGORE. Mr. Chairman, I want to interrupt at this point.

Since the remark was made, I would like the reporter to show at what time I came into this room in the course of this testimony. It was just at the beginning of the testimony, I believe, by Mr. Carusi, on the question of calculated risk. I have a distinct purpose in that for committee purposes. I want that noted.

Senator JENNER. Yes; you may.

Mr. ARENS. I was speaking of the incident which Mr. Main testified about before this committee, with respect to some 3,500 people who were under suspicion for false-document practices in the Munich area. When did you first learn of that?

Mr. CARUSI. I truthfully don't remember the figure in connection with him. It happens by coincidence to be the figure that I had heard in 1947, that there were about 3,500 cases that were causing inquiry

and that about 35 percent of those were found to be, at least determined to be, false.

Mr. ARENS. When did you first learn about it?

Mr. CARUSI. That was in '47. I can't truthfully say that I remember it in terms of 3,500, but I do know that the situation to which Mr. Main relates, except not in those numbers, first came to my notice while I was in New York awaiting departure of the vessel for Europe on the morrow, which would be about the 2d of September of 1949.

Mr. ARENS. Did you communicate that information to your other Commissioners?

Mr. CARUSI. They communicated it to me.

Mr. ARENS. The 2d of September 1949?

Mr. CARUSI. Yes, sir. I don't mean to say that I didn't suspect before that that there would be some people who would attempt to come in by false means. I don't mean to be that naive, but to say that there was a particular problem or large-scale problem, that didn't come to my notice until one of the Commissioners telephoned me when I was in New York and suggested that that was one of the things I ought to look into right away.

Mr. ARENS. Who telephoned you?

Mr. CARUSI. Mr. Rosenfield.

Mr. ARENS. When was that he telephoned you?

Mr. CARUSI. I think I sailed the 3d of September, and if that is so, it was the 2d of September that he called me.

Mr. ARENS. Did you have knowledge of the CIC investigations in the Munich area, in the various towns in the Munich area, with reference to false and fraudulent practices?

Mr. CARUSI. Not at that time; no, sir. I learned more about it as soon as I got to Europe because I inquired about it.

Mr. ARENS. When did you find out about this series of investigations at the various towns in the Munich area, with reference to the false- and fraudulent-document situation?

Mr. CARUSI. There were investigations in progress I found immediately upon my arrival over there, which must have been something like the 10th or 12th of September. As they related to individual towns by name, I didn't learn about it until the investigative reports began to come in, and some of them came in after I got back to the United States. I can't figure the time precisely on that.

Mr. ARENS. Was that prior to January 1950 that you knew about it?

Mr. CARUSI. I would say "Yes."

Mr. ARENS. Did you communicate that information to the other Commissioners on the Commission?

Mr. CARUSI. We all get copies of these things. They come in triplicate.

Mr. ARENS. Did you have occasion to have a conversation with Mr. Squadrilli with reference to the practice of causing certain information to be removed from the files?

Mr. CARUSI. Well, if you will modify that word "information," I will say——

Mr. ARENS. What did you talk to him about?

Mr. CARUSI. I did not talk to him. What happened was that I was present at a meeting of all the senior officers, and that means, of course, the inclusion of a reasonably large number of other personnel

from the areas who take turns coming in to participate in these senior officers' meetings so that they can familiarize themselves more with the general operation and general problems. So it was probably a gathering of, oh, 30 people, officers of the Commission, at which Mr. Squadrilli presided, and he had an agenda. And we moved on down through the items and discussed them and decided them, and came to this item which appeared there and had to do with removal of these findings, as distinguished from basic information, removal of these findings in cases which were reversed. I don't think that the discussion of the matter got very far, because as soon as enough was said so that at least I understood what they were talking about, the practice stopped.

Mr. ARENS. Did you stop it?

Mr. CARUSI. Yes, sir.

Mr. ARENS. How long had that practice been going on prior to the time that you learned about it?

Mr. CARUSI. I have asked just about everybody, all the senior officers and Mr. Squadrilli later about it, and the consensus is that it was 2 months. I say general consensus because we must not understand that there was a specific order fixing the practice and saying, "From now on here is the way you do it." What happened was that during that period, as cases were reversed—and that totaled 29 cases—an order would go back in an individual case telling them to supplant the reversed order with a new order which was consistent with what you might call the appellate division, and saying in most cases, if not all, "And place this in the files so that the action taken can be recorded."

I learned that in many areas during that period there had been no reversals at all, so it never happened in those areas. In others it involved just a few cases. I am told also that in those areas in which it was removed, the document itself was not destroyed but maintained in the other files of that office. And since then instructions went out—and I hope, I assume they have been followed—to place those papers back in the file.

Senator KILGORE. Mr. Carusi, would not the filing of a letter of that type put both the consular agent of normal mentality and an immigration inspector of normal mentality upon notice that there possibly were other papers that could be requested, and if there was any question raised about the decision that he could go into that?

Mr. CARUSI. There is no question about it. And that really makes me wonder why the rule should have been there in the first place. There is no purpose served at all, even an improper purpose, if it may be assumed that was the intention.

Mr. ARENS. Do you know whether or not in some of the areas they did not put this in the file after they removed the information, the letter indicating that the information had been removed?

Mr. CARUSI. Yes. I read Mr. Main's testimony on that point.

Mr. ARENS. Mr. Tripp, was it not?

Mr. CARUSI. Or was it Tripp? No; I discussed it with Mr. Main in Munich. If you don't mind, you tell me whether I am wrong, Mr. Main. And I remember he told me then, because he disapproved of the practice quite heartily, and he told me then that lest there be any misunderstanding about the motive of this thing, I think he actually

inserted a letter on his own responsibility to make it perfectly clear that there be no mistake about it.

Mr. ARENS. But in some areas, it is a fact, is it not, that they did not even insert the letter?

Mr. CARUSI. That is the only one I know about. I assume they did not.

Mr. ARENS. If they did not insert the letter in other areas, other than the area of Mr. Main, how could the consul know there was adverse information?

Mr. CARUSI. This is a special letter that Mr. Main wrote. They certainly could know from the order reversing the decision, which said:

> We disagree with the rejection, for the following reasons. You will please write a new order which says so and so, or which is consistent with this decision, and you will place this in the file to show the basis of your action.

I think that is notice enough. I also found out on examination of some of those files that some of the case analysts, very properly so, when they wrote the new order which they were ordered to write, they did not just say, "I now find this, that, and the other."

They said, "Because of directions from Frankfurt, I now find so and so." So they had a double-barreled notice of it, and, in the case of Mr. Main, they had three ways of finding it out in that kind of case.

Mr. ARENS. If this system were all right, why did you stop it?

Mr. CARUSI. Because I just generally have an abhorrence of moving anything out of the file. If it is impertinent to the file, if it has no bearing on it, I would rather put a new memorandum in explaining it away, rather than removing it, because the minute you take even a picture of Mickey Mouse out of a file there is somebody trying to make a national crisis out of it.

Mr. ARENS. Have you had occasion to have the travel orders of the senior officers audited?

Mr. CARUSI. I presume that is under the normal course of business. Our fiscal affairs are handled by the State Department.

Mr. ARENS. Are the travel orders of the senior officers audited by them, do you know?

Mr. CARUSI. I would assume so, yes.

Mr. ARENS. When were you last in Europe?

Mr. CARUSI. I was last there in—I think I left there early in December.

Mr. ARENS. You left Europe to come back to the United States in December, did you?

Mr. CARUSI. Yes; something like the 2d, 3d, or 4th of December, I think.

Mr. ARENS. How long did you spend over there on this last trip?

Mr. CARUSI. I arrived in the middle of September and left early in December.

Mr. ARENS. Where all did you go when you were there?

Mr. CARUSI. I went to Germany. I went to Germany through France, but I had no business in France except to call at the Embassy. I went to Germany, in the British, French, and American zones. I went to Austria, which included Vienna and the Salzburg area. I went to Switzerland in attendance upon an IRO meeting, and also

at the request of the House Judiciary Committee, to confer with them there. I went to Italy also to be with and confer with the House Committee on the Judiciary and to examine our operation in Italy and to consult with several of the consuls in Italy.

Mr. ARENS. How much time did you spend in Italy, Mr. Carusi?

Mr. CARUSI. Well, I was there on two occasions. I suppose a total of 20 days.

Mr. ARENS. What was your mode of transportation in Italy?

Mr. CARUSI. For most of the time when I was around Rome and Naples I don't know whose cars they were. I guess they belonged to the Embassy. I was with the congressional committee most of the time. Except in Naples, without remembering, I presume I may have ridden in the automobile belonging to the Commission.

Mr. ARENS. Did you take a tour of certain areas of Italy in a Displaced Persons Commission official car?

Mr. CARUSI. Well, now, let's get this straight. What do you mean by a tour?

Mr. ARENS. Get in the car and drive around various places for the purpose of sightseeing.

Mr. CARUSI. No, sir. What I did was this, which may be called that: When I was in Germany and wanted to go back to finish my work in Italy, there was to have been delivered to Italy an automobile which had just arrived in Bremerhaven for use in Naples; which meant that somebody would have to come up from Naples, go up into Germany, get the car, and deliver it to Naples. And, as long as I was going into Italy anyway, I told them I would drive it down. I did, and made the stops which I had to make overnight, and so on. I stayed in no place except overnight, and left the car in Genoa, which was the place from which I ultimately embarked. And the extent to which I needed it in going to Rome and places like that, I used it.

Mr. ARENS. Where is your birthplace in Italy?

Mr. CARUSI. My birthplace is Carrara.

Mr. ARENS. Did you visit that place while you were in Italy?

Mr. CARUSI. I did on the week end preceding my departure to the United States.

Mr. ARENS. What was your mode of transportation to that town?

Mr. CARUSI. I had this same car.

Mr. ARENS. And you drove in that car?

Mr. CARUSI. Yes. But it is a direct line from Rome to Genoa, where I had to wind up anyway to leave the country.

Mr. ARENS. Did you know of the directive which came down from the Frankfurt headquarters with respect to the proposition that in certain types of cases the displaced persons who had presented false statements were to be encouraged to change their statements?

Mr. CARUSI. Yes; I am familiar with that.

Mr. ARENS. Did you know of that directive before it was issued?

Mr. CARUSI. I didn't know of it by language, but I knew that such a directive would be issued, because I asked that it be done.

Mr. ARENS. Did you approve it be done?

Mr. CARUSI. I approved of the purpose.

Senator KILGORE. May I ask a question at that point?

Senator JENNER. Yes.

Senator KILGORE. That is rather vague and indefinite. To whom had the false statements been made, Mr. Carusi, that were referred to in the memorandum?

Mr. CARUSI. The purpose of the directive—I think I know about that because I was the one that initiated it—was this: We knew as a fact that a number of displaced persons, for reasons of self-protection or preservation of their family, or to prevent repatriation, had assumed new identities; had lied about their true identities, and had done everything they could to conceal their former identities and lives and history.

We also knew that if they persisted in that and made that falsification, which is a bad word for it, really, made that falsification a part of a visa application, they would be guilty of fraud against the consul. And the question of proper motive would not have entered into it; they have to tell the truth. So we tried, and this memorandum was intended to do that. I don't think it was a very good job. I don't think the wording of it was at all reflective of what we were seeking to accomplish. But, anyhow, there it is, and we will stand by it.

The fact is that we wanted them to come in and tell the truth so that we would know with whom we were actually dealing, and it was said in there that their coming in now to reveal the truth would not necessarily prejudice their applications for immigration. The fact of the matter is that some of those unfortunates did come in; did tell the truth, and brought about their disqualification.

Senator KILGORE. But you still have not answered my question. To whom did they make the original statement?

Mr. CARUSI. The original statements were made either to the military or to IRO, or to anybody who had to do with their care, maintenance, or keeping track of them.

Senator KILGORE. Was that prior to the Displaced Persons Commission operation?

Mr. CARUSI. Oh, yes.

Senator KILGORE. In other words, it was not made to the Commission; was it?

Mr. CARUSI. Well, in some cases they may have perpetuated it with us, or sought to, and it was at that point we wanted them to change it. But in the bulk they had not reached that point. And I will say this: That, if it had reached the point that they were using it for an improper entry to the United States, this directive would not apply.

Senator KILGORE. Why did they seek to prevent repatriation, Mr. Carusi?

Mr. CARUSI. Obviously because they feared for their lives.

Senator KILGORE. In other words, repatriation would have been dangerous for them?

Mr. CARUSI. Yes. It is the fixed policy of the United States, both diplomatically and in the military sense, not to force repatriation upon any of these persons in these areas.

Senator KILGORE. I want to ask another question or two on slightly different lines there. I believe there was a Presidential directive issued to admit a certain number of people—that is, prior to the passage of the Displaced Persons Act, under mortgaged quotas—is that right, from among the displaced persons?

Mr. CARUSI. There was a Presidental directive; yes, sir.

Senator KILGORE. Do you remember when that was issued?

Mr. CARUSI. It was issued December 22, 1945. That is its date, in any event.

Senator KILGORE. How long was it in effect?

Mr. CARUSI. It was in effect until the 25th of June 1948, when the Displaced Persons Act came into effect.

Senator KILGORE. How many people applied under that directive; do you know?

Mr. CARUSI. I don't know how many applied, but 43 or 44 thousand came in.

Senator KILGORE. Under the directive?

Mr. CARUSI. Yes, sir.

Senator KILGORE. They came in under a quota. The 205,000 under the present act is in addition to those coming in under the directive; is that right?

Mr. CARUSI. That is right.

Mr. ARENS. Under this Presidential directive, there were a number of people who were rejected because of fraud; were there not?

Mr. CARUSI. Yes, sir.

Mr. ARENS. Misstatements and fraud?

Mr. CARUSI. Yes, sir.

Mr. ARENS. Those persons who were rejected because of misstatements or fraud, if the consul found that they had made misstatements or indulged in fraud, they would be embraced, would they not, by this directive which we have been speaking about, which came down from Frankfurt, to the general effect that persons who had made misstatements are to be encouraged to change their stories?

Mr. CARUSI. I was about to say that there again, I would not phrase my question that way; but inasmuch as you have, the fact is this: that the language of that directive, which tells people to come in to tell the truth, tells everybody to come in and tell us the truth, notwithstanding their prior statements, would in language apply to them. But, as I have said earlier, in actual practice, if they come in and tell the truth and disclose the fraud, they get rejected. That is the risk they run.

Mr. ARENS. But, if a man had been rejected because he lied in the first place, why would you have confidence that when he came in the second time to establish his eligibility he was telling the truth?

Mr. CARUSI. It would have to be—and the consul would have to figure that one out—it would have to be entirely on the basis of his diagnosing why the man, as you put it, told the lie; or, as I would put it, protected himself by assuming a new identity.

Mr. ARENS. If the man was rejected by the consul under the President's directive because he lied——

Mr. CARUSI. He would probably reject him again.

Mr. ARENS. He would still be embraced by the directive to your field which came out of Frankfurt saying, in effect: "Encourage these people to now come in and change their story." Is that not true?

Mr. CARUSI. Come in and tell the truth.

Mr. ARENS. But the truth would have to be a truth which would establish their eligibility under the law; would it not?

Mr. CARUSI. I don't know what the truth would have to be. It might be his name. That doesn't establish his eligibility.

Mr. ARENS. Do you know whether or not the International Refugee Organization maintains a unit of lawyers for the purpose of obtaining paroles or pardons for convicted displaced persons so as to enable them to become eligible for immigration to the United States?

Mr. CARUSI. I have in my statement a quotation of a cable on that point. The answer is: It does not.

Mr. ARENS. Do you know whether or not certain employees of the Displaced Persons Commission have solicited or caused to be solicited pardons or paroles for displaced persons to enable them to be eligible for immigration to the United States under the displaced persons law?

Mr. CARUSI. I have heard reference to it here, but I have inquired and have found no evidence of it.

Mr. ARENS. The present law provides a priority—does it not?—of 40 percent to those persons, those displaced persons, who have come from annexed areas.

Mr. CARUSI. It does; de facto annexed.

Mr. ARENS. De facto annexed areas. What is the present definition which has been used by the Displaced Persons Commission in interpreting what is a "de facto annexed area"?

Mr. CARUSI. I don't know that it is a definition. I have always wondered what a de facto annexed area is. I never heard of it until I saw it in the law. But I do know this: that, instead of doing it by definition, what we have done is to ask the Department of State, which in conjunction with our intelligence agencies has worked out not a definition but you might say a categorization, or a decision that certain areas, in their judgment, are de facto. There is no definition as such, that I know of. They just name the areas that they thought were reasonably contemplated within these terms.

Mr. ARENS. Did not the Commission take cognizance of the legislative history of the present law, in which it was stated that the de facto annexed areas embraced the Baltic states, and that portion of Poland east of the Curzon line?

Mr. CARUSI. Well, we remember that that was said. But we can also remember that countries become de facto annexed after people make speeches on the Senate floor, and we are bound by the law at the time and not as of the moment somebody talked about it.

Mr. ARENS. Who is the general counsel of the Displaced Persons Commission?

Mr. CARUSI. Mr. James McTigue.

Mr. ARENS. Has the Commission entertained doubts that the Congress intended a broad definition of a de facto annexed area which is presently accepted as the definition of a de facto annexed area?

Mr. CARUSI. I was not aware that the Congress had any doubts about the definition. We have kept the Congress informed about this all the way through.

Mr. ARENS. I think you misunderstood my question, Mr. Carusi.

Mr. CARUSI. I am sorry.

Mr. ARENS. Did the Commission entertain doubts that the Congress, in writing the present displaced-persons law, intended as broad a definition for the de facto annexed areas as is presently accepted?

Mr. CARUSI. I don't know. When you say the Commission, that means three people. I will say that, so far as I am concerned, I never exactly knew what was intended. I remember the legislative history, which was roughly this: That the first draft of the bill

said—well, it wasn't a draft of the bill, it was a memorandum which was going to be a draft of the bill, which named the countries. And then, when it was complained of that you were picking out people of certain countries and giving them preference, it was changed to persons from annexed areas. When it was pointed out that the State Department, which is the Government's spokesman on diplomatic relations and international acceptances, said that it did not recognize that any of these places were annexed, then the words "de facto" came in.

I would say this, in all truth, that the authors of those provisions did see in what they were doing the inclusion of the Baltic countries and eastern Poland and did not see beyond it. Now, whether they intended to restrict it to that, or whether the addition of the words "de facto" broadened it in their mind, I don't know. You would have to ask them.

Mr. ARENS. Did the Displaced Persons Commission make representations to the State Department with the end in view of causing the definition of a "de facto annexed area" to be enlarged?

Mr. CARUSI. I would like to say no; but, to be absolutely certain about it, I think I should more accurately say I am not aware of it.

Mr. ARENS. Has the general counsel of the Displaced Persons Commission advised the Commission that there are doubts that Congress intended such a broad definition as is presently in practice?

Mr. CARUSI. I don't remember that he did; but, if he did, I should not be surprised, because I am certain that that could be a reasonable deduction. But we must remember that, when words are used in a statute, you use those words and give them their full meaning. You rely on congressional intent and history only when the words are obscure or doubtful. In my mind, the words seemed obscure, but evidently, to the State Department, which passes upon things of this kind, that evidently was not so obscure, because they did come up with this answer.

Mr. ARENS. In section 2 (c) of the displaced-persons law, included in the category of an eligible displaced person is a person as follows:

> * * * or a person who, having resided in Germany or Austria, was a victim of persecution by the Nazi Government and was detained in or was obliged to flee from such persecution and was subsequently returned to one of these countries as a result of enemy action, or of war circumstances, and on July 1, 1948, had not been firmly resettled therein.

Are you familiar with that provision of the displaced-persons law?

Mr. CARUSI. I am familiar with the language, but it, too, is very confusing.

Mr. ARENS. What has been the construction placed by the Displaced Persons Commission on that language, insofar as it would be applicable to a displaced person who returned to Germany or Austria subsequent to the war?

Mr. CARUSI. My understanding is that such a person could, in some cases, be declared to be eligible.

Mr. ARENS. As a matter of fact, it is true, is it not, that persons have been declared eligible under this provision of the displaced-persons law who have returned to Germany and Austria years after the termi-

nation of the war, from such places as England, France, China; various places over the world?

Mr. CARUSI. Well, if I were to answer that on the basis of my knowledge, I would say "no," because I don't know of any such cases. All I can say is this: that our basic policy and practice is not to approve people who come in now or recently from other areas.

In fact, that has been one of our big difficulties with some of our congressional friends up here, because we don't accept people who have heretofore gone to places like France and Belgium and England, and we now say, "Well, they have had their chance; they ought to stay where they are, and if you bring them back here we ought to really process the people who haven't had a chance to get out or aren't able to get out."

Our firm policy is to confine our processing to the people who have been there all along. Under the law, it is technically possible for those who were in England to be eligible, and if we did process them it would be perfectly legal.

Mr. ARENS. How could a person who has been settled in England or France, or any place else in the world, outside of Germany, Austria, or Italy, return to Germany or Austria or Italy subsequent to the termination of the war, and gain eligibility?

Mr. CARUSI. You see, there, again, first you talk about the persecutees; then you ask me the general question about whether people who had been in England and so on and so on could be eligible. And I said yes. And now you bring that back to the persecutees. That is two different kinds of people.

Mr. ARENS. I was just asking you here on what theory or what interpretation of this language could a person who has left Germany or Austria or Italy and not returned until long after the war gain eligibility?

Mr. CARUSI. On this theory, as it relates to persecutees, we have considered the purpose of this statute as it relates to persecutees. We take what may be loosely called judicial notice, or into general account, the fact that, as relates to persecutees, they were first persons who fled and, even though their feet may have touched the soil of certain other countries, they were in constant flight and belonged in none of the places in which they had sought temporary refuge, and that in acceptance or acceptation of the spirit of the law, in the light of the known situation, it was possible for a person to be considered in constant flight from the time he left Germany under the conditions presumed to exist in the background of this statute, until the time he got back there again, again for the purpose of finding that last haven of refuge, which up to that point he had not been able to reach.

Mr. ARENS. How could he then return to Germany or Austria as a result of enemy action or of war circumstance?

Mr. CARUSI. Because of the fact that he is still in motion because of the enemy action or the war circumstance he has not stopped. It does not have to be right behind him at every minute.

Mr. ARENS. Is it not a fact that a number of people have for years been living in England and France, but have returned long since the termination of the war and have gained eligibility for immigration to the United States under this?

Mr. CARUSI. I am not aware of such cases, and I would not be surprised if here and there one of our officials interpreted that kind of a case to be eligible. But the fact of the matter is that, if a person has been firmly resettled elsewhere, he is through, he cannot even get IRO eligibility.

Mr. ARENS. Are you familiar with Mr. Tripp's testimony, which, as I recall at the moment, was to the effect that some three or four or five hundred persons have been returned long since the war and gained eligibility under this interpretation of the section?

Mr. CARUSI. I happen not to be familiar with it, but I take your word for the fact that it is there; and I am willing to agree that that may be his judgment. But there, again, it involves a determination of whether these persons have been resettled in these other places, a question of degree as to how long they have been there, and a question of reasonable judgment as to whether or not they are still in flight, as to which he can disagree with me and I with him, and nobody will know except ourselves in our own judgments which of us is correct.

Mr. ARENS. What is the policy of the displaced Persons Commission with respect to black marketeering insofar as it disqualifies an applicant for eligibility under the law?

Mr. CARUSI. Black marketeering, with or without conviction, is not a bar under the immigration laws. However, black marketeering, if it assumes certain proportions, is a very undesirable piece of business, and the Displaced Persons Commission policy is to reject cases where the person's character, as reflected among other things, by his black-market enterprises, is not good.

Mr. ARENS. You say that is the Displaced Persons Commission policy. How has that policy been enunciated, or how has it been directed to the attention of the officials of the Displaced Persons Commission in Europe?

Mr. CARUSI. To the extent that I have inquired into it and learned about it—and I have tried to learn all about it—I would say this: that that basic policy still exists. However, mind you, that determination which the Commission makes is as to the man's character. In order to determine his character it considers incidents, traits, events, characteristics, habits, practices. Those are components of the man's character and the bases for determination with respect to the quality of his character.

In considering that, black-market enterprise may be one of those components. It is perfectly proper, in my judgment; and I think this is the way it is being done, and I gather that is the way, from all evidence I have heard here.

Mr. ARENS. Have you heard Mr. Bashein's case here?

Mr. CARUSI. I have that in mind. It is possible, speaking in the abstract, for a person to be technically guilty of black marketing and still be a person of good character. He can exchange a shoe for a can of soup because he needs the soup. He can exchange a figurine or object of art for foodstuffs or clothing. He can give to a GI some little knickknack and get back a package of cigarettes. He can do those things and still be, in our judgment, a person of good moral character. He can, on the other hand, engage in black marketing of rationed articles by smuggling them in, or by any other improper practice, the use of prohibited currency. He can do it on a large

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scale. He can do it in a profiteering way. He can do it in violation of countless records. Obviously, that is the kind of black marketing that is to be punished by refusal to accept them; although, as I say, he can do all those things and still come in under the normal immigration laws.

Where we get into our difficulty is to draw the dividing line. I don't think you or I—I certainly can't—can sit down and with precision say, "This case belongs on the good side and this case belongs on the bad side." We just can't do that. It is a matter of judgment. I know I can't do it. But I think the standards are clear enough.

Mr. ARENS. How about the Bashein case, in which a man was passed by Mr. Bashein, who, as I recall, had $50,000 or $35,000 of American currency which he had acquired in the black market? Would you say that was in the good stack, or the bad stack?

Mr. CARUSI. Personally, I would put that in the bad stack.

Mr. ARENS. To what extent do you know, from your own personal observation, how many of these cases of that character are being passed?

Mr. CARUSI. My observation is that that is an exceptional case, and I think Mr. Bashein agrees that he should not have done what he did. Of course, his justification, as you remember, was that all these things were brought up to the appropriate authorities and the man was acquitted of these charges. Quite apart from that, there is enough smoke there so that I would have turned that down. But I am not going to substitute my judgment for the judgment of the other man who wants to be reasonable about it. I may be the one that is wrong.

Mr. ARENS. To what extent are the policies with respect to black marketeering and exclusion of criminals and undesirables, as set forth by the Displaced Persons Commission here in Washington, being carried out in Europe?

Mr. CARUSI. To the extent that I know, I think they are being carried out faithfully. And it is perfectly obvious that if they weren't—you were talking about my being in Europe—I would be there now.

Senator O'CONOR. Before you leave the subject of black marketing, Mr. Carusi, has there been any fixation of the amount, or any indication of the extent to which the black marketing might have been at least countenanced or excused to render a person eligible? I do not mean by the precise amount of dollars, but in any general or approximate terms.

Mr. CARUSI. Yes. I think that the clearest dividing line between the permissible, petty bartering, and the vicious black marketing, I think the nearest standard we have to it is the commercial element, if it is a business, even a small business.

Mr. ARENS. You are a former Immigration man, though, are you not?

Mr. CARUSI. I was formerly there; yes.

Mr. ARENS. You are acquainted with the immigration laws, are you not?

Mr. CARUSI. In general, yes.

Mr. ARENS. Has Mr. Squadrilli an Immigration background?

Mr. CARUSI. I think not.

Mr. ARENS. Has Mr. Kaplan got an Immigration background?

Mr. CARUSI. I don't know, except as he may have—well, not in the technical sense, no.

Mr. ARENS. Has Mr. Bashein got an Immigration background?

Mr. CARUSI. I believe not.

Mr. ARENS. Has Miss Ruskin got an Immigration background?

Mr. CARUSI. I believe not.

Mr. ARENS. Has Miss Mayerson got an Immigration background?

Mr. CARUSI. Not in the technical sense. I mean not as working for the Government, but in a very profound, technical and experience sense, in connection with her other work; yes.

Mr. ARENS. What other work?

Mr. CARUSI. Representing voluntary agencies in immigration and alien matters.

Mr. ARENS. What is the general objective of these voluntary agencies which these people have worked for?

Mr. CARUSI. Well, they operate pretty much as representatives of the aliens, a good deal as a lawyer would.

Mr. ARENS. To get them into the country?

Mr. CARUSI. Well, that is your characterization. Obviously, a lawyer tries to win the client's cause, but I wouldn't say just that that is an improper thing to do.

Senator KILGORE. I have a question, Mr. Carusi. Is it not a fact that pretty much all over Europe there has been, ever since the war, almost a system of bartering things back and forth because of instability of currency and things of that kind?

Mr. CARUSI. Yes; and it is not confined——

Senator KILGORE. Somebody would have something that somebody else wanted and would try to get as much for it as he could; is that it?

Mr. CARUSI. Yes. And at times, it was a matter of keeping life together; keeping children fed. And it was not confined to Germans or displaced persons or what we Americans would call foreigners generally. I don't want to go into that, of course. That is outside of my province.

Mr. ARENS. Mr. Carusi, to what extent are the assurances which are in the United States for a job or a house given an investigation by the Displaced Persons Commission?

Mr. CARUSI. By the Displaced Persons Commission itself; that is, by its own personnel. It consists mainly of an examination of the assurance for the finding of deficiencies and flaws or patent inconsistencies or doubts. However, we do rely very heavily upon the integrity of voluntary agencies who submit assurances and they submit by far the largest number and underwrite them.

Mr. ARENS. About 80 percent, do they not?

Mr. CARUSI. Something like that. And as it relates to the individual ones, those not submitted by the voluntary agencies, we send those back to the State commissions in the several States—I think there are 32 of those—and they investigate each one of them for us and we take almost conclusively their determinations of favorableness, and we do take absolutely conclusively their recommendations of rejection. In those States where there is not a State committee or commission, we rely either upon the assistance of local civic groups, or upon, as it concerns farmers for example, county agents and

Grangers and similar enterprises, or other sources of direct information that we can use.

Mr. ARENS. What percentage of your displaced persons who have thus far been admitted into the United States pursuant to the present law, have settled in New York City?

Mr. CARUSI. I am sorry; I don't have those statistics here.

Mr. ARENS. What is your estimate?

Mr. CARUSI. I don't know because we keep track—well, maybe we do keep track of the city. I know we keep track of the State.

Do you mind if some of these folks can help me?

Mr. O'Connor may be closer.

Mr. O'CONNOR. We have figures on States only. We do not have figures on New York City, but the New York State Commission for the Resettlement of Displaced Persons is about to undertake such a study so as to give us all the facts.

Mr. CARUSI. Do you have any idea how many there are in the State?

Mr. O'CONNOR. I believe I can give you the figure. I believe February 10 was the latest one.

Mr. ARENS. While he is looking for that, may I just ask you another question?

How many employees do you have overseas?

Mr. CARUSI. Something like 160 American employees.

Mr. ARENS. How many foreign or indigenous personnel do you have?

Mr. CARUSI. I would say about that many more.

Mr. ARENS. About another 160?

Mr. CARUSI. Something like that.

Mr. ARENS. That would make about three-hundred-and-twenty-odd employees; is that right?

Mr. CARUSI. I think that is about right.

Mr. ARENS. How many employees do you have in the United States?

Mr. CARUSI. Eighty-five.

Mr. ARENS. Which, in your opinion, is the more important of the two operations: your operation in the United States validating assurances and other miscellaneous functions which you previously described, or your overseas operation?

Mr. CARUSI. The overseas operation.

Mr. ARENS. And all three of your Commissioners are located here in the United States; are they?

Mr. CARUSI. Yes, sir.

Senator KILGORE. Mr. Carusi, if the Commission undertook to investigate all the assurances with their own personnel, how much personnel would that require?

Mr. CARUSI. I never stopped to figure it out in numbers. Let me tell you what the job would be. It would mean the investigation, as of this moment, of about 200,000 cases, and that would take a very sizable force, very sizable.

Mr. ARENS. Is it not a fact that the Displaced Persons Commission has validated assurances for displaced persons which were submitted by displaced persons recently arrived in the United States?

Mr. CARUSI. A few, yes. The law permits that. But, as I say, that is after investigation by the local groups. In many States they have a regular pattern of turning down all cases in which they find

that the applicant is a former displaced person and we accept it. I mean we accept their turn-down.

Mr. ARENS. What do you know about Mr. Hightower?

Mr. CARUSI. Mr. Hightower is an employee of the Commission recently stationed in Frankfurt, and before that in Bremen.

Mr. ARENS. Where is he now?

Mr. CARUSI. I think he is in Washington. I sent for him last week. I say I think. That sounds vague. The fact is he was due here last night, but I don't know that he got here.

Senator KILGORE. Of that indigenous personnel abroad, what kind of work do they do?

Mr. CARUSI. It is entirely clerical. You see, the indigenous personnel in Germany, for example, are Germans; and they are paid for under the German economy. It is a practice that is true in the consulates; it is true in the army; is true in all the American enterprises, that the clerical help, file clerks, that is, index clerks, because in our operation we keep American fingers in the files; but to the extent they make index cards or do the normal clerical work in the offices we use German personnel. However, in Italy, where there is not that arrangement, I think we have employed a dozen or so Italian girls to do that kind of work. In Austria we employ Austrians, but there we have to pay for them because of the different arrangement militarywise.

Mr. ARENS. What do you know about a recent investigation made by the Criminal Intelligence Division of the United States Army of Mr. Hightower.

Mr. CARUSI. I will answer that directly, and then I will ask permission to make a statement, which may guide me in my answers to you. I know that the Commission, upon receipt of certain reports and rumors, caused not one, but two investigations to be made of them. They related to Mr. Hightower. Those investigations are just about finished. I might say they are finished, but I am not too sure about that. I do know that most of the reports have been received.

Mr. Hightower is here. It is our purpose to go over that information with him and to discuss and determine the action which this Commission should take because of them, if any action is warranted.

I think, in view of that fact, that it would be very improper for me to discuss publicly that evidence which he has not had a chance to answer. I think it would be very unfair to him. I think it would be improper for me, from the standpoint of being one of the persons who may have to decide this thing, to start discussing the pros and cons of that evidence, and I would prefer not to do it in this public hearing, for those reasons. But I have absolutely no objection to telling you or the members of this committee in executive sessions my impressions of the information at hand.

Mr. ARENS. Has the Commission advocated the removal entirely from the law of those provisions of law which provides that as a prerequisite to eligibility the displaced persons must have an assurance of a house and a job without displacing some other person from the house and job?

Mr. CARUSI. Yes, sir.

Mr. ARENS. Is that the view of the Commission at this date?

Mr. CARUSI. No, sir.

Mr. ARENS. When did the Commission change its view?

Mr. CARUSI. It changed its view when it saw that there was no congressional support for it. No use barking up the wrong tree.

Mr. ARENS. What do you mean by no congressional support?

Mr. CARUSI. I mean this: that the persons who were interested in the liberalized displaced-persons bill were quite frank to say that they thought that provision would never pass and any advocacy of it may just as well be abandoned.

Mr. ARENS. Is the Commission favorable to that provision of certain bills which have been introduced, which provide for the issuance, under certain conditions, of 15,000 visas to displaced persons, with no cut-off date?

Mr. CARUSI. I don't know whether we have taken an official stand on the merits of that or not. That is an odd thing to say. I ought to know. But my recollection of it is pretty much this: That that was a provision which was suggested by other departments of the Government, for reasons which would be improper for me to elaborate on here; we include it in the draft without any special interest of our own in it. I think that is the most honest way to put it.

Senator JENNER. We will stand recessed until 3:30 this afternoon, in the District of Columbia room in the Capitol.

Senator KILGORE. Before we recess, I have in mind that I be given a transcript of this morning's testimony as soon as it is transcribed.

Senator JENNER. All right.

(Thereupon, at 12:05 p. m., the committee recessed, to reconvene at 3:30 p. m., of the same day, in the District room, the Capitol.)

AFTERNOON SESSION

The committee reconvened at 3:30 p. m., upon the expiration of the recess.

Senator JENNER. We will come to order. Mr. Arens has a few more questions to ask you, Mr. Carusi, and then you can proceed with your statement.

Mr. ARENS. Mr. Carusi, who is the senior officer in charge in the district of the Displaced Persons Commission in Italy?

Mr. CARUSI. Mr. Louis Varrichione.

Mr. ARENS. Who is his right-hand man, his assistant there? If I may suggest, is the right-hand man the senior analyst?

Mr. CARUSI. Normally it would be. Frankly, I don't know who he is.

Mr. ARENS. Is it Joseph Marciano?

Mr. CARUSI. There is a chap there named Marciano, but whether he is in that position, I don't know.

Mr. ARENS. He is the senior analyst, is he?

Mr. CARUSI. Yes.

Mr. ARENS. What is the background of Mr. Varrichione? Where did he come from?

Mr. CARUSI. Massachusetts. I think he worked for some time in the State department of welfare there. When I first met him he was chief of the camps in Italy for IRO.

Mr. ARENS. Was he formerly with UNRRA?

Mr. CARUSI. I understand so.

Mr. ARENS. Do you know how he happened to be disassociated from UNRRA?

Mr. CARUSI. No, sir.

Mr. ARENS. Do you know whether or not he was displaced from UNRRA?

Mr. CARUSI. No, sir.

Mr. ARENS. This gentleman, Joseph Marciano, who is senior analyst with Mr. Varrichione, what is his background?

Mr. CARUSI. I don't know.

Mr. ARENS. Was not he formerly with UNRRA, too?

Mr. CARUSI. I really don't know.

Mr. ARENS. Who is Ruth Petrelles?

Mr. CARUSI. That last name—there is a Ruth in that office, but whether it is that same girl, I don't know.

Mr. ARENS. Was she formerly with UNRRA?

Mr. CARUSI. I don't know that.

Senator JENNER. You may proceed with your prepared statement, Mr. Carusi.

Mr. CARUSI. Thank you very much, Mr. Chairman.

I begin with a few general but fundamental principles which we hold to be binding upon all persons engaged in the administration of any portion of the Displaced Persons Act.

1. The security of the United States is paramount.

2. The economy and living standards of our country must be safeguarded and fortified.

3. The administration of the act must be honest, fair, and sensible.

4. The benefits of the act are not vested rights, and are to be accorded only to those who meet its requirements and standards, technical and substantive.

Regulations, directives, orders, and instructions have been issued in full implementation of these principles. The Commission has not, does not, and will not countenance any departure from them.

In stating these basic premises, I do not seek to clothe the Commission or any of its officers and employees in smug self-righteousness. We do not content ourselves with abstract denials of the things which have been said in adverse criticism of the operation. This committee, the Senate, every interested person is entitled to a full accounting upon the issues which have been raised. This we shall do our best to do, confining ourselves as strictly as we can to a discussion of the issues without needless indulgence in personalities. The necessity for justified public confidence in this great human enterprise is infinitely more important than anyone in it.

Testimony and debate have seemed to us to relate themselves to three identifiable propositions. One deals with jurisdictions or the delineation of authority among the several agencies of Government to whom the administration of the act is entrusted. Another bears upon the operating procedures or practices which are employed. The third has to do with alleged improprieties or abuses in disregard of lawful rule or in pursuance of unlawful edict or direction.

With your permission we shall take them in that order.

First are the jurisdictional aspects.

We see in the Displaced Persons Act the congressional desire that there be one complete processing procedure, consisting of several co-

ordinate actions requiring the joint participation of several agencies of our Government. While each agency performs its separate function in the operation, it does so in contribution to the whole.

In recognition of this principle, the heads—or their representatives—of the Visa Division and the Consular Service of the State Department, the Department of the Army, the Immigration and Naturalization Service, the Public Health Service, and the Displaced Persons Commission have, by joint interpretation of the act and by mutual understanding and agreement, delineated their respective areas of authority and activity, consistently with all applicable laws. They have joined these activities into a single operation which, by the nature of its composition, provides within itself a series of consecutive checks or reviews of preceding action. This is easily stated, but, evidently, not so easily understood.

For example, I have read memoranda from the chief of the immigration service detail in Germany insisting—rightfully—upon his complete and exclusive authority to determine the admissibility of displaced persons into the United States. I have, on the other hand, read memoranda from him insisting—wrongfully—that the Displaced Persons Commission should make such determinations under the provisions of the immigration laws. I have read a Commission memorandum in reply insisting upon what a person of his long experience must know: That the law makes it his responsibility, not ours. I have gathered that the members of this committee have no doubts on that point.

I should like at this juncture to elaborate, I hope not too lengthily, upon those aspects of the jurisdictional question which in our judgment have caused the greatest misunderstanding and consequent difficulty.

The Displaced Persons Act is special legislation, limited in geographical area of applicability, limited as to the number and categories of persons it embraces, limited as to the length of its own life. It is the legislative expression of our country's participation in a special task of great urgency; that is, the termination, mainly by resettlement, of the displaced-persons problem in Germany, Austria, and Italy. Although the act finds its basic motive in a humanitarian urge shared by all peoples of good will, it does not overlook, as indeed it must not, considerations which permit this great work to be done without injury to the spiritual, political, and economic stability of this country, but rather with promise of added strength to all three. In short, it extends hope and the opportunity for renewed freedom, self-sufficiency, and self-respect to those who will manifest their worthiness by their loyalty and usefulness to our country. To this end Congress has by express provision and by general intendment made clear that the benefits of this special act are not for the subversive, the criminal, and the person of low character and responsibility.

Aside from several technical points not related to the personal qualities of those seeking to immigrate under the act, the excluding provisions of the regular immigration laws are not disturbed. Briefly, these deal with certain contagious or loathsome diseases, lunacy, internal security, crime, immorality, fraud, illiteracy, public charges, and the like. The Displaced Persons Act contains three provisions which repeat or strengthen the excluding provisions of the

immigration laws relating to security, public charge, and entry through fraud.

The act also specifies the bases for determining who are eligible displaced persons, entitled as such to apply for admittance to the United States under the Displaced Persons Act and the regular immigration laws.

Unfortunately, as I have said, much misunderstanding has arisen as to where authority resides for the making of decisions under all these laws. These misunderstandings have led to charges of maladministration and flouting of the law. Some of those who initiated these charges have done so in disregard, if not in ignorance, of the delineations of authority recognized by the heads of their own agencies, including ours, as I mentioned earlier.

For example, the chief of the immigration inspection unit in Europe has complained to me and to others that he receives cases which are clearly excludable under the immigration laws, and he has insisted, as I have said, that the Commission should have rejected them. In passing to a discussion and, I hope, clarification of the areas of authority in these matters, it may not be amiss to observe that these cases which should appear clearly excludable to officers of the Displaced Persons Commission who are not required to be experienced or skilled in the confusing technicalities of immigration law, have received favorable action in the form of visas from consular officers who are so experienced and skilled. If there had been no visa the case would never have reached the immigration officers. Our conclusion necessarily is that excludability is not as obvious as claimed, as the consuls are loyal, capable, diligent officers with well-known reputations for cautiousness in the issuance of immigration visas.

Let us consider the lines of jurisdiction, agreed upon by the Commission, the Visa Division and supervising consul general, and the Immigration and Naturalization Service as being required or authorized by the act.

Determinations under the immigration laws are made by the consular and immigration officers. The immigration laws so provide. The Displaced Persons Act, section 10, retains that authority in its normal place with respect to displaced persons, by failing to give such authority to the Commission and by providing that—

> except as otherwise specifically provided in this act * * * the administration of this act shall be by the officials who administer the other immigration laws of the United States.

This authority of the consular and immigration officers attaches to the cases arising under section 13, which deals with subversives, under the fraudulent statement provision of section 10, and under the assurance against public charge provision of section 2 where for physical and similar reasons there is likelihood that the displaced person may become a public charge notwithstanding the terms of the assurance. That is so because these are grounds of exclusion which are also to be found in the regular immigration laws, and nothing in the Displaced Persons Act indicates an intent to limit, remove, or supplant them, or to transfer the authority to administer them.

The selection of persons as eligible displaced persons is in the Displaced Persons Commission. This selection and status determination precedes the normal immigration process and affects neither the deci-

sions properly to be made under the immigration laws nor the authority to make them. Indeed, the selection process must not be confused with the determinations of admissibility under the immigration laws. The decisions of the immigrant inspectors are subject to administrative and judicial appeal and review. Long administrative and judicial experience has shown that exclusions must be based upon strict statutory grounds or run the risk of nullification.

The Commission is not subject to such reviews, and it can accomplish by the selection process what the immigration officers cannot do under the laws which it administers. The following situation may illustrate the point.

The law provides for a report on the eligibility, character, and history of each eligible displaced person. It is fair to interpret from this that Congress is interested in the character of the displaced person who seeks admission, that it does not expect the benefits of this special legislation to go to worthless, evil persons, and, consequently, that good character is a prerequisite. Yet persons can have many undesirable traits; they can be of very bad character; they can have been convicted of serious crimes not involving moral turpitude; they can be large-scale black market operators; they can be guilty of crimes involving moral turpitude which they do not admit or for which they have not been convicted; they can be deceitful; they can be, as we would say, "plain no good." Such persons would not be excludable, for those reasons, under the immigration laws. The Displaced Persons Act does not add these to the exclusionary grounds.

If those persons are nevertheless to be effectively denied the privileges of this legislation, it must be accomplished by a failure to select them for immigration processing. An attempt by immigration officers to exclude them for general undesirability would certainly be upset on appeal for want of statutory grounds of exclusion under the immigration laws or the Displaced Persons Act. In weeding out such cases in the process of selection, the Commission officers have made reference to the character provision in section 10, and that action has come to be termed "Section 10 rejection," or rejection for bad moral character.

Mr. ARENS. If I might interrupt right there for a question, Mr. Carusi, you know, as a matter of law, do you not, that there is no appeal from the consular decision denying a visa?

Mr. CARUSI. I certainly do, and I did not say there was.

Mr. ARENS. If a consular officer in a regular immigration case denies a visa because he feels that the applicant is inadmissible to the United States, there is no appeal, is there?

Mr. CARUSI. That is correct; there is no appeal. The consul is an authority unto himself. The nearest thing to it is that advisory opinions may come from the State Department, but they are not at all binding on him.

Mr. ARENS. Sole discretion is in the consul, is it not?

Mr. CARUSI. I am talking about the exclusion by the immigration officers, which is quite different.

Mr. ARENS. But the consular officer also participates in this program over there, does he not?

Mr. CARUSI. Yes, he does; and he can deny the visa. But the consul is also bound by law; he can't just make rules of his own as he goes

along. And if he grants the visa, then it goes to the immigration officer, who is subject to that review. It is part of the process.

Mr. ARENS. The immigration officer is subject to review, is he not?

Mr. CARUSI. Yes, he is.

Mr. ARENS. But the consul is not subject to review, is he?

Mr. CARUSI. That is correct.

Mr. ARENS. As a matter of fact, the consuls turn down, under normal immigration, five out of six applications, do they not?

Mr. CARUSI. I do not know, but I do not dispute it. Sometimes the character or behavior which renders a person unworthy of selection may include incidents or activities which would bar him under the immigration laws or under section 13 of the Displaced Persons Act. In those cases he would fail to be selected by the Commission for the reasons stated, including reference to the provision of the Displaced Persons Act which may be pertinent, such as section 10 on character, section 13 on security, or section 2 on eligibility as a displaced person.

It is in this connection that much of the misunderstanding arises. This selection process is loosely called "approving," or "passing" or "rejecting" of cases. The analyst's report, through which this action is taken, states all the pertinent facts and makes two findings or conclusions: One is of eligibility as a displaced person and the other is as to character. If either is negative, the person is not selected; his case is not submitted to the consul. If both are favorable, he is selected and the case goes to the consul. The analyst's report makes no recommendation to the consul as to what his action should be.

It can and does happen that a person can be found to be an eligible displaced person of good character and yet be excludable under the immigration laws, such as a person guilty of an isolated petty theft committed long ago, or under circumstances of stress, or an illiterate, or one guilty of perjury in prior proceedings whose life history indicates this to be his only transgression and that it may have been induced by desperation. Such a person could well merit a favorable report as to character, but fails to meet the standards of the immigration laws which bar persons on those specific grounds and makes no allowances for extenuating circumstances, degrees of guilt, or the triviality of the excluding crime. For the Commission officers to reject such a case would be to make decisions under the immigration law, authority to do which is specifically denied to them.

Consequently, we have continued to submit to the consular officers cases which meet the basic eligibility tests and show good character, leaving to them and to the immigration officers determinations under the immigration laws. I repeat that they, and they alone, have jurisdiction under those laws, which in any event, are so difficult and complex in their interpretations and applications that persons not expected by law to be trained in their enforcement should not presume to determine persons' rights thereunder, especially by a process which would deprive them of their legal right of appeal.

In this connection, it should be noted that some of the not numerous "reversals" of "rejected" cases by our Frankfurt headquarters were on these jurisdictional grounds; they were cases immigration officers had the authority to decide, not Commission officers. We hope this statement will make our position clear, so that in following that course we shall not continue to be understood as improperly "approving"

bad cases, cases which should be excluded, and "passing" them to the consul. On the other hand, our selective process will continue to be used to weed out the undesirables whom exclusions under the immigration laws will not touch.

I said at the outset that I should confine myself to issues and not indulge in personalities. I regret to enter upon what may be considered a departure from that self-imposed injunction. I had hoped that what I am about to say would have been in the presence of the person whom it concerns. However, he has left the country to resume his duties overseas, so I find myself in the distasteful position of recounting happenings which relate to him, without his being able to listen and make immediate response. For that reason I shall lay emphasis more on fact, less on opinion or characterization.

There has been repeated allusion to the suggestion that Mr. Tripp was instructed to refrain from interviewing aliens on subjects bearing upon eligibility of displaced persons as such. I have tried to find out whether it was done and by whom. One thing I do know: I have never done it directly, or indirectly.

Secondly, I have not found, though I have searched diligently, that it was done by anyone else. The testimony truthfully discloses that this subject was discussed at a meeting at which I was present in Mr. Tripp's office in Bremen last September. I recall very vividly that I first heard it mentioned when Mr. Tripp at that meeting gave it as his view that he and his men were precluded from asking questions which would bear upon eligibility. I recall no claim that he had been specifically ordered to refrain from such questioning; I gained the clear impression that it was a deduction of his own, based upon confirmation of his service that finding of eligibility under section 2 of the act was in the province of the Displaced Persons Commission Act. I told him he was wrong and that he was unnecessarily restricting his own activities. I reminded him of the tenor of my memorandum of August 19, 1949, and that of his own chief of August 18, 1949, in which we both stated in the plainest of language that he was to return to us cases of doubtful eligibility.

My memorandum reads as follows:

AUGUST 19, 1949.

To: Mr. Alex Squadrilli.
From: Mr. Ugo Carusi.
Subject: Instructions issued by the Commissioner of Immigration to Mr. Tripp at Bremen under date of August 18.

Enclosed herewith is a copy of instructions issued by the Commissioner of Immigration to Mr. Tripp at Bremen under date of August 18. We have every reason to expect that this will help the program materially and bring about more expeditious results.

At the top of page 2 of the instructions Mr. Tripp is advised to call to the attention of the appropriate representative of the Displaced Persons Commission any evidence or development which indicates that the determinations of the IRO or of the Displaced Persons Commission were based on fraud, mistake, or absence of later-found evidence. This is to give to the appropriate officer opportunity to review the determination. This is an excellent suggestion and one which I spoke to you about on the telephone some time back. However, it is important that, on receipt of such advice, the representative of the Displaced Persons Commission should make a very careful review of the case in the light of the new evidence and order a reinvestigation if necessary. No purpose would be served if upon receipt of such information our representative merely adhered to his original decision on the theory that he was confident he was right the first

time. All that has been said in this connection applies as well when a consular officer calls such a situation to our notice.

As you know, many cases reach visa issuance and are rejected at Bremen because they clearly come within the excluding provisions of the immigration law. This usually happens in those cases where a person has been convicted or admits the commission of a crime which renders him excludable. We all agree that, as a usual thing, our people should not reject cases upon grounds involving the regular immigration law. This is to be left to the consuls and the immigration officers, as it is their responsibility under the law. However, officials of the Immigration Service suggest that from time to time, if one of our people has a case before him which in his judgment would in all likelihood be rejected by the immigration authorities, he ought to get a sort of advisory opinion either from a vise consul or from the immigration officers so that in a clear case of ultimate rejection the processing could stop early and much time and effort can be saved and needless movement of persons avoided.

I then told him that the most likely way for him to uncover erroneous determinations of eligibility would be by his interview. I concluded that phase of the meeting by telling him that I had neither the right nor the desire to tell him what to do or what not to do in the performance of his inspection tasks. I made it a special point to tell him in the presence of two witnesses that no one in the Commission could or should tell him how to conduct an inspection or which way to decide a case.

I am at a complete loss to understand how he could write this sentence in item 7 of his memorandum of September 22, 1949, in which he outlined his "conception of * * * conclusions" reached at that conference:

> The Commission desires immigrant inspectors to refrain from asking applicants any questions relating to eligibility as displaced persons.

It just did not happen.

Shortly thereafter, Mr. Tripp came to Frankfurt and met with Mr. Squadrilli, Mr. Conan—the Commission senior officer at Bremen—and me. He had in the meantime referred to his service at Washington an inquiry touching upon technical points of eligibility and had received the following response from Mr. Riley, Acting Assistant Commissioner of that service:

SEPTEMBER 16, 1949.

To Almanza Tripp, officer in charge, United States Immigration and Naturalization Service, Bremen.

From: James E. Riley, Acting Assistant Commissioner, Enforcement Division, central office.

Subject: Eligibility under Public Law 774; your memorandum dated September 6, 1949.

On August 18, 1949, a memorandum was addressed to you advising that the International Refugee Organization shall determine who is a "displaced person" within the definition of annex 1 of its constitution and that such Organization is considered to be the only agency competent to determine when these persons are of its concern as required by section 2 of the Displaced Persons Act and that this Service will not review or go behind the findings in this regard of the International Refugee Organization. You were further advised that the Displaced Persons Commission is responsible for determining from among those found to be "displaced persons" by the International Refugee Organization those who are "eligible displaced persons" within the meaning of section 2 of the Displaced Persons Act and that this Service shall not review or go behind the findings of the Displaced Persons Commission as to who are "eligible displaced persons."

As there has been no change in the instructions contained in the memorandum of August 18, 1949, it is desired that you be governed thereby not only in the situation which you have presented at this time but in all other similar situations which are covered by the instructions.

He opened the discussion by saying that inasmuch as he had been forced to abdicate, as he put it, he had come to Frankfurt to be told what to do. He went so far as to say that he felt constrained to approve all cases, specifically mentioning those involving criminal charges. I was amazed and asked him where he got any such notion. He replied that that was his interpretation of Mr. Riley's instructions, which he felt further restricted what he considered to be his curtailed authority under Commissioner Miller's memorandum of August 19, 1949. I disagreed with him promptly and completely and told him that if those instructions did have the meaning attributed to them by him I should be the first to protest them.

I added that I was certain that he was mistaken in his interpretation because I had discussed the matter with his chiefs and knew that they did not intend to limit his official authority as an immigration officer one bit. He argued with me about this to such an extent that I began to wonder whether he really believed what he was contending or whether he was trying to establish a record of forced ineffectiveness. The general tone of his memorandum of September 22, 1949—volume 35, typewritten transcript of hearings—did not remove the question which had arisen in my mind on this score.

The jurisdictional point which has probably provoked the greatest amount of discussion has to do with whether the consul may deny a visa or an immigrant inspector may exclude a person because of fraud. It is well settled that, if the fraud is perpetrated to conceal a ground of exclusion under the immigration laws, the visa can be denied by the consul and the alien can be excluded by the immigrant inspector. I am not aware that there is any serious doubt about this.

However, it has been repeatedly contended that this is not so if the fraud relates to the establishment of the status of eligible displaced person. I have discussed it with representatives of the Visa Division and the Immigration Service. They express strong doubt that such a fraud is covered by excluding provisions of the regular immigration laws, but they and we are in agreement that the provision in section 10 of the Displaced Persons Act relating to false representations gives authority for visa denial or exclusion in all cases where eligibility is established or sought to be established by false statements, false documents, and the like. That authority has been and is being exercised. Letters to this effect from both agencies have been inserted in the Congressional Record. Indeed, two deportation proceedings have been instituted by the Immigration and Naturalization Service on that ground. Any insistence that the consuls or immigration officers are in any sense bound by a determination of eligibility procured by fraud is completely baseless, no matter how often or by whom repeated.

As to procedures and practices: It has been charged that the job and housing requirements of the act are being bypassed by the use of blanket assurances. This evidences a superficial reference to the name and face of the document rather than an examination into its true character and underlying facts. Although on its face the blanket assurance, which is furnished by recognized, reputable voluntary agencies, gives a summarized listing of jobs and housing by numbers, types of occupation, and geographical location, each one must be backed by specific job and housing in each instance covered by the listing. Nominations to fill the opportunities listed in the blanket assurances are

made overseas, where matchings obviously can be done better. It is at that point that the specific job and housing is tied up with a specific displaced person. Until and unless this is done, a blanket assurance has no real effectiveness. After nomination it is, in essence, transformed into a series of individual, specific assurances.

The IRO does not, as charged, select persons to come to the United States. All such selections are made by Commission selectors, all of whom are American. Seventy-five percent of these selections are upon nominations made by the American sponsor himself. Of the remaining 25 percent, a great majority are named by the American sponsor's own representative, the American voluntary agencies, or by representatives of State commissions or American employer groups. Such representatives have gone abroad to make nominations for opportunities available in California, Colorado, Illinois, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New York, and Ohio. The remaining nominations are made by the Commission's selectors.

The IRO certifications or statements of fact are not binding upon the Commission. At most they constitute a prima facie establishment of the facts they presume to present, with one exception. Where the IRO certifies that the person is not within its mandate and is not its concern, the case is immediately terminated by the Commission officer. To that extent, the IRO determination has conclusiveness.

The next nearest approach to conclusiveness is in those cases in which the IRO certification contains information which apparently establishes grounds of ineligibility under the act. Under the burden-of-proof requirement, such a certification almost invariably results in prompt disqualification of the case. Only positive evidence to the contrary showing mistake or misunderstanding in the first instance will alter the situation.

All favorable IRO certifications of eligibility under its charter are subject to rejection by the Commission, and all factual presentations bearing upon eligibility under the act are subject to being disregarded or overcome because of information obtained by investigation, interview, or from other sources.

It is good to make clear once and for all that the issuance of the visa and the admission of the displaced person can be accomplished only by the duly authorized officers of the Government of the United States. No one else, including IRO, can accomplish this. The IRO submits evidence, sometimes controlling evidence, resulting in the granting or the withholding of eligibility status by the Commission; but to say that this means it is deciding the case for all concerned is the same as suggesting that witnesses, rather than juries and judges, render the verdicts and judgments.

It has been alleged that the entire screening operation is inadequate and that the displaced-persons program is, in effect, a handy vehicle for the entry of Communists and subversive agents into our country. At the outset we must all recognize that the normal immigration laws in this regard are in full vigor and effectiveness, and the consular officers and immigrant inspectors have complete authority to reject such persons. There is absolutely nothing in the law which whittles down by so much as a sliver the normal immigration protections against the entry of subversives. Beyond this, however, the Displaced

Persons Commission has established a number of additional features which make the screening process under the Displaced Persons Act more rigorous than that under any other immigration program, regular or special, in our history.

These include a check against the central records of the Federal Bureau of Investigation; an investigation of security, criminal, and other information by the Counter Intelligence Corps of the United States Army; the establishment of a special unit for the determination of authenticity of documents; and a special confidential check on displaced persons from certain iron-certain areas; the presentation of the entire file on each displaced person to the consuls and immigrant inspector instead of merely the ordinary application; the overseas examination by the immigrant inspector with the entire file at his disposal; and the establishment of a rule that one who has ever been a member of the Communist, Nazi, Fascist, or related parties is barred, a stricter rule than that applicable under the normal immigration laws.

Doubt has been expressed as to the thoroughness of the investigative process with the corollary observation that, even though the process itself may be adequate, improper influence has been exerted upon the Counter Intelligence Corps by the Displaced Persons Commission to limit the time and scope of its investigation and to prevent a full development of the facts which might bear upon the eligibility of the displaced person. The Commission has never given the Counter Intelligence Corps any orders to curtail the time or to limit the scope of its investigation. These and other features of the manner and extent of its investigations are solely for the determination of the Counter Intelligence Corps of the United States Army.

The standard operating procedure of the CIC in displaced-persons investigations is, for obvious reasons, a confidential document. However, I believe it can properly be disclosed that in addition to the expected investigations on the security, criminal, and related aspects of the inquiry, the standard operating procedure requires, among other things, that the CIC agent inquire into items of personal history listed in the IRO registration forms, including statements as to dates of entry and presence in prescribed areas, and examination of documents for authenticity. We know from experience that this is actually being done and that the CIC does investigate and interview on matters relating purely to eligibility.

Mr. ARENS. Mr. Carusi, may I interrupt you right there before you get to the next subject? If Mr. Bashein stated in a staff meeting, as he admitted that he stated, that he had caused a CIC investigator to have "his ears pinned back," that was not in accord with the policy of the Commission in Washington; is that true?

Mr. CARUSI. If he stated that, it proves that he stated it. I don't know whether it happened or not. But, obviously, there is no policy, and it would be a violation of the policy of the Displaced Persons Commission. It would be a violation of decency to attempt any such thing.

Mr. ARENS. Were you present when he stated that?

Mr. CARUSI. I was present when he stated that he had made that statement; yes, sir.

Mr. ARENS. In the staff meeting?

Mr. CARUSI. Yes, sir. I mean I was present here when he stated that he had stated it in a staff meeting.

Mr. ARENS. That is right.

Mr. CARUSI. We have to be careful about these things, you know.

Mr. ARENS. I did not mean to imply that you were present when he made the statement to the staff. I am only inquiring whether or not you were present when Mr. Bashein testified before the committee that he had made the statement to the general effect that he had caused the CIC man to have "his ears pinned back."

Mr. CARUSI. I was present when he so testified. Interviews of displaced persons by American officers do not, as has been stated, begin with the consul. I will repeat that. Interviews of displaced persons by American officers do not, as has been stated, begin with the consul. All CIC investigations, which precede consular action, include interviews with the displaced persons. The CIC agents are Americans. Notwithstanding this, it is also the standard practice for Commission officers to interview displaced persons when in their judgment it is in the interest of a sound and proper determination of the case. These interviews are more frequently at the case analyst level where the report is prepared for possible consular action. Interviews at the selector level are less frequent and less needful.

Much has been said about the absence of interviews at the selector level. In order to understand this fully we must analyze the function of a selector. He does not make a decision which necessarily controls the ultimate disposition of the case unless his decision is one of disqualification. In this latter regard he serves the very useful purpose of weeding out the obviously ineligible cases, thus saving the labor and expense of further investigation and processing. The cases which he preliminarily finds from the available record at that point to meet the eligibility requirements are passed by him to the investigators for the subsequent decisions of his superiors in the Commission, the consuls, and the immigrant inspectors.

Because some of the selectors did not realize the truly tentative and preliminary nature of their determinations but attached to them the importance of a final binding decision, they exaggerated the necessity for interviews at that point and thereby precipitated much of the discussion about the absence of necessary interviews. I can possibly best point this out by saying that, if the Commission had chosen to do so, it could have refrained from establishing the position of selector and the making of these preliminary determinations. It could have caused the original applications and documentation to have been received by the Commission and routinely transmitted to the investigators without any preliminary determination as to eligibility and leaving the decision on that point until after completion of the investigation. This would have been perfectly legal and, I suspect, would not have raised the question of interview at such an early stage.

Lest it may seem that I am indulging in exaggeration in this connection, I direct attention to the fact that in regular immigration including the expellees, who are also refugees from iron-curtain countries, there are no preliminary determinations, there are no prior interviews: the first action taken in the arrival of a prospective immigrant to the consul to indicate his intention to emigrate. Indeed, those who deplore the absence of these pro consular interviews in every case,

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forget that at the same time many of them insist that the Commission personnel should not be on the European scene at all; they would be content with a consular decision alone up to that point. If they seek to prevail in this latter view, how can they in good conscience insist upon the former?

Mr. ARENS. Let me just ask a question, if I may, on this point. When the consul interviews the applicant and when the immigration officer interviews the applicant under the general immigration law, he interviews him and has power to make a final determination with references to every law which is applicable to the applicant; is that not true?

Mr. CARUSI. Yes; every law within his competence.

Mr. ARENS. But when the immigration officer and when the consul officer, under the displaced-persons program, interviews an applicant, the consul officer and the immigration officers are not vested, under the practice, with a final power to make a determination of the eligibility of the applicant under the displaced-persons law, are they?

Mr. CARUSI. They are not. But we are getting awfully technical. They do have the power—and they consent to this interpretation and exercise it—to reject cases where eligibility has been obtained through fraud; and I don't know any earthly way they can find out whether that eligibility is obtained through fraud without asking about it or inquiring into it. So that in a real, definite, practical sense they interview on that point. I know they do because of memoranda they send back on that very point, and I know they ought to if they ever expect to detect any fraud. Now, to say that just because there is a rule by which certain determinations are conclusive, to say that the existence of that rule precludes interview, is not to say the fact.

Mr. ARENS. Most of the fraud in these cases comes in the process of the displaced-person applicant undertaking to establish, first, that he is a displaced person, and, secondly, that he is an eligible displaced person; is that not true?

Mr. CARUSI. Fraud can begin anywhere where he starts lying to come to the United States.

Mr. ARENS. I say most of the fraud occurs, does it not, in that stage of the process in which the applicant undertakes to establish his eligibility as a displaced person or as an eligible displaced person. Is that not true?

Mr. CARUSI. I don't know where most of it happens. I would not dispute it. It may well be. It would be normal to happen there.

Mr. ARENS. And that is the very area, is it not, in which the consul officers and the immigration officers are, under this administrative arrangement, precluded from making a final determination under the displaced-persons law? Is that not true?

Mr. CARUSI. It isn't in that area. It may be at that time. There is a difference between the two. As a matter of fact, if you are going to be precise about it, the fraud begins when the man sits down and prepares his own false document or makes up his mind to tell a lie, or goes and buys a false document, or gets a certificate from a false registration. The fraud begins there where there isn't any American officers certainly within hearing shot of him, and consequently, no-

body has a thing on it. Obviously, they don't get to it until it reaches them.

Senator KILGORE. In normal immigration procedure, Mr. Carusi, the only question raised as to eligibility is: Does this man come under the quota; is not that right?

Mr. CARUSI. Well, there are some others.

Senator KILGORE. I am talking about normal immigration.

Mr. CARUSI. In normal immigration, they have several standards. One is that he must not be excludable. And those are very precisely set out.

Senator KILGORE. I mean as to his eligibility to apply for immigration it is a question of: Does he come under the quota? The only thing the displaced person does is to take the place of the quota question there. He gets the priority under existing quotas; is that not right?

Mr. CARUSI. Just so that we will have this completely—and I will answer all the facets of your inquiry—in addition to the exclusionary grounds, that means a man just should not come in, he does not fit the standards that we want—excellent standards, I may add. In addition to that, there are technical requirements. One is that he come within the quota provisions of the country of his birth. Another is in certain cases, by which he seeks to obtain a preference under the quota, that he be the spouse or the parent or a professor, or whatever it is that gives him that special preference status. Of course, in the nonquota cases, he must show that special preference, whether it be family relationship or professional grade that entitles him to nonquota.

Those are the technical, special qualifications which give him, let us say, a break over the ordinary quota immigrant. As to those things, the consul does inquire, and it has been the practice. I will mention that a little later here, probably too briefly and sketchily. It has been the practice, but, of course, the consular officer being the man who has the affidavits, has the papers, inquires into this thing fully, makes the determination that he does meet those requirements.

And in 999 cases out of a thousand—and I may not be precise in my figures—when that man comes to New York City and has in his possession only a visa, the Immigration Service, in the absence of some tip-off or something that may develop in the interview, takes for granted that this fellow did meet these technical requirements and that the consul is satisfied. As I shall say later, it is not new to immigration that one branch of the Government depends upon another and accepts as conclusive, or reasonably conclusive, subject to fraud or mistake or newly discovered evidence, the determination of some other agency. It is not new at all. It is not novel. A great point has been made in this instance about the fact that somebody relies on us, maybe because we are not to be trusted.

Mr. ARENS. How about IRO?

Mr. CARUSI. IRO is not an agency of that kind, but I think it merits some trust, too. But there, again, its determinations are not accepted conclusively. Just because in most of the instances it is right, or we have no evidence to suggest that it is not right, does not mean it is running the show by a long shot, and they will be the first to deny it.

Mr. ARENS. Let us use a hypothetical case here to get this crystal clear on the record. Let us assume that you are the IRO and that I am the immigration officer. Let us assume that I have now a file in my hand in which there is a certification by IRO that applicant X is a displaced person. Is it not true that under the administrative practice, I, the immigration officer, am bound by the certification from IRO?

Mr. CARUSI. In a technical sense—wait a minute. Let me answer that question in hunks. Under the instructions and directives which have been written and which are quoted, it can be read that that is so.

Mr. ARENS. Well, is not that what the instruction says?

Mr. CARUSI. Your question is practice. That is why I am still careful about words. The instructions do say that. The practice is that they do inquire. They are not bound when there is fraud and they do send them back when there is mistake or newly discovered evidence. I don't call that being bound. If it is being bound, it is being bound very loosely.

Reference has been made and accurately so to the fact that fingerprints prepared in IRO centers by IRO employees are sometimes indistinct or, for some other reason, useless. From the information which I have been able to gather the number is not as large as is sometimes stated, but that is beside the point. It is more important to know that when that occurs the prints are returned and new ones made. The purpose of the fingerprint cards at this stage is for checking against criminal fingerprint records maintained by our military authorities. The suggestion is made that because the prints are taken by displaced persons and other alien employees of IRO there is room for deceitful practices. This could be true if only the one set of fingerprints were taken. We must not forget, however, that all of these applicants are fingerprinted at the consulate, in compliance with the requirements of the Alien Registration Act, thereby affording the opportunity, which is availed of, of detecting any such abuse.

In a small number of cases, persons have arrived in the United States prior to the discovery of possibly disqualifying information emanating from the Berlin Document Center. The use of a catchphrase such as "calculated risk," with emphasis on the "risk," has given a distorted and exaggerated version of the truth. It has been inferred in this connection that large numbers of subversives and dangerous characters have or might enter the United States because of failure to await the Berlin Document check. The establishment of this policy was not a casual or lightly considered proposition. All the interested governmental agencies, including the intelligence agencies, agreed, upon the basis of experience under the Presidential directive of December 22, 1945, that the likelihood of positive reports would be infinitesimal in any event and would almost invariably be discovered before departure of the alien for the United States.

It is understandable—and I agree with it thoroughly—that it should be felt that we should not run the risk of the entry of even a small number of subversives into the country if tighter controls would prevent it. Yet we must bear in mind that the Berlin Document Center records are merely lists of persons, almost entirely Germans, who are members of Nazi organizations and also lists of persons who applied

for German citizenship. Very few displaced persons would fall into the first category; a few have been found in the second.

In this connection I refer to the testimony of Commissioner Miller, to the effect that 75 persons have arrived in the United States as to whom adverse information appeared in the Berlin Document Center. Mr. Miller states, however, that these cases all involved applications for German citizenship. To call these persons subversives is to disagree with the committee's official action in this regard. I take it that this committee does not consider application for German naturalization as a threat to our security because the committee amendment would grant eligibility to these persons. The only reason they are disqualified now is because of an exclusionary provision in the definition of a displaced person in the IRO charter. That exclusion is not incorporated in the committee amendment to the definition of an eligible displaced person.

In this connection it is pertinent to observe that a Berlin Document check has been made in every single case. In the early days, if the check was negative the report was kept in the CIC files. If it was positive it caught up with the file upon which the alien was being processed. That obviously gave rise to the observation that so many cases came through without a record of the Berlin Document check.

Early last summer the system was improved upon by arranging for telephonic notification to the appropriate area as soon as it was discovered that a name corresponding to that of a particular displaced person was found in the indexes. This caused the case immediately to be held up to await the completion of the check. Moreover, even the negative reports are now being placed in the displaced-persons file. In spite of every precaution which is being taken to guard against the entry of ineligible or otherwise excludable displaced persons, some have entered the United States in apparent violation of the law. This is not a new immigration experience but it has been given prominence in the discussions on the merits of the program, the quality of the administration, and the terms of the legislation. The Displaced Persons Commission and the Immigration and Naturalization Service work in the closest harmony to bring about the institution of proceedings to return such persons whence they came. In cases involving security, the Federal Bureau of Investigation is immediately brought into the matter. I do not need to tell you of this very close working relationship which exists in this regard between the Federal Bureau of Investigation and the Immigration and Naturalization Service, sister branches of the Department of Justice.

There have been a few returns after exclusion and one or two voluntary departures after admittance. There have been no deportations of displaced persons. However, deportation proceedings are pending, and I am told an order of deportation has actually been entered in at least one case. What is to be done in these cases is a matter for the Immigration and Naturalization Service, and it is probably not for me to seek to elaborate upon the phase of the matter. However, I have been informed that among the cases in which deportation proceedings have been brought there is one which involves only IRO ineligibility and another which relates to establishment of eligible displaced-person status through fraud. I mention these to throw

further clarifying light on the imputation that these are matters over which the immigration authorities have no power.

In speaking of deportations there is a sort of shrug-of-the-shoulders attitude that there is more theory than actuality in the proposition that persons can be deported if found to be here illegally. It is true that Commissioner Miller described with accuracy the numerous and complex administrative and judicial steps to which resort can be had by a person under deportation proceedings, and he made it clear that those administrative and judicial processes could entail a lot of work and consume a great deal of time. However, he also added that once those proceedings were concluded the person would be ready for deportation. That testimony seems to have been used as a basis for saying that deportation was next to impossible in fact. Again I do not wish to trespass upon the domain of others except to say that, according to the statistics of the Immigration and Naturalization Service for the fiscal year 1949, 20,040 aliens were deported from the United States and 276,297 departed voluntarily during the pendency or imminence of deportation proceedings.

I must quickly qualify the impression which these large numbers will give by saying that 16,903 of the deportees were Mexicans, as were 95 percent of the nearly 300,000 who departed voluntarily. However, that will still leave more than 3,000 who were deported elsewhere and 14,000 other than the Mexicans who departed voluntarily rather than face deportation. There were 7,978 pending deportation hearings as of the end of that fiscal year. I believe it fair to say that deportation is not as impossible as has been suggested.

Alleged improprieties or abuses: There has come into the picture the suggestion that incomplete information is presented to the immigration officers stationed in Europe, so that they are not in a position to analyze and judge all the facts pertinent to the decisions they must make under the immigration laws. The principal complaints are that the files are incomplete because of the lack of thoroughness in their preparation, because of mistake or carelessness resulting in the absence of a material paper, or because of intentional withholding or removal of such a paper.

Obviously, oversight or mistake can, and does, occur. Such things can happen in all human operations. We do our utmost to prevent such occurrences, and in all instances that they have been called to our attention the mistake has been corrected. The other reports in the file make it easy to determine whether something is missing and what it is. We completely deny that it is the policy or practice that material evidence which should be in the file is improperly withheld or removed. It is the policy and insistence of the Commission and its officers that the complete file be available to each processing agency as the case progresses through the several stages of processing, or screening, as it is often called. Any inference that there is a desire to slip a case past anyone without full information, particularly the immigration officers, flies in the face of the special arrangements and practices which have been established by agreement among the agencies concerned—upon plans submitted by the Displaced Persons Commission.

Two of these are very significant:

1. The immigration inspectors are stationed in Europe.

2. They are handed the file in each case.

Neither of these is required by any law.

Neither has been, or is, the practice in immigration cases other than those of eligible displaced persons under this act. Indeed, neither is the practice in the ethnic German cases which arise under section 12 of the act, in the administration of which the Displaced Persons Commission has no authority or part. The practice in immigration cases other than those of eligible displaced persons is for the immigrants to be handed their visas by the consul, to embark for the United States at any convenient time during the 4-month life of the visa, and to encounter an immigrant inspector for the first time at the port of arrival or entry. The information or documents upon which the visa was issued is kept in the files of the consul. The inspector receives the visa with no accompanying file or documents except medical reports and fingerprint card for Alien Registration Act purposes and then makes his determination upon the basis of it and an immediate interview. He has no knowledge of how the alien met the consular requirements as to affidavits, proof of status, and the like. He assumes that all was in order until the contrary is shown.

Acceptance of prior determinations by others is not new to immigration practice; it has been given sinister implications in connection with displaced persons, but pursues its serene and peaceful course in all other immigration cases. He asks the questions which relate to the formal requirements for admission or grounds of exclusion and must decide the case upon the basis of the answers and their credibility, as they are given to him by this complete stranger in an interview of a few minutes. Whether the visa itself was obtained by fraud or other unauthorized means must be developed in this questioning. Vessels of large passenger capacity are cleared by the immigration inspectors in a matter of hours, as well as by customs and health authorities. This practice would be perfectly legal under the Displaced Persons Act and would be entirely consistent with the long established and still prevalent practice in normal immigration cases.

Under the practice which has obtained from the beginning under procedures inaugurated by the Displaced Persons Commission, the immigration inspectors are, as I have said, stationed in Europe, where they can take all the extra time they wish to consider a case—sometimes weeks and months—where they can consult any one of the processing officers familiar with the case, where they can receive information from private sources familiar with the applicant or the circumstances of his case.

The immigration inspector is not limited to the single formal document, the visa. The alien's entire file, including all security and other investigative reports, is placed before him. He can thus find leads for his questions. He can review the circumstances under which the visa itself was issued. He can bring about a cancellation of the visa by calling to the notice of the consul fraud or other improper manner of its acquisition. In cases requiring further information or additional proofs or tests, as, for example, public charge considerations, the inspectors can lay cases aside until that information and those requirements are supplied and met.

Even as it relates to matters of eligibility, which are decided by the Commission, the availability of the file to the immigration inspector

enables him to find mistake or fraud in that regard. He can then call these facts to the attention of the Displaced Persons Commission for appropriate consideration and action. I have said that all these things can be done under this special procedure. Indeed, they are constantly being done; they are required to be done.

Most, if not all, of the foregoing could not be effectively done under normal immigration inspection practices, which, as I have said, prevail in all other immigration cases.

In order that my observations on this phase be complete, I must add that early in the administration of this act several vice consuls retained in the files at the consulate some of the basic documents upon which visas were issued. This was not born of improper motive, but was an outgrowth of routine practice, bordering upon habit, in the normal cases. Upon complaint by the immigration officers and Commission officials, the missing documents were placed in the file, and this sporadic departure from the regular practice stopped.

I hasten to add that those withheld papers were not derogatory to the alien, but, instead, supported the action of the consular officer who had issued the visa. That was his stated reason for wishing to retain them in his office.

In the light of all this, it is difficult to understand how the claim can even be asserted directly or by insinuation that there is an actual effort or a careless willingness on the part of the Displaced Persons Commission or its overseas staff to impair the efficiency of the inspection process. The simplest way to have accomplished this would have been to leave the Immigration Service to its normal authority and practices and to the limited sources of information thus available. We in the Displaced Persons Commission are too eager for the most efficient screening possible, to be content with the regular procedures under the normal immigration laws.

Akin to the foregoing is the reference to a practice which obtained overseas for 2 or 3 months but which was terminated as soon as it came to the knowledge of a member of the Commission. It had to do with orders from the Frankfurt headquarters in individual cases in which a prior determination of rejection or disqualification had been reversed in the regular course of review. It may be interesting to note that of 1,297 rejected cases reviewed in Frankfurt, up to February 10, 1950, only 76 were sent back, 43 for contrary decision and 33 for further investigation. Twenty-nine cases were reversed while the practice I am about to describe prevailed. The reversing order in those cases set out the basis for the reversal and ordered that the report containing the original decision be supplanted by a new one reflecting the action of the review board. The reversing order also requested that it be placed in the file to show what had happened.

We do not mean to justify the practice as being perfectly proper, but we do point out that it could not possibly have had the effect of deceiving anyone. The basic information and documents upon which the original and the review decisions were made all remained in the file. The fact that there had been a rejection or disqualification and a subsequent reversal was clearly disclosed in the file. The consul or the immigrant inspector had before him all the information upon which both decisions were predicated, so that he, in turn, could make his own. Any inference that this practice included the removal of basic

information, particularly of a security nature, is completely without foundation.

I now come to a charge which has been made in all seriousness but which I am sure we would all have discounted at once if we had stopped to think. We have been told that there is a concerted effort or a general practice to seek and obtain pardons of criminals overseas so that they may be admitted to this country under the Displaced Persons Act. I thought we all knew that the pardoning power for Federal offenses was given exclusively to the President by our Constitution. Consequently, the overseas representatives of the Government of the United States, civil and military, have no such power. Moreover, it is well settled in the immigration law that a pardon does not remove grounds of excludability. In the light of all this, it is surprising, to say the least, that such a charge could be made, received, and accepted as though it made sense. Nevertheless, because of the insistence that IRO had set up a bureau to obtain pardons, the Washington office of that organization cabled an inquiry to Geneva and received the following reply a few days ago:

> Report of IRO unit to obtain pardons completely false, not even branch or office or subdivision of legal department for this purpose. However, as part of constitutional function, legal and political protection, legal department has made use of regularly established procedures under German law and occupation to clear records of displaced persons in cases involving minor crimes and misdemeanors such as traffic violations for which penalties unusually severe during abnormal conditions immediate postwar period, infractions which in normal times would be punished by fine or binding over if prosecuted at all. One specific example: Sixteen-year-old boy who was sentenced 6 months prison for stealing one orange. Conviction was expunged from record under long established universally recognized German court procedure, legal effect of which is not pardon but complete elimination of both charge and conviction. Part played by IRO is equivalent to friend of court under American law and is part of legal and political protection function performed for all DP's irrespective of whether they be repatriated, resettled, or left on German economy.

I may add that in his testimony Mr. Tripp says that not one of the 130,000 cases which had passed through his office involved a pardon. I am informed that in a few isolated cases where it has been charged that a person was improperly convicted by summary proceedings, particularly before the heat of war had vanished, a review procedure in the nature of an appeal has been available under our military government and that some of the convictions have been reversed. As to these cases, however, it is the practice to consider the facts and to determine whether they constitute a ground for a finding of bad character notwithstanding the technical removal of the conviction.

In other words, even in this type of case, which, unfortunately, involved very heavy penalties for the slightest infraction of military regulation, the bare annulment of the conviction is not necessarily determinative of the case under the Displaced Persons Act.

We have investigated the report which we heard some time ago that our own people were involved in obtaining pardons. We found no evidence of conduct which would justify the making of the charge, overlooking for the moment the fact that pardons are not obtainable.

There has been a great deal said about the fact that, according to Mr. Tripp, it is probable that there are 30,000 people who have come to the United States under the Displaced Persons Act as to whose eligibility there is at least a doubt. I do not inquire why Mr. Tripp did

not follow the established practice of calling these doubtful cases to the attention of the appropriate Displaced Persons Commission official.

The reason I pass this by is because a reading of Mr. Tripp's testimony convinces me that he is not certain about this at all, nor did he profess to be. When he was first asked to make an estimate he said that he "could not venture an estimate" but that he had "seen hundreds, yes, thousands of cases that were doubtful." He referred to these cases as "doubtful date-line cases." When asked again for an estimate of the number he said:

> I have never attempted to keep any records, and I could not give you any exact estimate. Any estimate that I make would be purely a guess, but I would say that they probably would number in the thousands.

He was then asked whether the number would run "as many as 30,000" and replied that it was "quite possible that it would run that high." In reply to another question he remarked that "obviously some of those doubtful looking cases must have complied with the statute."

A few questions later Mr. Tripp said—

> there is a large number which appear to be doubtful date-line cases, which number might possibly approximate 30,000. I have kept no records on that, and I have no way of knowing, but the number 30,000 was suggested by Mr. Arens, and I said that it is quite possible that it would amount to that.

With his characteristic fairness and search for the truth, Senator Donnell then asked a question which summarized Mr. Tripp's stated view that reference to these so-called doubtful cases did not preclude the likelihood that many of them would in fact meet the eligibility requirements of the act.

Toward the close of his testimony on this point Mr. Tripp said, "I would think 30,000 would be the absolute maximum" and "I did not fix the figure at 30,000. I did say that it may approximate 30,000. I have kept no records, so I could not say, but it may have reached that maximum."

Thus we begin with Mr. Tripp's statement that he did not originate the 30,000 figure, that he has kept no records, can make no accurate estimate, but would be capable only of a guess as to the number of doubtful date-line cases which may have passed through him, at least some of which might ultimately prove to be eligible. We end up with these statements on the floor of the Senate:

> Mr. Tripp testified that more than 30,000 had already entered * * *
> Then, under the present law, if that same percentage prevails, of the 205,000 there will be approximately 40,000 to 50,000 displaced persons in this country who are doubtful security risks, according to Mr. Tripp.

I leave that statement without further comment.

From time to time during the Senate debate reference has been made to a secret report which, if its contents could be properly disclosed, would present a very shocking picture of frauds, improper security screening, and other conditions and practices which would place a terrible blot upon the whole displaced-persons program. I am familiar with the existence and general nature of that report. I wish merely to observe for the record that it was written the year before the Displaced Persons Act was passed and, of course, cannot refer to present operations.

I have sought to embrace at the risk of exhaustion of your patience what we conceive to be the truly important issues involved in these hearings. Without wishing to take unwarranted advantage of your courteous attention, I ask your indulgence in two closing observations.

Rejected cases: The Displaced Persons Commission rejects or disqualifies 32.2 percent of all the cases it handles. This means that of every 1,000 cases considered by the Displaced Persons Commission under the Displaced Persons Act of 1948, it submits only 678 to the consul. Of these the consul rejects 6, and of those reaching the Immigration and Naturalization Service, 2 are rejected.

This means that 33 percent of all cases reviewed by the Displaced Persons Commission are disqualified and do not enter the United States. Of these rejected, over 95 percent are rejected or disqualified by the Displaced Persons Commission itself.

The break-down of this is very illuminating: Suppose we start with 1,000 cases. Of these, 30 are rejected in Washington because their assurances do not comply with the statutory requirements. This means 970 are sent overseas for processing. After the IRO submits whatever information it has on the named displaced person, a Commission selector makes a preliminary determination of eligibility.

At this stage, 280 more are disqualified or rejected. Then the remaining 690 are sent to the Counter-Intelligence Corps for investigation of character, security, and eligibility. After the Counter-Intelligence Corps submits its reports to the Displaced Persons Commission, the analyst reviews the whole case and calls in the displaced persons for a personal interview if necessary. At this stage 12 more are rejected or disqualified.

The next step is consular consideration. Here six more cases are rejected, in the sense that the consul does not issue a visa to six of the 678 cases that reach him. The great majority of consular rejections are for medical reasons.

The last step is the Immigration and Naturalization Service. Of the 672 cases in which the consuls have issued visas, the Immigration Service excludes two: The majority are for illiteracy. In one-fourth of these cases the exclusion order of the immigrant inspector has been reversed by the Board of Special Inquiry of the Immigration and Naturalization Service.

If I may repeat, the Displaced Persons Commission rejects or disqualifies 322 out of every 1,000 cases it considers, the consuls refuse visas to 6 more, and the immigrant inspectors exclude 2 more. Thus, out of every 1,000 cases considered, 330 are rejected or disqualified, and over 95 percent of the rejections and disqualifications are by the Displaced Persons Commission.

Resettlement: As of the end of last month, 133,506 displaced persons have been resettled in the United States, its Territories, and possessions under the act. They have gone to every State of the Union and to Alaska, Hawaii, and the Virgin Islands. In the first months of the program the majority of these immigrants went to the Eastern Seaboard States largely to join their relatives. In recent months the resettlement trend has been away from the Eastern States and toward the South and West.

One factor which has had an important bearing on the general distribution of displaced persons throughout the United States is the

requirement that sponsors must provide the funds for inland transportation. Since the immigrants enter through the ports of Boston, New York, and New Orleans, sponsors in the States near these port cities have an advantage over sponsors in the interior and far Western States.

Recent analyses show that 53 percent have been resettled in cities with a population of 100,000 or over, 24 percent in smaller urban areas, and 23 percent were resettled in rural areas, and that the number going to rural areas has been constantly increasing. The resettlement of displaced persons has met with general satisfaction on the part of the sponsors who have received them, their employers, their neighbors, their church leaders, and teachers in the schools in which the children are now attending regular classes. Estimates have been received that 90 percent of the immigrants admitted under this act have made a satisfactory adjustment in the local community. The remaining 10 percent are cases in which the voluntary agencies or a State commission or committee have been required to provide services of an advisory character bearing upon local adjustment, such as:

1. Cases in which it has been necessary for the voluntary agencies or State commissions or committees to take action to bring about a better understanding between the sponsors and the immigrants.
2. Cases in which the immigrants left their sponsors, apparently without just cause.
3. Cases in which the immigrants left, apparently with just cause.
4. Sponsors canceling or deferring their assurances for justifiable reasons after the displaced family had embarked or actually arrived at the port of entry.

In such cases it was necessary to place them with a new sponsor. This often tended to confuse the immigrants and make then uncertain and less prepared for an immediately satisfactory adjustment in their new surroundings.

The Commission has from the beginning used every facility available to prevent maladjustments. The American voluntary agencies have rendered a splendid service in this field. They are represented throughout the country by councils and committees who assist in the adjustment of all the immigrants to the local communities. These services are rendered by professionally trained persons and, as well, by thousands of volunteers.

The Governors of 34 States have appointed state commissions and committees to assist in the resettlement work. These state organizations, using the existing facilities of State government, have also rendered worth-while service in this field. In States not having a State commission, local voluntary agencies, committees, and groups have been providing similar service. The Commission must rely upon such voluntary agencies and State commissions for services required in the adjustment of any case.

A special subcommittee of the Committee on the Judiciary of the House of Representatives recently made a survey of the resettlement of displaced persons in the United States. Detailed inquiry was made of the 48 governors of the manner in which the immigrants were being integrated in the local communities. Of 32 governors of State commissions reporting on this inquiry, 29 reported that the program was meeting with general approval, that the displaced per-

sons were proving worthy and useful, and that there was a growing interest in them among the people. In the other three States, one governor indicated some difficulties were being encountered with respect to farm resettlement, but that 80 percent of the people had made successful resettlements in that State. One governor reported that the selection of displaced persons as to vocation had not been satisfactory and as a consequence they did not fit into the scheme of things, became dissatisfied, and left their sponsors to go to friends and relatives in other States. However, he reported that the displaced persons who have remained in the State are doing well and are happy in their new homes.

The latest State survey to come to our notice is that of the Michigan Commission on Displaced Persons, completed on January 10, 1950. This study was made on the basis of 6,000 displaced persons who have been resettled in that State. It disclosed that only 50 complaints were presented up to January 10, 1950, on the 6,000.

Similar studies are being made in other States which will permit a far better understanding of the success of the resettlement program than is possible at this time.

I may conclude this observation with a quotation from the recent House Judiciary Subcommittee report:

> The Nation as a whole has welcomed the destitute people and with true American ingenuity is making good use of their capabilities, while simultaneously offering them remarkable opportunities for rehabilitation.

Mr. Chairman, I appreciate more than I can say this opportunity to present the Commission's views and factual reference to the subject matter of these things.

I hope that this may have proved mutually helpful.

Senator JENNER. Now, Mr. Rosenfield, will you come around?

Do you swear the testimony you will give now before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROSENFIELD. I do.

TESTIMONY OF HARRY N. ROSENFIELD, DISPLACED PERSONS COMMISSIONER—Resumed

Mr. ARENS. State your full name, if you please.

Mr. ROSENFIELD. Harry N. Rosenfield.

Mr. ARENS. And identify yourself by occupation, if you please.

Mr. ROSENFIELD. Member of the Displaced Persons Commission.

Mr. ARENS. How long have you been a member of the Displaced Persons Commission?

Mr. ROSENFIELD. I was sworn in on August 27, 1948.

Mr. ARENS. And you have served continuously since that time?

Mr. ROSENFIELD. I have.

Mr. ARENS. Mr. Rosenfield, this morning in the course of the testimony of Mr. Carusi, you interrupted to make certain observations, including an observation that I had made a snide remark respecting the senior Senator from West Virginia. I have looked up what the dictionary defines the word "snide" to be, and it means "mean" or "base."

Mr. ROSEFIELD. Mr. Chairman, I do not mean to interrupt, but, in view of Mr. Kilgore's absence, may we defer that until he gets here?

Senator JENNER. Yes.

We will take up another phase now.

Mr. ROSENFIELD. I don't want to go behind Mr. Kilgore's back in answering these questions. I would like him to be present.

Senator JENNER. The other thing you objected to had something with the figure "10."

Mr. ROSENFIELD. Mr. Arens, with his characteristic habit of taking things out of context, quoted one thing out of my speech. I made a speech on January 15, 1950, in which the following paragraph, the following statement was made.

Now, may I read the whole paragraph, Mr. Chairman?

Senator JENNER. Yes; you may.

Mr. ROSENFIELD. The subject of that speech, the title was "The Crisis in the Displaced Persons Program," and this paragraph in question reads as follows:

> Another "phony" charge is that the program has been riddled by false documents. This too is untrue. In any program of this size, and you must bear in mind that over 130,000 visas have already been issued, which means many more cases examined since 30 to 35 percent of all cases are rejected or disqualified, there are bound to be some examples of false documents. But the fact is that we are catching such efforts. Apparently the situation is something like this: If we catch some false documents, that proves that the whole program is riddled with them. If we don't catch them, that proves it too. Thus far—

And if I may interrupt myself, January 15, 1950—

> Thus far some 10 cases of false documents have been alleged in a program in which over 130,000 visas have been issued. Doesn't that sound like a pretty good batting average to you?

Now, Mr. Chairman, that was on January 15, 1950. On January 20 of this year a special subcommittee of the Committee on the Judiciary of the House of Representatives issued a report called "Displaced Persons in Europe and Their Resettlement in the United States."

That is House Report No. 1507. A 10-member committee made a survey overseas. Ten members, Mr. Chairman, made a survey overseas pursuant to a House resolution and issued a report on January 20, 1950.

Page 82 of that report reads as follows, quoting the second full paragraph:

> The number of known false statements, frauds, forgeries, and cases of perjury does not exceed 1 percent of the number of cases handled by the Displaced Persons Commission. On the other hand, the number of screening agencies, screening sessions, interrogations, investigations, and checks that a displaced person must pass before reaching the United States is so extensive that the chances of a fraudulent document or a forged document to "slip through" is practically nil.

May I refer to page 81 of the same report?

Toward the bottom of the page there are two paragraphs, and I would like to read those:

> Another important aspect of this subcommittee's inquiry was the investigation of the veracity of many reports and statements concerning false and fraudulent statements allegedly made by displaced persons desirous of obtaining admission into the United States. This subcommittee also investigated similar rumors and reports—

I might add, a 10-member subcommittee—

also investigated similar rumors and reports alleging that a great number of false or forged documents have been submitted to various agencies for the same purpose.

On the basis of meticulous, on-the-spot checking undertaken on all levels of the European operation, this subcommittee—

May I interpolate, 10-member committee—

is strongly inclined to believe that the majority of the above-mentioned allegations could be safely classified either as rumors or deliberate misrepresentations intended to serve a definite purpose.

That is a House committee making a formal report.

I might add, Mr. Chairman, at the same time that I made this speech, the Vice President of the United States, the Honorable Alben Barkley, was the principal speaker at the meeting, and he said—and I believe it important to place that in the record—and I quote:

There has never been, in my judgment, in the whole history of the United States, a more careful piece of machinery of inspection and investigation than is now in effect in regard to the administration of these displaced persons in the United States. Our Army, through its Counter Intelligence Service, all of our consuls abroad, who have to pass upon visas, the Federal Bureau of Investigation, the Department of Justice, the Immigration Service, everywhere here and elsewhere, and many others that I might mention, are a part of this screening process.

I do not know—

said the Vice President of the United States—

how there would be any better system of investigation by which it could be determined that those who are permitted to come here are entitled to come.

May I say, further, Mr. Chairman, in connection with these documents, these false documents, I said then that it was a phony charge, and I say now it is a phony charge, because on September 1, 1949, when Chairman Celler, of the House Judiciary Committee, testified before this committee, I was questioned by Mr. Arens about certain things. Mr. Arens read from a letter which he had in his hands, stating that there were certain fraudulent documents involved. That was September 1, 1949. I rose at the hearing and asked for the opportunity that that be given to the Commission without the name so that the Commission could immediately that day make an investigation into the facts and correct the situation immediately. Senator Donnell was present and with his kindness he directed, as I recall it—the record will bear that out or it may have been done after the hearing was finished—he directed Mr. Arens to submit that to me for the Commission, without signature. I did not receive it. On September 7 I wrote a letter to Senator Donnell asking for a copy of that which he had promised, and which Mr. Arens had promised would be sent to us. To this date I have not even received an acknowledgment of that letter.

Mr. Chairman, Mr. Cutler's testimony indicates that he came here in January 1950 to indicate to the chairman of this committee and to the committee that there were fraudulent documents among other things. I cannot believe that if it were honestly believed that there was anything wrong which could be stopped there would be an effort to conceal that from the Commission that could make changes. Let me say what I said on that date also, so that the record will be per-

fectly clear. On the same date to which Mr. Arens has referred, January 15, 1950, I said publicly, and I repeat now:

At a public hearing in the Senate, a claim was made on September 1, 1949, in this same general vein. I officially and respectfully demanded proof and documentation. Receiving none, I wrote to the Senate committee on September 7, reiterating my demand for proof. To date—

according to this speech which is January 15, 1950—

four and a half months after the claim, we have not yet received one iota of proof or detail or even an acknowledgement of my letter. I believe any reasonable jury would come to the conclusion that there was not one scintilla of evidence to substantiate the phoney claim.

I said then, and I repeat now—

and I repeat now—

that any public official, whether he be in the legislative or the executive branch, commits a breach of public trust if he willfully conceals evidence which he believes would enable a Government agency to prevent or discontinue a violation of law. I can only come to the conclusion that the charge is as unfounded now as it was 4½ months ago.

The Commission is always ready to rectify mistakes. We are not perfect. No human agency is. But the Commission always stands ready to investigate any alleged irregularity and cause swift correction if the allegation is proved to be true.

Wouldn't you think it strange if people claim to have proof of such irregularities and deliberately conceal it—

I repeat, Mr. Chairman—

deliberately conceal it and thereby prevent corrections for 4½ months, and in a more recent incident—

And I refer to Mr. Cutler's testimony—

for 1 year? Is it not fair to assume that such people themselves do not trust the reliability of the alleged information?

Mr. Chairman, all I am saying is that there was a very simple way to correct this. If a year ago this committee had any evidence of improprieties, why didn't it yank us up here by the neck and tell us about them so that we could correct them? Why didn't it do it then, 4½ months ago, now a half year ago?

All I can say, Mr. Chairman—and at this point I will end my remarks on this score—I repeat only what I have once quoted from an official report of a 10-member committee of the House of Representatives that made a survey in conjunction with the House resolution, a survey in which one of the major aspects was to check on this charge:

On the basis of meticulous on-the-spot checking undertaken on all levels of the European operation, this subcommittee is strongly inclined to believe that the majority of the above-mentioned allegations could be safely classified either as rumors or deliberate misrepresentations intended to serve a definite purpose.

That is page 81 of House Report 1507.

Mr. ARENS. When did you learn of these 3,500 people in the Munich area in which the CIC was making an investigation and in which the CIC estimated that approximately 35 to 50 percent of those people were in the fraud or false document category?

Mr. ROSENFIELD. Mr. Chairman, I don't mean to be impertinent, but if Mr. Arens wants to testify, I think he ought to be asked to be sworn. I never heard of 3,500 people. I heard of a possibility of 1,700 cases. I heard of it substantially when I got to Europe.

Senator JENNER. When was that, sir?

Mr. ROSENFIELD. That was in November.

Senator JENNER. November of 1949?

Mr. ROSENFIELD. November of 1949. This matter was communicated to Mr. Carusi, as he testified, so that he, without the benfit of such assistance as this committee could have given us, by giving us information which was concealed from an agency which could make some corrections, so that he could investigate——

Mr. ARENS. When did you learn of the 1,700 cases involving 3,500 people who were under investigation by the CIC for this very fraud and false document claim?

Mr. ROSENFIELD. Let's take that up again. There were not 1,700 cases under investigation by the CIC. There were 100. There were 1,700 cases—and the evidence bears this out, and it is again part of the problem of Mr. Arens testifying, Mr. Chairman—the evidence shows that there were 1,700 assurances.

The evidence also shows—and Senator Donnell made it perfectly clear—that 100 of them have been sent to CIC. The evidence also shows that 50 of them had come back with reports. And that is all there was, and Mr. Arens keeps repeating as if the evidence bears out that there were 1,700 cases then under consideration. Now, there are 1,700 cases involved in this pattern, and when Mr. Carusi was there, and when I was there, we both saw—well, I will speak for myself. I saw CIC and demanded that they investigate.

Mr. ARENS. When was that?

Mr. ROSENFIELD. In November 1949.

Senator KILGORE. Mr. Chairman, may I interrupt at that point?

Senator JENNER. Yes; you may.

Senator KILGORE. Did any of these cases come to the United States that you are talking about?

Mr. ROSENFIELD. No, sir; not one of them. Not one of these cases involved was passed. They are assurances that came in, at that time.

Senator KILGORE. In other words, there were applications for 1,700 people; is that right?

Mr. ROSENFIELD. Seventeen hundred families.

Senator KILGORE. I call them applications instead of assurances. Somebody wanted to employ 1,700 men and bring their families over?

Mr. ROSENFIELD. That is correct.

Senator KILGORE. I am trying to get it straight in my mind. At that time, investigation of a hundred cases was under way; is that right?

Mr. ROSENFIELD. Was under way; that is right. And I spoke to the chief of the CIC in Germany and the chief of the CIC in the Munich area. They showed me some of these cases and they didn't need the urging, but I encouraged them as strongly as I knew how to make the most complete investigation possible.

Senator KILGORE. Was there a connection between the assurances and the particular cases? In other words, had somebody asked to have John Jones and his family came over, and was that the type of case being investigated?

Mr. ROSENFIELD. Let me see if I can direct my reply to it.

Senator KILGORE. What I am getting at is this: Was it sort of a conspiracy of some kind, or was it the fact that 1,700 assurances came in?

Mr. ROSENFIELD. So far as I know, there was no conspiracy. The

facts are simply this: that at the end of last summer there was a concerted drive by American voluntary agencies to increase the number of assurances that came in. There had been for the months of June and July, I believe, somewhere in the vicinity of eight to nine thousand assurances that came in each month. In the month of August, 29,000 assurances came in to the Commission.

I should appreciate your attention, Mr. Chairman—this might help in Mr. Arens' education.

Some 29,000 assurances came in in the month of August. These assurances hit Frankfurt and the areas in September. That is why cases came up then.

I don't know what sinister implication Mr. Arens wishes to draw from this. He will have to decide that himself.

But the only reason cases came up is that there was more than treble the number of assurances than had previously come up at any one time.

You will recall that the Church World Service, a major Protestant agency, had its major drive for assurances in June 1949, and came through with its 17,000 assurances. The National Catholic Welfare Conference, United Service for New Americans—it is a Jewish organization—National Lutheran Council, all submitted very, very heavy loads of assurances at that time. Now, if that is sinister, then I suppose someone can make the most of it.

And that is the only connection, Senator Kilgore, between the large number that happened to hit Europe and the investigation at that one time.

Senator JENNER. There is something I do not understand. You talk about the speech of January 15. You talk about 10 cases, and you have just testified you knew about a hundred cases. I do not quite understand that myself.

Mr. ROSENFIELD. There were a hundred cases.

Now, let us read what I said:

> Thus far some 10 cases of false documents have been alleged.

There were no allegations of false documents at the time I was there. There was a question of whether they were false, and they were investigating.

Senator JENNER. What did you say about the hundred cases?

Mr. ROSENFELD. There were a hundred cases which were being investigated, and there were 50 on which some reports subsequently came back.

Senator JENNER. Let me read you what Senator Donnell says before this committee, talking to the witness, Mr. Main:

> As I understand it, there were 300 fraud cases developed at Schnaitsee; approximately that number.
>
> Mr. MAIN. Three hundred fradulent registrations were detected. Now, whether or not they were used for the purpose of gaining admission to the United States is unknown. We know that some of them have.

Mr. ROSENFIELD. Excuse me, Mr. Chairman; that is precisely the point.

If you will permit me to say what I said before:

> The fact is that we are catching such efforts. Apparently the situation is something like this. If we catch them the whole program is riddled with them. If we don't catch them, that proves it, too.

Senator JENNER. Senator Donnell asked:

Do you know how many of that number of 300 got into the United States?

Mr. Main's answer is:

On that my estimate is approximately 100.

Senator DONNELL. Approximately 100 of those 300 frauds were ultimately successful in enabling the person to get into United States?

Mr. Main says:

That is right. That is my estimate. I have no way of knowing.

Mr. ROSENFIELD. What is the date of that testimony?

Senator JENNER. February 14, 1950.

Mr. ROSENFIELD. This was January 15.

Senator JENNER. Of course, this was just about one area, so if there are a hundred out of 300 coming in with fraudulent documents out of one area—how many areas do you have over there?

Mr. ROSENFIELD. Do you have any evidence there were others, Mr. Chairman?

Senator JENNER. I am just telling what the record shows.

Mr. ROSENFIELD. Do you mean that if one person in this room has tuberculosis, that all of them in the next room have it?

Senator JENNER. We have all kinds of evidence. I think there is no question about that. We have had immigration officials say that 30,000 people here were here with doubtful eligibility.

Mr. ROSENFIELD. You were not here when Mr. Carusi answered that. Mr. Carusi said Mr. Arens made that statement. Mr. Carusi said Mr. Tripp said Mr. Arens made that statement.

Senator JENNER. Here is the record. We just do not have time to go back over the record, and we are not here for debate. But we do want you to clear your points.

Mr. ROSENFIELD. I just referred to the record.

Senator JENNER. Here is the record for February 15, 1950. I will read it to you on the question of Mr. Tripp.

Mr. Arens asked:

Was that figure of 30,000 suggested by you in the course of the conversation with reference to these cases which you estimate were probably in the country in an illegal status?

Mr. TRIPP. I believe I stated that possibly 30,000 doubtful cases.

That is Mr. Tripp's testimony.

Mr. ROSENFIELD. May I resort also to the use of the testimony, Mr. Chairman.

Senator KILGORE. When was that testimony?

Senator JENNER. February 15, 1950, by Mr. Tripp, the Immigration officer.

Senator KILGORE. Was that the first or second time he testified?

Senator JENNER. I think that would be the second time.

Senator KILGORE. That was after it was raised on the floor, was it not?

Mr. ROSENFIELD. It was the first time.

Senator KILGORE. I remember distinctly he refused to make a statement the first time.

Senator JENNER. It was the first time.

Mr. ROSENFIELD. Mr. Chairman, may I read also from the same record:

Mr. TRIPP. I could not venture an estimate.

I am picking up pieces out of this.

Mr. TRIPP. I have never attempted to keep any records and I could not give any exact estimate.

Any estimate that I made would be pure guess, but I would say that they probably would run in the thousands.

On page 1373:

Mr. TRIPP. I have kept no records on that, and I have no way of knowing. But the number 30,000 was suggested by Mr. Arens, and I say that it is quite possible that it did amount to that.

May I add that Senator Donnell then went on to point out, as Mr. Carusi has shown, that these cases may have been perfectly proper, and Mr. Tripp said, "Yes," that he wasn't saying they were improper or that they were wrong, and he wasn't saying that he made the determination.

Senator KILGORE. I want to get to my question which has been wandering around in my mind. We talk about false and fraudulent documents and fraud. We talk about 1,700 cases in the Munich area. Now, I cannot get yet through my head what is meant by fraud unless a fraudulent document is presented to the United States governmental agency and is shown to be fraudulent. Is it meant by that that in that original flurry of registrations to keep from being repatriated, to save their lives and things, that there were false documents over there to try to prove things of that kind? Is that what is meant there?

Mr. ROSENFIELD. In very large proportion that is true.

Senator KILGORE. In other words, these were not cases of people who had applied, but cases in the past; is that correct?

Mr. ROSENFIELD. That is correct.

Senator KILGORE. I am taking that from Mr. Carusi's statement.

Mr. ROSENFIELD. That is very largely true.

Senator KILGORE. In other words, those would be cases where the CIC, say in the town of Schnaitsee, found 300 or so, a certain number of cases, in which people had filed false documents in order to stay over there and keep from being repatriated, shall we say to Russia, where their lives would be in danger?

Mr. ROSENFIELD. Without reference to the Schnaitsee case, that is generally the case, Senator.

Senator KILGORE. That is, false documents?

Mr. ROSENFIELD. That is right.

Senator KILGORE. Then it does not necessarily mean that the false document was being made to the Displaced Persons Commission, or to the consular service, or to the immigration inspector, but it was where sometime in the past a man had sworn that "I was born in such and such a place," in order to keep from being sent back, shall we say, into the Ukraine; is that correct?

Mr. ROSENFIELD. That is not completely so, Senator, because in these cases some of the documents were submitted to the Displaced Persons Commission. They were repetitions in some cases of previously false statements.

Senator KILGORE. But my point is that I believe there should be a distinction drawn there as between a man who seeks to get into the United States by fraud and somebody who made a false representation in order to, as he thought, probably protect his family and himself. The fraud should not be charged up to the Displaced Persons program unless that man endeavors to use that same thing to get into the United States.

Mr. ROSENFIELD. That is correct, sir.

Senator KILGORE. That is a fraud, then, as far as I think, these hearings are concerned. But a great deal of misunderstanding has arisen from that fact and upon investigation that would be found to be the case; is that correct?

Mr. ROSENFIELD. That is correct.

Senator KILGORE. The whole thing is being lumped into it and made to appear as if it were a fraud upon the United States officials; is it not?

Mr. ROSENFIELD. That is correct.

Senator JENNER. Mr. Rosenfield, at the time you made this speech in New York, did you know about the investigation in regard to fraudulent documents in Kaufbeuren?

Mr. ROSENFIELD. I don't believe I did; no.

Senator JENNER. Did you know about the fraudulent-documents situation in——

Mr. ROSENFIELD. Would you mind telling me, sir, how many documents there were in each of those cases?

Senator JENNER. I will read the entire record here, if you like?

Mr. ROSENFIELD. The implication is there were thousands of them. There may be one.

Senator JENNER. Mr. Main said:

> Fraudulent documents and fraudulent records have also been issued in Munich and Kaufbeuren.

The question was:

> How many were in Munich that you found out were fraudulent?
>
> Mr. MAIN. I do not know of any number, Senator, but we have obtained information through the Counter Intelligence Corps.
>
> Senator DONNELL. Do you know the number of those?
>
> Mr. MAIN. I do not know the number, nor do I know the police precincts. We have just been alerted to the fact that some fraudulent documents had been issued supposedly in Munich.
>
> Senator DONNELL. You got that information from CIC?
>
> Mr. MAIN. That is right.
>
> Senator DONNELL. What did you say the next town was?
>
> Mr. MAIN. That is Kaufbeuren.
>
> Senator DONNELL. I assume that you do not know the number there, either.
>
> Mr. MAIN. No, sir.
>
> Senator DONNELL. What is the next town? May I ask whether you got the information on Kaufbeuren from CIC?
>
> Mr. MAIN. I got it from CIC and related it to our headquarters in Frankfurt.
>
> Senator DONNELL. Where is the next town?

Mr. ROSENFIELD. There are no numbers given, Senator.

Senator JENNER. Mr. Main said:

> May I say that Frankfurt since that time has notified all areas of the existtence of centers—

Mr. ROSENFIELD. When we stop all of those cases, Senator, what is wrong with that? What is wrong with it if we find them and stop them?

Senator JENNER. In other words, here is a man who testified that out of 300 a hundred of them have come to the United States. And that was only about one town, and you have dozens and dozens of towns over there.

Mr. ROSENFIELD. I beg pardon. Would you read where he said a hundred had come to the United States? He said a hundred false documents.

Senator JENNER. That is a hundred out of 300.

Mr. ROSENFIELD. That is just the point. Where is the indication that they came to the United States?

Senator JENNER. Mr. Miller said he has 250 he is investigating right now to deport.

Mr. ROSENFIELD. I asked the number, Senator.

Senator JENNER. You are head of the Commission and you should know that.

Mr. ROSENFIELD. What I am saying to you is that we are stopping these cases.

Senator JENNER. What you are saying is that it is only 10 cases of fraudulent documents out of 130,000; is that right?

Mr. ROSENFIELD. On January 15, I said that, and that was true. What I am pointing out, Mr. Chairman—excuse me for raising my voice—what I am trying to point out is not that there are no fraudulent documents. I would be foolish to say there are not fraudulent documents. But I am trying to point out that there is a system devised to stop them; that they are being stopped, and that if any get through it is not because of the system or because of the failure of people to try to work the system; it is plain, human error.

Senator JENNER. Now, here is Senator Graham bringing this thing out:

> How many of the 300 got into the United States? That is what we are interested in.

That is what we are all interested in; that is, the security of this country.

Mr. ROSENFIELD. That is correct, and we don't want people in this country who came in with fraudulent documents, any more than you do, and that is why we are asking for information to make it possible for us to stop them, and that is why we objected to the fact that the committee concealed it from us.

Senator JENNER. I will read you what Mr. Main said:

> Do you mean the 300 in Schnaitsee?" Senator Graham said: "Yes."
> Mr. MAIN. I would estimate that, of those that have been processed in our area, about 100 have already come to the United States. I think Mr. Tripp, who, as I understand it, has been called before this committee, will be more able to answer that question than I am.

Then Mr. Tripp came before the committee, and that is when he said at least 30,000 were of doubtful eligibility.

Mr. ROSENFIELD. Mr. Chairman, at the time I was there I asked for this complete investigation. I spoke to the commanding officer of CIC. I spoke to the officer in charge of the Munich area, and I asked that it be done. Now, if there are some coming in, we don't want them any more than you do. All we ask for is the common courtesy that is given to any agency to help us administer the law

instead of concealing from us information which will make it possible for us to do so.

Senator KILGORE. Mr. Chairman, might I make an observation at this point?

Senator JENNER. Yes.

Senator KILGORE. It seems to me that we ought to find out from some of these witnesses that have testified in the past what kind of fraud they were talking about.

Mr. ROSENFIELD. All I can repeat again, Senator Kilgore, is that I think that is absolutely correct. All I can repeat again is that a 10-member subcommittee of the House went over and said that the system established was a system devised to keep out fraud. If we are supposed to be a perfect agency, it will be the first time, I am sure Senator Jenner would have said, that any Federal agency is perfect. We want to stop them. We are geared to stop them. If they get in, the Immigration Service will get them out.

All I am trying to point out, sir, is that there has been a lot of phony talk about this that is not based on fact. Even assuming your own figures, sir, 250 out of 130,000 cases, I still think that is a good batting average.

Senator JENNER. Those are not my figures, and that is out of 30,000.

Mr. ROSENFIELD. I beg your pardon. Mr. Tripp said he kept no records. Mr. Tripp said he wasn't sure that that was the figure. Mr. Tripp said he didn't know whether those were wrong. Mr. Tripp said it was Mr. Arens' figure in his testifying, not under oath, and Mr. Tripp said he kept no records.

Senator JENNER. I think the record speaks for itself on Mr. Tripp.

Mr. ROSENFIELD. It certainly does. I read part of the record.

Senator JENNER. Yes; I have, too.

Mr. ARENS. Mr. Rosenfield, I understand part of your duties are legislative functions, according to Mr. Carusi's testimony this morning. Would you elaborate on what your duties are in this field of legislative functions?

Mr. ROSENFIELD. To be of assistance to members of the Senate, including members of this committee, including yourself when you call sir, in connection with legislation, reports on legislation, material on legislation.

Mr. ARENS. Does that include editing the testimony of witnesses who are to appear before the committee, who are requested to appear before the committee from overseas?

Mr. ROSENFIELD. No more than it includes your editing testimony which appears before committees.

Mr. ARENS. Did you edit Mr. Squadrilli's testimony before he appeared before this committee?

Mr. ROSENFIELD. I did, and the editing was of the same character you are editing the testimony that I am giving.

Mr. ARENS. How many trips have you made to Europe?

Mr. ROSENFIELD. One since this program started.

Mr. ARENS. How long were you there?

Mr. ROSENFIELD. Less than 2 months.

Mr. ARENS. When was that?

Mr. ROSENFIELD. I left, I believe, on the 5th of November or the 4th of November—I forget which—and came back on the 28th of December.

Mr. ARENS. Where all did you go?

Mr. ROSENFIELD. I took the boat to England and flew from London to Frankfurt. I was in Germany. I went to all of our offices but two, as I recall, in Germany, went to our offices in Austria, plus a visit to Vienna to see General Keyes and his staff because they were interested in and were talking about the problem both of DP's and the Volkdeutsche.

Then I went to Italy, and from there went to Israel.

Mr. ARENS. Then where did you go?

Mr. ROSENFIELD. Came back to the United States.

Mr. ARENS. Did you have occasion to acquire some photographic equipment while you were in Germany?

Mr. ROSENFIELD. No, I didn't. As a matter of fact, I lost some when I was in Italy. It was stolen from me.

Mr. ARENS. Where did you acquire the photographic equipment?

Mr. ROSENFIELD. I did not acquire any photographic equipment in Germany.

Mr. ARENS. Did you acquire some in Europe?

Mr. ROSENFIELD. No.

Mr. ARENS. Did you acquire some?

Mr. ROSENFIELD. Not when I was overseas; no, sir.

Mr. ARENS. Did you have occasion to have a conversation with the consul at Salzburg when you were in——

Mr. ROSENFIELD. Mr. Chairman, I don't mean to interrupt, but may we get through so that this record appears clear? There were two other matters in which my name was mentioned. Before we get off into the other things, I would like to get into the two other things.

Senator JENNER. Do you mean the one concerning Senator Kilgore?

Mr. ROSENFIELD. Yes, and the one in which my name was mentioned in the selection of certain people. I would like to get that on this record. It is 20 minutes to 7.

Senator JENNER. We will hang on until we make the record.

Mr. ROSENFIELD. All right, sir. I appreciate the courtesy.

Mr. ARENS. Did you have occasion to have a conversation with the United States consul at Salzburg?

Mr. ROSENFIELD. Yes.

Mr. ARENS. What was the nature of that conversation?

Mr. RFSENFIELD. I went to Europe, sir, to find out if there was anything that we could do to help meet and understand some of the things which were being concealed from us by this committee so that we could improve, if necessary—and we always want to improve—the administration of the law.

I spoke to consuls; I spoke to immigration people; I spoke to our own people; I spoke to IRO people; I spoke to voluntary agency people. In that process, the consul general supervising the program in Frankfurt, Marshall Vance, was good enough to ask all the consuls to come in to Frankfurt. We had a long session in which we exchanged views.

You see, Mr. Chairman, we are anxious to improve this program, and we want as much help as we can get, although there are some

people apparently who don't seem to think that way. In that process, these people asked me to come in to see them when I came into their areas. I did so wherever it was possible, and I think I did this in every area. So I saw every consul. I asked him what it was that we could do to improve this law, how could we improve our administration of the law.

Now, would you like an answer as to what the first question was from the vice consul in Salzburg?

Mr. ARENS. Specifically, what I want to know is: Did you of the consul demand that they turn over the files of the United States consul service to you?

Mr. ROSENFIELD. No; I did not. I demanded they turn one of our files in our case, one file.

Mr. ARENS. Did you and Reynolds have pretty vigorous conversation?

Mr. ROSENFIELD. We did, and Mr. Reynolds said he thought the program ought to be abolished.

Mr. ARENS. Did you shake your fist at him and in an excited conversation take issue with him on whether or not the United States consuls are going to run the program, or whether or not the Displaced Persons Commission is?

Mr. ROSENFIELD. The answer to that is "No."

Now, there are four or five things you are asking me there. May I take each of them?

Mr. ARENS. Did you have a heated argument with him?

Mr. ROSENFIELD. I certainly did, because he was a person who disagreed with the objectives of the Congress of the United States, which we were intending and hoping to be able to accomplish.

Secondly, I did not shake my fist at him.

Thirdly, would you read the questions, so that I can answer each of them? You put so many questions in one it is hard to remember them.

Senator JENNER. Will the reporter please read that?

(Thereupon the record, as previously recorded, was read by the reporter.)

Senator KILGORE. There is one part of that that has not been answered. Did you have an argument with him as to whether or not the consuls are going to run it, or the Displaced Persons Commission?

Mr. ROSENFIELD. No, sir; the answer to that is "No," because it was perfectly clear. Each of us has our functions under the act.

Mr. ARENS. What did you and Reynolds argue about?

Mr. ROSENFIELD. Mostly about his feeling that there ought to be no DP program, and, secondly, his claim that there was one case of a person, as I recall it, of a case in which the—Do you mind if I refresh my recollection?

Senator JENNER. No, go right ahead.

Mr. ROSENFIELD. Mr. Chairman, I might say that I am refreshing my recollection from contemporaneously made notes.

He said there had been a case submitted to him in which the CIC report had been withdrawn, one of our files in which the CIC report had been withdrawn. I demanded to see it, since it was our file. He refused to show it to me. I said, "You have a right to refuse. How can I get that file? It is our file." His supervising officer, Mr. Fisher,

said he saw no reason why I could not get the file. We looked at the file, and all that was involved was one of these directed action cases in which the CIC report was present, had never been removed from the file. All that had been removed from the file was the reversed decision.

The case indicated in its file right then and there, as Senator Kilgore has shown in these hearings, that what had been removed was a reversed finding, and the order of reversal indicated that it had been removed.

So that Mr. Reynolds admitted he was completely wrong.

That, I might add, is characteristic of some of the arguments that have been made. A statement, on the one hand, which when we have a chance of confrontation, is shown to be wrong, which is an opportunity we have not had for 18 months, Mr. Chairman.

Mr. ARENS. Was not he holding about 50 of your cases at that time?

Mr. ROSENFIELD. I was unaware of that. I did not know it until I saw it in the testimony. He did not mention it to me.

Mr. ARENS. You saw it in somebody's testimony?

Mr. ROSENFIELD. Yes, sir. It was in the testimony somewhere in here.

Mr. ARENS. I have just one other question before we get on this concluding matter. Mr. Carusi intimated or stated this morning in his testimony, referred this morning in his testimony, to some hot sessions which were had among the Displaced Persons Commissioners. Do you confirm that statement of Mr. Carusi that the Commissioners have had some hot sessions?

Mr. ROSENFIELD. Yes, sir; and I would expect that that would be so on the ground that that is why you have three members of the Commission, so that they can exchange views and come to a better view.

Senator JENNER. Will you proceed with this matter about this morning that you wanted to get on with?

Mr. ROSENFIELD. I would like the record read back so that Senator Kilgore can hear what was said.

Senator JENNER. We do not have it here. You made reference to some snide remarks that you referred to about Senator Kilgore in the preparation of the report.

Mr. ROSENFIELD. I would like the record to speak for itself.

Senator JENNER. The reporter says he does not have it here.

Senator KILGORE. I would prefer to have it here because, frankly, if there are any snide remarks, I am going to ask Mr. Arens be sworn, and I am going to take the appropriate steps.

Senator JENNER. I heard the testimony. I do not think there were any snide remarks so far as that is concerned. The testimony will be available in the morning and you can have a copy of it. If there is nothing further, we can conclude here.

Mr. ARENS. I would like to interrogate the witness on that point, Mr. Chairman.

Senator KILGORE. I would like to have the record.

Mr. ARENS. Mr. Chairman, in view of the fact that Mr. Carusi has testified this morning that, among the functions or duties of Mr. Rosenfield as a member of the Displaced Persons Commission——

Senator KILGORE. Mr. Chairman——

Senator JENNER. This is what Mr. Carusi testified to this morning.

Senator KILGORE. I know, but I do not want Mr. Arens testifying

into this record at the present time. As a Member of the United States Senate I have a right to object.

Senator JENNER. You have a right to object.

Senator KILGORE. I object to Mr. Arens testifying.

Senator JENNER. We will have the record in the morning and we can take it up then.

Mr. ROSENFIELD. May I go to the third point?

Senator JENNER. In other words, when you testify to this everything will be cleared up except the one matter we referred to about this morning; is that right?

Mr. ROSENFIELD. Unless there are further questions, and I am perfectly delighted to answer any further questions. Mr. Arens asked Mr. Carusi and asked some of the witnesses here who it was that hired them. Apparently Mr. Arens is a good enough lawyer to know that the Commission hired them. I assume he meant who interviewed them. He apparently indicated that several of the witnesses who have appeared here have been interviewed at a time when Mr. Carusi was doing what Mr. Arens said he ought to do, be overseas.

I am not saying Mr. Arens was correct in his judgment, but apparently, so far as Mr. Arens is concerned, at least Mr. Carusi was doing what he was supposed to do.

The implication was—I don't know what implication it was, to be perfectly frank. It must have been something sinister because otherwise it would not have occurred through all the hearings, the sinister tones and inquiries. Since I don't know what sinister implications he means to draw from it, or means other people to draw from it, I can't answer it.

All I can say is two things. When the chairman is away, he on his own action designates the acting chairman, and by practice he has followed a rotating scheme. Once he designates one of the other three members, and the other time he designates the other.

Point 2: For whatever sinister implication Mr. Arens means to draw from it, I think he ought to know that some of the witnesses he has called were also chosen and interviewed in precisely the same way as some of the other witnesses, to wit, Mr. Main, Mr. Cutler, and Mr. Vaughn were also hired after interviews by the other two members of the Commission, and in which my name, as Acting Chairman, appears on the civil service forms, identically the same, and after exactly the same Commission action as in the other cases.

I just want the record to be clear.

Senator JENNER. We will conclude for today and resume tomorrow at 10:30 in room 424 of the Senate Office Building.

Mr. ROSENFIELD. Mr. Chairman, may I say I am very grateful for the opportunity to be present before the committee. It is the first time we have had a chance to have our view put on the record, although the committee has had hearings now since August.

Mr. ARENS. Just a moment, I want to ask a question or two here. Is it not a fact that you testified when Congressman Celler was here testifying on his bill?

Mr. ROSENFIELD. No, sir; I did not testify. I answered a specific question as an aide to Mr. Celler.

Senator JENNER. You were present, I know, at some hearings at which I was present, and you would be referred to answer questions.

Mr. ROSENFIELD. And we were never given a chance to answer them, Mr. Chairman. I appreciate the courtesy of the chairman today.

Senator JENNER. You have answered questions, and we are very glad to have you here, because we are all interested in this bill. We are interested primarily in the security features.

Mr. ROSENFIELD. So are we, Mr. Chairman, and we haven't been given a chance to say what we have done about it.

Senator JENNER. This calculated risk theory is not a good thing for this country, and that is the thing I am greatly interested in.

Mr. ROSENFIELD. We are, too, Mr. Chairman.

Senator JENNER. We will see you at 10:30 in the morning.

(Thereupon, at 6:55 p. m., the committee recessed, to reconvene at 10:30 a. m., Thursday, March 16, 1950, in room 424, Senate Office Building.)

DISPLACED PERSONS

THURSDAY, MARCH 16, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10:30 a. m., pusuant to recess, in room 424, Senate Office Building, Hon. William E. Jenner, presiding.

Present: Senators Jenner and Kilgore.

Also present: Messrs. Richard Arens, Frank W. Schroeder, and Thomas J. Davis of the professional staff; Watson B. Miller, United States Commissioner of Immigration, and Ugo Carusi, and Edward M. O'Connor, member, United States Displaced Persons Commission.

Senator JENNER. The committee will come to order.

I think we had finished all except this one phase that concerns Senator Kilgore. He wanted to get a copy of the record. I understand the record was delivered to him this morning and he has read it. I have not read it myself.

Proceed, Mr. Arens.

TESTIMONY OF HARRY N. ROSENFIELD, DISPLACED PERSONS COMMISSIONER—Resumed

Mr. ARENS. Mr. Rosenfield, in the course of the testimony yesterday, in which Mr. Carusi was testifying, you stood up and protested, among other things, as I recall—and it was not taken on the record—that I had made in the course of the examination of Mr. Carusi certain snide remarks about the senior Senator from West Virginia.

Is that true?

Mr. ROSENFIELD. That is true, and that I objected to my name being used in connection therewith.

Senator JENNER. Was that about the speech you made in New York?

Mr. ROSENFIELD. No, sir, Senator. That was in connection with the capacity of Senator Kilgore to write whatever he said he was writing.

Mr. ARENS. What was it that was said, to your recollection, that Senator Kilgore, the senior Senator from West Virginia, did not have a capacity to write a bill?

Mr. ROSENFIELD. Well, if the Senator would permit me to answer that in my own way——

Senator JENNER. All right, answer.

Senator KILGORE. Go ahead.

Mr. ROSENFIELD. I said that Mr. Arens had made some snide remarks against the Senator from West Virginia.

Mr. ARENS. I just ask right there: Are those the remarks that are supposed to appear on the record?

Mr. ROSENFIELD. Yes, sir; and the remarks that don't appear on the record, of course, were the slurring demeanor and the tone of voice, which those of us who were here saw.

I took the liberty, Mr. Chairman, of looking up what "snide" meant last night, just to make sure I hadn't misused the word, and I find that I hadn't misused it.

I looked at the Webster's International Dictionary at home. The word "snide," according to that dictionary, means "spurious, deceptively inferior, tricky, mean, and base."

I can give you the citations of the pages, if you want.

The word "mean" means "shabby, contemptible, despicable."

I will repeat now what I said then with these terms: I think the effort to Mr. Arens, in connection with that statement, as to the capacity or the way in which the Senator from West Virginia conducts his office, I think the effort twice in his absence to stab him in the back, was a shabby, contemptible, despicable trick, by a member of the staff of a committee of which Senator Kilgore is a member.

I hope that answers the question, Mr. Chairman.

Mr. ARENS. What I would like to know is what it is which was said that appears on the record, which is a snide remark against the senior Senator from West Virginia.

Mr. ROSENFIELD. I think the Senator is perfectly capable of handling his own business without the counsel of this committee implying that when he signs his name to something he has not done it.

I might add, by the way, that the tone of voice, the demeanor of all of this, was completely in conformity with a shabby trick.

Senator JENNER. I think at this time we ought to read the record. I have not read it myself.

Senator KILGORE. Mr. Chairman, I want to make a statement for the record.

It starts on page 2382, I believe.

Senator JENNER. Yes; 2382, Senator.

Senator KILGORE. I want to make this statement: Mr. Arens is apparently either extremely naive or extremely ignorant on customs in the United States Congress with reference to the executive department. The questions themselves I felt reflected upon me not by name, because he was careful not to use my name, but he asked and inferred thereby that I was being guided in my efforts by the Displaced Persons Commission, which is utterly false.

I think the subcommittee demeans itself when it permits a staff member to reflect upon a member of the general committee, three members, in fact, because there are three signatures to that report, Senator Ferguson, Senator Graham, and myself. As the senior member I am the defendant. I think it is extremely reprehensible to permit that.

It has always been customary, since I can remember, for a Senator to call on executive departments to assist him in the preparation of reports and of legislation, particularly in the case in which he knows, as I knew, that we could not rely upon the staff, headed by Mr. Arens, to get us out a minority report.

His attitude had been so plainly expressed, as had been the staff members. And not having sufficient staff in my office, I did call for some help. I put out the substance of the report, corrected it, and also I submitted it to my colleagues for their correction. But I think that reflection contained in those statements there is reprehensible on the part of the subcommittee in permitting one of their employees to reflect upon a member of the general committee because he happens to disagree with the chief staff member, who seems to have taken a stand.

It reflects two things. It may be a reflection that I had improper purposes and was merely in here representing—or the three of us, rather—the Displaced Persons Commission. Either that, or that we did not have the ability to draft a report.

Of course, I did not have 49 assistant staff members, as Mr. Arens had, to assist in the drafting of the report. I think it is 49. I think it was up to 69 at one time.

Incidentally, I had not been furnished with the testimony. I had not been able to get hold of it, the testimony that had been adduced. But I did have some other reports, from which my report was drawn. Particularly now with reference to the question:

> Did the Commission or employees of the Commission prepare that part of the minority report which commends the Displaced Persons Commission?

I do not know whether that was misplaced sarcasm or intended as a reflection. It so happens that that part of the report was prepared in my office and was submitted to the other two Senators, who went along.

May I say also that the entire report was submitted to the other four Senators, who filed other views as to the committee reports. So that was all seven of us. That is the point, I think.

I again say that I think the subcommittee and its chairman are derelict in their duty in permitting a staff member to do things, although not by name, in a public hearing that a Member of the Senate would be taken off the floor for, if it were done on the floor of the United States Senate.

Mr. ARENS. Are you through, Senator?

Senator KILGORE. Yes.

Mr. ARENS. Mr. Chairman, in view of the fact that my name has been brought into this, I request the chairman to give me an opportunity to make an uninterrupted statement.

Senator JENNER. You may do so.

Mr. ARENS. In the first place, Mr. Chairman, the staff of the subcommittee is not, nor has it ever been, as many as 49 members. The staff of the subcommittee, I believe, has at one time been up to as high as in the twenties in members, but the staff of the subcommittee has been, over the course of the last 2½ years, engaged principally in a complete study and investigation of the entire immigration and naturalization system and has been in process of preparing a complete omnibus bill, which has now been prepared, and the report runs in the rough form at the present time over 1,500 pages.

On the staff itself, we have only had one man who has devoted part time to displaced-persons legislation, plus myself, and I have been involved in all of the work of the staff.

So far as the staff is concerned on preparing minority reports, I personally prepared the report on the Displaced Persons Act that is now in existence, prepared and submitted and drafted. And it is contained in the files of the Senate, not only the draft of the majority report, but also of the minority report.

With reference to the propriety of the questions, Mr. Carusi testified when he was before the committee, at which time Senator McCarran was present, with reference to S. 311, which is popularly known here in the Senate as the McGrath-Neely bill, and which was popularly known in the House as the so-called Celler bill, with modifications. At that time—Mr. Carusi is present and he can check me if I make any misstatements—he identified that bill as the Displaced Persons Commission bill.

In the report, indeed, of the Displaced Persons Commission itself the legislative recommendations of the Displaced Persons Commission include—one of these reports which I have here at present, at this moment—the legislative recommendations which are in part, at least, contained in S. 311, in H. R. 4567, and in the so-called substitute bill, of which Senator Kilgore is one of the sponsors.

At the time Mr. Carusi appeared before the committee previously, he testified with reference to the various provisions of the bill. We elicited his views on the bill and reasons why the Commission was endorsing that particular bill.

Then, after the committee bill came from the Senate Committee on the Judiciary onto the floor of the Senate, a minority bill and a minority report were prepared.

Mr. Carusi testified in previous testimony to the general effect that one of the Commissioners had legislative responsibilities included in other responsibilities. The Commissioners have repeatedly contended that they have not been afforded a sufficient opportunity to testify before the committee. In view of that background, I thought, and I still think, it is proper to elicit the extent to which the Displaced Persons Commission has participated in the drafting of legislation and its recommendations with respect to that legislation.

I asked Mr. Carusi, as the record clearly reveals, the extent to which the Displaced Persons Commission had participated in the drafting of S. 311, which Mr. Carusi identified as the Displaced Persons Commission bill. I do not believe that question or the preceding question with reference to S. 311 reflected on the integrity, ability, honesty, or sincerity of purpose of the Senators or Congressmen who did present that bill and sponsor it in the Congress.

In conjunction with that line of questioning, I deemed it then and I deem it now perfectly proper that the Displaced Persons Commission be interrogated with respect to its participation and recommendations in the preparation of the substitute bill, particularly since the substitute bill in many particulars coincides in provisions with the provisions of the so-called Celler bill and with the provisions of S. 311; but also, especially because there is one very vital part of the so-called Celler bill which was sponsored by the Displaced Persons Commission which is omitted at this time from the substitute bill.

That is all I want to say on that subject.

I do, however, if the chairman wants to permit me, in view of the fact that Mr. Rosenfield saw fit yesterday to make what I——

Senator KILGORE. Mr. Chairman, I would like to ask about three questions.

Senator JENNER. Just a moment.

Senator KILGORE. I would like to ask about three questions of Mr. Arens before he goes into a new phase.

Senator JENNER. All right.

Mr. ARENS. All right, sir.

Senator KILGORE. You said you prepared a minority report. You are referring to the first session of the Eighty-first Congress, are you not? You are not referring to any minority report being attempted to be prepared at this session, are you?

Mr. ARENS. That is right.

Senator KILGORE. Is that correct?

Mr. ARENS. That is right; yes, sir.

Senator KILGORE. Then if your statement is correct that you only had one part-time staff man working on this, it would have been impossible to come to you and get anything prepared on a minority report when you were so busy on other things; is that not right?

Mr. ARENS. I would have made an effort to do it. I participated in the preparation of the majority report as to consultation with the senior Senator from Nevada. I was not requested. Had we been requested we would have prepared a minority report. We would have prepared it in accordance with the policy outlined to us by the Senator who requested it.

Senator JENNER. Do you have any further questions, Senator Kilgore?

Senator KILGORE. No.

Mr. ROSENFIELD. May I make some observations in relation to the things that have just passed?

Senator JENNER. Yes.

Mr. ROSENFIELD. Mr. Arens called attention to the fact that the Commission's recommendations on legislation included in our first semiannual report were in part, at least, as I recall his testimony, covered in the bill approved overwhelmingly by the House and sponsored by 18 Senators on the floor of the Senate. I am proud of that fact, as my colleagues are.

We are also proud of the fact that the 18 members come from all parts of the country. We are also proud of the fact that General Clay approved that bill, that some 30 governors approved that bill, that it has been approved by the Chamber of Commerce of the United States, by the American Federation of Labor, by the CIO, and the various farm groups.

Mr. ARENS. Then if you are proud of the bill and endorse the bill, what objection do you have to questions with reference to participation in its preparation and the reasons for the views which you have expressed?

Mr. ROSENFIELD. I still say your remarks were snide and contemptuous of the Senator.

Senator JENNER. So far as that is concerned, I heard the testimony and the record speaks for itself. I do not think the statement is borne out from the evidence, that the remarks were snide. I sat through these committee hearings. Mr. Watson Miller is here, Mr. Carusi is here. Mr. L'Heureux has been here.

63475—50——71

Mr. ROSENFIELD. Mr. L'Heureux wasn't here when these remarks were made.

Senator JENNER. At different times.

If you will pardon the interruption now, I would like to make a statement myself.

We have questioned these gentlemen in the various departments of government to ascertain their views. We asked them what they thought about specific legislation. We asked them how they thought the new committee bill compared with the old Celler bill, and we delved into all those various phases.

Mr. Arens has done this at the direction of the subcommittee, and we respect Mr. Arens. He has worked hard at this job. We think he is doing a good job. I do not want any reflections cast on Mr. Arens, because I know he is an honest, sincere man.

After all is said and done, gentlemen, when a committee is in here trying to do a job, and is bucking people and bucking a lobby that has spent a million dollars on sheer propaganda, it is a pretty hard effort.

Senator KILGORE. Just a minute. Does the Senator from Indiana mean to infer that any money has been spent on the sponsors of the substitute bill?

Senator JENNER. I do not mean to infer that at all, but I do mean to say that there has been almost a million dollars spent to propagandize the displaced persons legislature. I mean to say that, and it is a fact, because the record is filed in this Congress.

Senator KILGORE. And you, as chairman, are standing back of the situation? I just want to find your attitude.

Senator JENNER. I, as chairman, stand behind Mr. Arens 100 percent. As far as reflections, innuendoes, and slurs being cast, Mr. Rosenfield, in his testimony, has cast, by the inflection of his voice, as many as I have heard by any Member of the Senate.

Senator KILGORE. Unfortunately, I cannot shout as loudly as you can.

Senator JENNER. I do not want to shout. I want to talk about facts.

Mr. ARENS. Mr. Chairman, if the senior Senator from West Virginia wants to hear this, perhaps he had better remain in the hearing room.

Senator KILGORE. You may prefer to make them in my absence.

Senator JENNER. You had better be present.

(At this point Senator Kilgore left the hearing room.)

Senator JENNER. You may proceed with your statement, Mr. Arens.

Mr. ARENS. That was all I wanted to say on the particular issue that was then at stake. I do, however, in view of the fact that my name was used on some other occasion with reference to some information, want to clarify one or two points.

First of all, Mr. Rosenfield made reference to a letter or information which the subcommittee had when Mr. Celler was testifying. At that time I might interpose this: That while Mr. Celler was testifying, Mr. Rosenfield did just what he did yesterday: interrupted, jumped up, and had to be told to sit down by the chairman.

Mr. ROSENFIELD. I beg your pardon, the record will not disclose that to be true.

Senator JENNER. I was present at the occasion when those things happened.

Mr. ROSENFIELD. We are talking about the occasion when Mr. Celler testified. I came and sat at Mr. Celler's side at his request and with the permission of the chairman.

Senator JENNER. You may proceed, Mr. Arens. Please let the man proceed with his statement.

Mr. ROSENFIELD. I won't permit him to say anything about me which is not true.

Senator JENNER. You are not running this committee. Go ahead.

Mr. ARENS. At that time, I was interrogating Mr. Celler with reference to fraud and false documents. As I recall, Mr. Rosenfield at that time took issue with a line of questioning or what I assume he construed to be an intimation by me that there was a serious problem on false and fraudulent documents; and either on the record or off the record we had a colloquy in which I stated that we did have information to the effect that the false and fraudulent document situation was still in existence and was serious.

At that time Mr. Rosenfield demanded that he be shown a copy of the letter to which I alluded. He also at that time, I believe, agreed, if I am not mistaken—he can bear me out—that he would not be furnished with the name of the correspondent.

Mr. ROSENFIELD. Exactly, but that we would be furnished with a copy of the letter. Has that letter come in?

Mr. ARENS. If you will just permit me to make my statement, Mr. Rosenfield, you can interrupt these other witnesses all you want to, but you are not going to interrupt me.

Mr. ROSENFIELD. Does that follow vice versa?

Mr. ARENS. The letter which suggested the false and fraudulent document situation, I took in to Senator Donnell and showed it to him. He was then presiding at the hearing. It was impossible to take from the letter the information respecting the false and fraudulent document situation without revealing the identity of the individual who transmitted the letter to the subcommittee.

Mr. ROSENFIELD. Mr. Chairman, I don't mean to interrupt, but would it be fair, since we are talking about a letter from me, to read the letter and put it into the record?

Senator JENNER. When he concludes you may do it.

Mr. ROSENFIELD. Thank you.

Mr. ARENS. Mr. Rosenfield stated yesterday, in effect, that there was not much to this testimony which this subcommittee has been receiving over the course of the last many weeks respecting fraud, respecting the infiltration of undesirables. However, I have in my hand at this time a copy of a report which was prepared by Donald W. Main, senior officer, one of Mr. Rosenfield's senior officers in one of the areas there with respect to the weaknesses in the system.

Included in this report, which I shall submit in total for the record, is this statement:

> To illustrate what may occur, and which has occurred because of the inadequacy of the investigations as illustrated above, the following case originating in the Munich area is cited:
>
> A certain Russian-born displaced person, who is well documented by the United States intelligence agencies as one of the top collaborators with the Nazi regime during World War II, and who personally negotiated with Alfred

Rosenberg, Reichminister for Occupied Territories and Administrator of Nazi Germany's racial theories, and other high Nazi officials, to recruit an army of his followers for service with the German Army, changed his name when applying for eligibility under the Displaced Persons Act, selected three favorable witnesses, and was processed through IRO, CIC, the DP Commission, and the United States consulate to the point of visa issuance before the undersigned discovered through an anonymous informant his true identity. CIC officers now have what they consider to be valid evidence indicating that he is a Soviet agent. Had it not been for the informant, this man would no doubt have been admitted to the United States under the program.

Senator JENNER. Will you submit that entire report for the record?
Mr. ARENS. Yes.
Senator JENNER. It will be incorporated in the record at this point.

FEBRUARY 3, 1950.

REPORT OF PREVIOUSLY EXPRESSED OPINIONS OF INADEQUACY OF INVESTIGATIONS REQUIRED BY SECTION 700.7A OF THE REGULATIONS

(Richard J. Dervan, Associate Coordinator, United States Displaced Persons Commission, headquarters; Donald M. Main, senior officer)

Pursuant to your verbal request of yesterday, the following amplification of my report of December 28, 1949, addressed to Mr. Alex E. Squadrilli, Coordinator, wherein it was stated that in my considered opinion, the thorough investigation of the character, history, and eligibility called for by the regulations, was not being made in this or any other area, is respectfully submitted:

The present screening of displaced persons conducted by CIC is, in all but unusual cases, limited to an interrogation of the displaced person and three witnesses selected by him, and a check of the records of the following agencies: Provost marshal division, Berlin document center, police and court records, post provost marshal, central registry, CIC files, others.

With the exception of the check made with the provost marshal, all agencies checks are made by name only. The provost marshal check is made through fingerprint charts, but the fingerprint file of that agency is limited to those persons who have been arrested by military authorities. As may be easily seen, the check of the agencies listed is absolutely worthless, unless it is made in the name used by the individual at the time he came to the attention of the agency concerned. If, at that time, he was using an assumed name or if he is at the present time using another assumed name or a name other than the one used by the agency, any record that the agency may have with reference to him will not be located. The ground check or neighborhood investigation, which consists merely of interviewing the principal applicant and three witnesses selected by him, cannot be expected to reveal any assumed names. In the opinion of the undersigned, only the most stupid of persons having derogatory information relating to him on file with the agencies checked, would attempt to immigrate under his own name, but instead would assume a name, develop three witnesses, and would most likely be found eligible under the act. How many such cases have already successfully been passed, no one knows, but it is believed quite likely that a considerable number have.

To illustrate what may occur, and which has occurred because of the inadequacy of the investigations as illustrated above, the following case originating in the Munich area is cited:

A certain Russian-born displaced person, who is well documented by United States intelligence agencies as one of the top collaborators with the Nazi regime during World War II, and who personally negotiated with Alfred Rosenberg, Reichsminister for Occupied Territories and administrator of Nazi Germany's racial theories, and other high Nazi officials, to recruit an army of his followers for service with the German Army, changed his name when applying for eligibility under the Displaced Persons Act, selected three favorable witnesses and was processed through IRO, CIC, and DP Commission and the United States consulate to the point of visa issuance before the undersigned discovered through an anonymous informant his true identity. CIC officers now have what they consider to be valid evidence indicating that he is a Soviet agent. Had it not been for the informant, this man would no doubt have been admitted to the United States under the program.

To overcome some of the inadequacies of the present investigations and to minimize the possibility of similar errors, it is recommended that a more thorough ground check of neighborhood investigation be conducted. It is believed that the policy of having the applicant present three witnesses should be continued, but that the testimony given by them should be considered principally as a source of leads to more impartial and more accurate information, particularly with reference to any name or names by which the applicant might previously have been known and places of his previous residences. The investigation should then be extended to develop these leads. It is believed that such a procedure, if extensive enough, would in most cases, reveal any attempt on the part of the applicant to hide his true identity or history and would make the agency checks effective, and reduce to a reasonable minimum the possibility of ineligible or undesirable displaced persons being found eligible under the act.

In addition to the foregoing suggested changes in procedure, it is also believed to be advisable to make further fingerprint checks with the German police authorities and with the custodian of the war crimes records. The present agency checks do not reveal records of those persons arrested and/or convicted by German authorities or those who were held or tried for war crimes. The senior magistrate of the military government courts in Munich has also informed the undersigned that there is a central records unit for military government courts where all records of conviction in the United States zone of Germany are consolidated. In view of the fact that displaced persons are constantly moving from one judicial district to another, it is recommended that a check be made with this central records unit.

The law and the regulations, in the opinion of the undersigned, require a thorough investigation into IRO eligibility under IRO's constitution, date of entry, and place of residence on specified significant dates, as well as a thorough investigation into the character and history of the applicant. It is believed that the current procedure which provides for acceptance of IRO's certifications as to IRO eligibility, dates of entry and residence, etc., plus the statement of the individual displaced person on the resettlement registration form, does not wholly fulfill this requirement.

Under current procedures handed down by instruction bulletin No. 3, determination of eligibility as a "displaced person" under IRO's constitution (sec. 2 b) is not made by United States personnel but by English, Dutch, French, Canadian or other international persons. Most of these determinations by international personnel are based upon documents prepared by displaced person employees. The same situation exists as to determinations and certifications by IRO employees as to the requirements of the act relating to date of entry, residence, history, etc.

According to instruction Bulletin No. 3, the certifications of these IRO officials plus the statements of the displaced persons, applicants are to be accepted by the Commission in all but unusual cases as determining eligibility under section 2 of the act. Experience in this area has shown that IRO certifications are, in numerous cases, based upon altered and amended records and upon records of dates of entry and residence based upon nothing more than the statements of the applicants which were made within the month preceding the preparation of documentation. It is the firm belief of the undersigned that the Commission through the use of United States personnel should make all determinations of eligibility under the subsections of section 2 of the act, using IRO's constitution and interpretations thereof as the criteria for determining eligibility under section 2 (b) and using, for whatever worth they may be, the records of IRO to assist in determining dates of entry, residence, and so forth.

Experience in this area and others also points emphatically to the fact that many documents presented as proof of residence and entry to establish eligibility under the act are either fraudulent themselves or based upon fraudulently created records. It is therefore believed necessary to have documents and claims of entry investigated by an experienced United States investigating agency, such as CIC. This procedure has been followed in this area, and many instances of fraud have been detected.

It is realized, that to inaugurate the procedures and policies suggested above, would either require more manpower or increase the length of total processing time. Be that as it may, it is firmly believed that such measures must be taken in order to give full compliance to the requirements of the law and the regulations and to insure that no ineligible or undesirable displaced persons be admitted to the United States under the act.

DONALD W. MAIN.

Mr. ARENS. In addition to that, I want to make one reference on the confidential CIC report which Mr. Carusi chose to refer to in his statement yesterday. If Mr. Carusi has read that report, if Mr. Carusi knows the contents of that report, he would not, I am sure, imply in his statement that the report is of little significance, because it was written or prepared prior to the actual effective operation period of the present displaced persons program under the dislaced persons law.

Mr. Carusi would know, if he has read that report, as is intimated by the fact that he knows the date of the report——

Mr. CARUSI. I will say I have not read it, so we won't have any intimations. I said I knew the general substance of it, hearsay.

Mr. ARENS. If Mr. Carusi knows the substance of the report, he knows that report deals with infiltration of Communist spies and agents, infiltration into displaced persons camps, and he knows of the danger with which this country would be confronted without tightening up on the administration of the displaced persons law.

Mr. Chairman, since this is the only opportunity I have undertaken to avail myself of to make a statement, I just want to make one statement on behalf of the senior Senator from Nevada. I have lived with this displaced persons problem long before the present law was even written. I went with the Senators to Europe. I have been in consultation with these patriotic young men who have come back here at the expense of probably losing their jobs, if not their reputations, by the defamation which has been uttered against them, to tell the facts.

We have had, in addition to the men who have appeared on the public testimony, we have had, as the acting chairman of this subcommittee knows, other affiliates of the Displaced Persons Commission, who have come back here, but who would not reveal their names publicly because they know to do so would mean immediate reprisal.

In my opinion, on the basis of the facts which are before the subcommittee, both in executive session and in public session, every patriotic American in this country ought to get on his knees every night and thank the Good Lord that we have the senior Senator from Nevada who has been waging this fight against tremendous odds and against a million dollar lobby, that has been defaming him from one end of the country to the other.

Back where I come from, Mr. Chairman, they make a distinction between "courage" and "guts." "Courage," back in Missouri, is what it takes to go into a situation if you might get burned. "Guts" is what it takes to go into a situation if you know you are going to get burned, but do not care, because you think you are right.

There is no question but what there is a complete breakdown in the administration of this law, so that black marketeers, subversives, criminals, undesirables, are gaining admission into this country.

The Displaced Persons Commission, instead of discharging its duties in Europe, such as it construes its duties to be, has turned the operation over to former UNRRA employees, social workers, persons of that caliber, who are not concerned primarily with the best interests of the United States of America.

It is a little bit puzzling to me that Mr. Carusi could so vehemently yesterday express himself as opposed to the entrance into this country of criminals and undesirables, and at the same time, undertake to

defend the calculated risk theory under which admittedly a number of persons have gained admission into the United States on whom adverse information was at the time in the files.

It is also a little puzzling to me that a member of the Commission, Mr. Rosenfield, who testified yesterday, would go to New York City on January 15 and state in effect, in undertaking to minimize the seriousness of this program, that there are 10 cases of alleged fraudulent documents or something to that effect, when some months before he knew, or should have known, of hundreds, if not thousands, of cases of fraudulent documents.

Mr. Chairman, I have just one other observation, and then I shall conclude. That is: I think the people of the United States might well recognize that the testimony which has been presented to this committee with respect to the infiltration of subversives, the break-down in the administration of this law, has come from those patriotic young men who are actually engaged in the administration of the program in Europe, from the head of the Immigration Service in Europe, Mr. Tripp, who is a career man.

That testimony which has come undertaking to minimize the threat to this country and the seriousness of this break-down in the administration of the program has come principally from two of the Commissioners, who have spent most of their time right here in the United States.

Mr. ROSENFIELD. Mr. Chairman, may I have the same courtesy of an uninterrupted statement?

Senator JENNER. Yes, you may.

Mr. ROSENFIELD. Thank you.

Mr. Arens has made mention of the fact that a letter was sent, and which he deemed it unnecessary to answer, after discussion with Senator Donnell. I want the record to note that we were never told of the reason for that. To this moment we were unaware of why we received no answer.

I would like to read into the record and have available for the record those letters. The letter is from myself to Senator Donnell. It is dated September 7, 1949, and reads:

MY DEAR SENATOR: During the hearing on displaced-persons legislation on September 1, 1949, at which Representative Celler was the witness, a question was asked of me concerning an alleged 40-percent showing of fraudulent documents. I said, if my memory serves me right, that: (a) This figure was 'phony,' and (b) that it was a percent of a very small and completely unrepresentative portion of the aliens seeking admission to the United States prior to the present displaced-persons program.

I emphasize that "prior to," because it was underlined in the letter—

prior to the present displaced-persons program. You graciously gave me leave to submit a supporting statement.

In the same way, Mr. Chairman, that you are giving me, graciously, leave to read this.

Enclosed you will find a statement by Mr. Carusi, Chairman of the Displaced Persons Commission, dictated and signed on September 1, 1949. You will agree, I am sure, that Mr. Carusi is eminently qualified to speak on this subject.

This authoritative statement confirms my above-mentioned remarks and shows that the 40 percent figure is completely untrue as relates to the then program.

I again repeat that whatever may have been the situation prior to the Displaced Persons Act of 1948, there is no significant problem concerning false documents under the present displaced-persons program.

With reference to the letter referred to by Mr. Arens, an unsigned copy of which he promised to send to us, we are eagerly awaiting its receipt so that we may immediately undertake such an investigation.

The Displaced Persons Commission stands ready at all times to investigate any alleged irregularity and cause swift correction if such allegation be proved to be true.

Again, Senator, with appreciation for the courtesy shown to me at the hearing and for the privilege of submitting this statement for the formal record, I am

Respectfully yours,

It is signed "Harry N. Rosenfield, Commissioner."

Attached thereto is a letter from Mr. Carusi, written in the New York office, just prior to his leaving for Europe, as he testified yesterday, dated September 1, signed by Mr. Carusi as Chairman of the Commission and addressed to Senator Donnell:

DEAR SENATOR DONNELL: I have just been told that at this morning's hearing before the Senate Judiciary Subcommittee considering displaced persons legislation reference was made to the use of false birth certificates and residence documents in connection with immigration to this country under the Presidential directive of 1945.

I do not know exactly what was said, but the report which comes to me suggests that the often-repeated, although completely misleading, statements made last year in this connection are being revived. These statements were to the effect that about 40 percent of the applications under the President's directive were supported by forged or fraudulent documents.

This surprises me very much, as I have talked with the Senate committee staff members about this several times, and I thought they are—or were—aware of the facts. Indeed, it was I who, in your presence on the Rhine trip, first told them about it, and directed them to the consular officer at Stuttgart most familiar with the circumstances. The Senate Judiciary report of last year on the then pending legislation in its reference to this practice, correctly stated that of the birth certificates, etc., filed in connection with applications, 40 percent of those supporting documents were fraudulent. It did not say that all applications had these supporting documents, nor did it say how many applications had such documentation; therefore, it did not intend to infer that 40 percent of all the applications were fraudulently supported, although in debate on the Senate floor this latter statement was made in almost those very words. I impute no ill motive to the Senators who drew this inference from the report, as it is an inference easily to be drawn from the language of the report, especially by one who understandably may not himself have examined into its factual basis.

Mr. Chairman, to save time, may I just suggest that I submit this?

Senator JENNER. Yes. Your letter and Mr. Carusi's letter will be incorporated into the record.

(The letters referred to are as follows:)

SEPTEMBER 7, 1949.

Hon. FORREST C. DONNELL,
United States Senate, Washington 25, D. C.

MY DEAR SENATOR: During the hearing on displaced-persons legislation on September 1, 1949, at which Representative Celler was the witness, a question was asked of me concerning an alleged 40-percent showing of fraudulent documents. I said, if my memory serves me right, that: (*a*) this figure was "phoney," and (*b*) that it was a percent of a very small and completely unrepresentative proportion of the aliens seeking admission to the Untied States prior to the present displaced-persons program. You graciously gave me leave to submit a supporting statement.

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Again, Senator, with appreciation for the courtesy shown to me at the hearing and for the privilege of submitting this statement for the formal record, I am

Respectfully yours,

HARRY N. ROSENFIELD, *Commissioner.*

NEW YORK, N. Y., *September 1, 1949.*

DEAR SENATOR DONNELL: I have just been told that at this morning's hearing before the Senate Judiciary Subcommittee considering displaced persons legislation reference was made to the use of false birth certificates and residence documents in connection with immigration to this country under the Presidential directive of 1945.

I do not know exactly what was said, but the report which comes to me suggests that the often repeated although completely misleading statements made last year in this connection are being revived. These statements were to the effect that about 40 percent of the applications under the President's directive were supported by forged or fraudulent documents.

This surprises me very much, as I have talked with the Senate committee staff members about this several times, and I thought they are—or were—aware of the facts. Indeed, it was I who, in your presence on the Rhine trip, first told them about it, and directed them to the consular officer at Stuttgart most familiar with the circumstances. The Senate Judiciary report of last year on the then pending legislation in its reference to this practice, correctly stated that of the birth certificates, etc., filed in connection with applications, 40 percent of those supporting documents were fraudulent. It did not say that all applications had these supporting documents, nor did it say how many applications had such documentation; therefore it did not intend to infer that 40 percent of all the applications were fraudulently supported, although in debate on the Senate floor this latter statement was made in almost those very words. I impute no ill motive to the Senators who drew this inference from the report, as it is an inference easily to be drawn from the language of the report, especially by one who understandably may not himself have examined into its factual basis.

Now as to the facts as I claim them to be: The vast majority of the applications had no such supporting documents, valid or false. The number of applications which did have such documents and to which the above-named percentage of fraud relates was slightly in excess of 2,000. Consequently, the number of cases involving false documents is less than 1,000. The total number of applications received and considered was about 60,000. Thus, the over-all percentage of fraudulent-document cases was nearer 1½ percent than 40 percent. I should add that this practice was limited almost exclusively to certain displaced natives of Poland who sought to establish eligibility for the relatively large German quota by falsely claiming birth in places such as Breslau, Germany, where subsequent residence in Poland or the use of the Polish language offered no ordinary inconsistency with German birth, and where direct proof from that city in the Soviet zone was not readily available.

After publication of the Senate Judiciary Committee's report last year, I checked these figures with the consul general at Frankfurt and the former vice consul at Stuttgart whose testimony has been quoted. They agreed with my statement of the figures and the scope and extent of the activity.

I am also informed that at this morning's hearing something was said to the effect that this practice is continuing. No other report of that has reached me up to this moment. Naturally, if that sort of thing is going on, we must do our utmost to prevent its success. I wish that the committee had told us about it so we could have looked into it sooner. Be that as it may, I shall look into the matter thoroughly when I get to Germany early this month. As you may know, when we were organizing our overseas staffs, special provision was made for a

technical staff under the Army CIC to handle this type of fraudulent enterprise. Among other things I shall learn how much business has come to this unit and what its findings dictate in the way of future action.

I realize that in my hearsay understanding of what transpired at this morning's hearings, I may have jumped to mistaken conclusions. That is why I am writing to you instead of to the committee, so that if I have been misinformed you can throw this away and not annoy the committee with this manifestation of my impetuosity. However, should it be important to record the facts once and for all, I suggest you ask the chief of the Senate committee staff for the actual numbers upon which he bases his percentages. If his figures and mine agree, there is no issue. If they do not, or if he does not recall them, recourse may be had to the consular records for reconciliation of the difference.

Sincerely yours,

UGO CARUSI, *Chairman.*

Mr. ROSENFIELD. Mr. Chairman, Mr. Arens has referred to a report from Donald Main. I have the highest respect for Donald Main, and I hope, contrary to any implication from Mr. Arens, that he will remain with our staff to the end of our program, and I have so asked him to do.

Mr. Main, at our request, submitted this document. This document, as Mr. Carusi indicated, was submitted to the CIC because it referred to CIC clearances. The CIC has answered it and has said that it does not think it appropirate to use these suggestions.

May I have the privilege of introducing it? I don't have a copy with me. May I introduce the response from CIC to this?

Senator JENNER. Yes.

Mr. ROSENFIELD. I have one misgiving. I do not recall at the moment whether it is restricted, and contrary to the evidence which Mr. Arens has permitted, we don't put restricted evidence in the files.

Some of the witnesses have put in restricted evidence.

Senator JENNER. That will go in the record.

Mr. ROSENFIELD. If the statement is not restricted, we will put it in the record. If it is restricted we will ask that we be permitted to put it in the record.

Mr. ARENS. Will you see that you do that very shortly? We want to get the record to the printer.

Senator JENNER. Sometime today will be all right.

Mr. ROSENFIELD. We may be able to get it within half an hour.[1]

Mr. ROSENFIELD. In connection with the 1947 report that Mr. Arens has referred to, I would like to point out in that connection a very significant factor. The report was constantly used throughout the debate without any reference to the fact that it was compiled and prepared a year before the act was passed. It was only on inquiry by Senator Kilgore that that was clearly illustrated.

Furthermore, the inference was left that since General Clay approved this report there must be something about this program that General Clay disapproved of.

General Clay has approved the substitute bill sponsored by 18 Senators, and Senator Wiley introduced into the record, on page 2509, a letter from General Clay saying:

We respectfully petition the Members of the United States Senate to approve the substitute amendments to the Displaced Persons Act of 1948, presented by Senators Ferguson, Graham, and Kilgore.

[1] The report of Donald Main appears on p. 637.

I think that ought to dispose of that once and for all.

Mr. Arens has quite correctly stated that they have invited everyone to talk on this program, except the DP Commission. We have been asking for months for the opportunity to be heard. Again, unanswered letters. We don't even get the courtesy of an answer, Mr. Chairman.

We have been asking for months for the opportunity to testify. We were given the opportunity to testify just before the record goes to the printer, after all the statements against which our views might possibly have some factual basis, Mr. Chairman, permitting reasonable men to differ, were already used. They were put into the record only after the opposing statements were made on the floor of the Senate.

Why weren't we asked, as a Commission, to comment on them before they were used on the floor? Was anybody afraid of the facts? Why was everyone in the world permitted to testify except the people who had the authority and responsibility under the act to administer the program?

Why were the witnesses that we called here excluded from the room? Why were the witnesses that the committee called here permitted in the room and buzz, buzz, buzz, so that we can be asked questions about it?

I am not so sure but that if Mr. Arens were on the stand he would have to testify that he had disobeyed the injunction of the chairman not to consult with witnesses.

Mr. Chairman, I have never heard anything of this kind before. This is a public hearing investigating the administration of the DP Act. The DP Commission brought people from Europe who could testify as to the truth on this situation, and we were ordered to exclude them from a public hearing, to prevent them from reading a public record of a public hearing, and we were ordered to refrain from discussing it with them.

Now, whether that is gag law, I will leave to other people to decide. It looks to me very much like a star-chamber proceeding, but I will leave that to other people.

The next point I would like to make is a nefarious implication that came from Mr. Arens' statement that only patriotic citizens, that all patriotic citizens must agree with his proposal. Does Mr. Arens say that the 18 Senators who signed the substitute bill are not patriotic? Does Mr. Arens say that General Clay is not patriotic? I will leave that for the judgment of others.

Senator JENNER. Mr. Rosenfield, it is a fact that these 18 cosigners of the substitute bill, after they introduced it, did come in with amendments to tighten the security risk. So, apparently, they, too, are concerned with the operation of this law. Senator Ferguson introduced an amendment to that very extent.

Mr. ROSENFIELD. That is right. I will read the record to speak for itself.

Does Mr. Arens imply that the Right Reverend Msgr. Edward Swanstrom, the executive director of the War Relief Services of the National Catholic Welfare Conference, is not patriotic because he does not support Mr. Arens' proposal?

Does Mr. Arens imply that the Reverend Walter W. Van Kirk, executive secretary of the International Justice and Goodwill of the

Federal Council of the Churches of Christ in America, is not patriotic because he does not agree with Arens? Does Mr. Arens imply that the Reverend Clarence Krumbholz, executive secretary of the Division of America, is not patriotic because he disagrees with Mr. Arens? I of Welfare of the National Lutheran Council, is not patriotic because he doesn't happen to agree with Mr. Arens? Does Mr. Arens imply that Dr. Bernard J. Bamberger, president of the Synagogue Council refer him to the record, page 2508, in which Mr. Wiley introduced a joint letter from those people.

Senator JENNER. Mr. Rosenfield, you are not by that statement also implying that Mr. Tripp and Mr. Cutler, and these men that came back to testify, are not also patriotic; are you?

Mr. ROSENFIELD. No; I think they are all patriotic. I am not implying anybody is not patriotic.

Mr. ARENS. And I did not imply that anybody was not patriotic, either.

Mr. ROSENFIELD. Mr. Chairman, I didn't interrupt Mr. Arens.

Senator JENNER. Yes; let him finish, Mr. Arens.

Mr. ROSENFIELD. Mr. Arens questioned my integrity when he said I should have known on January 15 of certain things Mr. Main reported to this committee. I reported to you, Mr. Chairman, that Mr. Main's testimony was sometime in February.

In your conduct of the meeting yesterday, when Mr. Main arose to discuss the matter—and I am not questioning it, Mr. Chairman; I think you were perfectly appropriate—I don't want to be misunderstood—Mr. Main arose to contribute some facts to that.

As I walked out of the room, Mr. Main said to me—and he is here and he can be asked himself—that that information which was involved and as to which I was supposed to have had some information did not come in until the middle of January.

Actually, he only sent it in on January 13.

I think that would dispose of that factor.

Mr. Chairman, I would just like to get some facts in here. I am referring to things in which my name was mentioned, and I think you will accord me that privilege.

Senator JENNER. I do.

Mr. ROSENFIELD. Yesterday, Mr. Arens raised the question as to the immigration experience of certain people who had been appointed in the period in which I was acting chairman. I believe—and Mr. Arens can be asked himself—that it is Mr. Arens' boast that the staff that is appointed, that is doing this immigration subcommittee work, a terribly important work of recodifying the immigration law, has only one person, and that is not Mr. Arens, who has immigration experience. Before a meeting of the Association of Immigration and Nationality Lawyers of America, the bar association of immigration lawyers, he said people were chosen because they did not have immigration experience.

Now, I would like to come back for just one final moment—I don't want to prolong this; I have a few other items, but we will let them go, Mr. Chairman—to an expression of sadness on the part of the Commission that a distinguished committee of this body, a Committee on the Judiciary, a committee which knows the judicial practice in this country and whose members are distinguished lawyers and states-

men—and I say this in all earnestness, Mr. Chairman—has not had it made possible for it by its staff to have before it the people who could give the Senators some information.

We would let you judge whether they were the facts.

I don't want to dispute with you, Mr. Chairman, whether they were the facts. Certainly it was information. These hearings began in August. We weren't called until yesterday, after all the so-called facts were used as if they had been subjected to the scrutiny to which this committee, I am sure, would want them subjected, the confrontation of people who were at least presumed to know something about it. I think the committee has not been given the opportunity to get all the information.

I think it interesting to note, Mr. Chairman, that—I want it very clear, I am not charging this to the committee at all—as part of the conspiracy to gag this Commission, we have been kept out of hearings. Our witnesses have been kept out of hearings, and out of almost 200 confirmation hearings heard by the Judiciary Committee, there were only 3 in executive session, the 3 members of the Displaced Persons Commission.

There has been a concerted conspiracy to gag the DP Commission. And I am grateful to you, Mr. Chairman, and I want to express publicly our Commission's gratitude to the committee that at long last we have the opportunity to get some facts into the record to dispute all the hogwash that has gone into it.

Thank you, Mr. Chairman.

Mr. ARENS. I understand Mr. Cutler has a few words.

Senator JENNER. Mr. Cutler, will you come forward?

Mr. ROSENFIELD. Mr. Chairman, may I ask one question?

Senator JENNER. Yes; you may.

Mr. ROSENFIELD. Has Mr. Arens obeyed the instructions of the chairman, as we have, not to consult with Mr. Cutler?

Senator JENNER. As far as I am concerned, he has. Of course, I have not attended all the hearings.

Mr. ROSENFIELD. Would Mr. Arens want to put that on the record? I am under oath and I will say that we have assiduously avoided speaking with, talking with, giving the evidence to these people.

Mr. ARENS. Except to edit their testimony.

Mr. ROSENFIELD. That was before the instruction.

Senator JENNER. Mr. Cutler, do you solemnly swear the testimony you will give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CUTLER. I do.

Mr. ROSENFIELD. Excuse me, but has Mr. Arens answered that question?

Mr. ARENS. I am going to answer it my own way. The junior Senator from Indiana is running this hearing.

Senator JENNER. I am running this hearing, and Mr. Cutler now has the witness stand.

Mr. ROSENFIELD. Thank you.

TESTIMONY OF JOHN W. CUTLER—Resumed

Mr. ARENS. Mr. Cutler, I want to ask you: When did you first decide to make any statements this morning?

Mr. CUTLER. I said it last night, I believe, and then I called up this morning and said I would like to make a statement.

Mr. ARENS. What transpired in our conversation with reference to whether or not I should talk to you about anything with reference to what you would say?

Mr. CUTLER. I don't know exactly, but you said you had better not see me.

Mr. ARENS. That I said to you this morning, that you had better not see me? I said——

Mr. CUTLER. I said I don't want to see anybody.

Mr. ARENS. Have I conferred with you in any respect with reference to your testimony?

Mr. CUTLER. No. I am coming to that.

Senator JENNER. You may proceed.

Mr. ARENS. Does that satisfy you now, Mr. Rosenfield?

Mr. ROSENFIELD. I am grateful for the information.

Since the question has been asked, is that true of Mr. Cutler, Mr. Craig, Mr. Main, Mr. Vaughn, since the Senator who was then presiding instructed Mr. Arens and any member of the staff not to consult with these people?

Senator JENNER. That was the instruction as I understood it.

Mr. ARENS. They have not testified since then.

Mr. ROSENFIELD. That is not the question I asked. I asked: Have either you or any of your staff consulted with these people as you consulted within 2 minutes after the chairman made the instruction, publicly, right there?

Senator Eastland said you were not to consult with them. You called them in and sat down and buzz, buzz, buzz, buzz, and then the questions were asked right there.

Senator JENNER. I do not know, of course, but I am informed that that is not true.

Mr. ROSENFIELD. I will be willing to accept Mr. Arens' word.

Senator JENNER. Let us handle this in an orderly way.

Proceed, Mr. Cutler.

Mr. CUTLER. I still don't understand the question. Am I being called a liar. Could that be repeated? I did not get that question.

Mr. ARENS. You have been, as everybody else, bringing the facts in here.

Go ahead.

Senator JENNER. You may proceed with your testimony.

Mr. CUTLER. Before I reply to Mr. Rosenfield's remarks concerning me, of yesterday, there are one or two things I would like to say.

I have sat in this room and the other committee room during a large part of the last 6 weeks and I have listened to a great deal of evidence from both sides. I don't intend to waste the committee's time by indulging in personalities. I have not done so nor am I going to do so, despite numerous attacks on me.

Of all the witnesses that have testified, there seem to be only two singled out for attack, myself and Mr. Tripp, both in prepared state-

ments and verbally. Mr. Tripp has returned to Germany and he cannot defend himself. In my opinion, the only defense he needs is merely to look at his record of service. In fact, I am greatly flattered and I am proud to be classed in the same category.

I have been called at various times rebellious, misinformed, disgruntled, incompetent, stupid, untruthful, and so forth.

Roughly, 90 percent of my testimony was based on documentary evidence. The rest has largely been corroborated by other witnesses on a much greater scale. In fact, there are a great many more witnesses that I would like to have testify in my behalf. Would you like me to name them?

Senator JENNER. You may. You are making the statement.

Mr. CUTLER. I would like to name Mr. Gullion, of Butzbach, Captain Rolak, the CIC, whom I have met only once, but would just like him to testify; Mr. Brildy, of CIC; Mr. Henry, of CIC, and quite a few others that I haven't got written down here, but if you want me to bring it out later, I will.

I don't have a staff of people to prepare my statements, to edit them for mistakes, to correct my grammar. In fact, I don't even have a typewriter. The only person I have to help me is my wife, as Mr. Bashein pointed out the other day. Let me add also that Mr. Arens has had nothing at all to do with this statement in any way, shape, or fashion. That was written early this morning, 6 o'clock.

In answer to Mr. Rosenfield, it appears that I have committed an act of treachery by speaking to the chairman of the United States Senate Judiciary Committee. I gathered the impression yesterday that the United States Senate Judiciary Committee was regarded as a sort of rival gang. I used this word before I used it today. I gathered that I had committed an unpardonable sin by my actions. In fact, I have been accused at different times by both Mr. Bashein and Mr. Rosenfield of disloyalty to the Displaced Persons Commission. I replied then, and I reply now, that if I ever think there is any conflict between any agency and the United States, my first loyalty lies with the United States. That is the essence of the entire problem.

I spoke to Mr. Squadrilli December 16, 1948, regarding the situation at Butzbach. I was severely reprimanded for not going through channels, that I had my order from Mr. Bashein, and that I was to obey them or else.

I asked to speak to Mr. Carusi, as was brought out in the letter the other day in Mr. Bashein's testimony on that point, but I was told I had to speak to Mr. Squadrilli.

I thought then, and I think now, that the root of the whole problem lies in the complete acceptance of the applicant's date of entry. It was obvious to me and to others, to many others, that when the applicant's first date of registration with IRO was in 1948 or 1949, the case might warrant further investigation.

At this point let me say that when this procedure was initiated in the Munich area last October, the results more than bore out my belief. See Mr. Tripps' testimony, Mr. Main's testimony, and my own testimony; which is untruthful, and I am stupid. As you can see in much of the testimony here, it has been borne out all along the line.

However, in Butzbach in 1948 and early 1949, when the program was starting, we were not permitted to do that. So I have no definite proof then. Therefore, I returned to the United States in January 1949. I discussed with my family and friends the situation. One of them, who knew several members of the Judiciary Committee, suggested that I discuss it unofficially and informally with Senator McCarran as a representative of the United States Government. I merely told him one or two of my ideas, which the Displaced Persons Commission did not seem to agree with. However, let me stress again, at that time I had no proof; nothing concrete; just suspicion.

I have been asked: Why did you not resign? I was about to resign in July 1949, but instead I was transferred to what has been generally admitted by everybody concerned to be the best area in Germany, the Munich area. I was asked if I would see Senator McCarran when he was in Munich October 3. I did so, and at that time made a formal statement. To the best of my knowledge, none of the Commissioners have been in Europe for many months previous to that time; certainly not in my area. I spoke to Senator McCarran as a citizen of this country, because I felt it was my duty to tell a representative of the Senate Judiciary Committee the facts as I saw them.

When Mr. Carusi came over a few weeks later I told him that I had spoken to Senator McCarran, and I went over briefly what had occurred.

When Mr. Rosenfield came over in November, I went into the details of the entire situation. In fact, I was later called to Frankfurt, on December 4, for a 5-hour conference with Mr. Rosenfield, Mr. Kaplan, Mr. Squadrilli, Mr. Bashein, and Mr. Ryan. Nothing since that has been done, so far as I know, to rectify the situation, despite what I had said. My one hope has been that the result of these hearings and investigations would bring about a program that would not jeopardize the security of my country.

Whatever bill is passed is comparatively of little importance, whether it is the Celler bill, the Kilgore bill, or the Cutler bill. I think the first two points that are absolutely mandatory are, first, that the burden of proof must be on the applicant in every case, and, second, that any doubt must be resolved in favor of the United States.

Since the Commissioners seem to ignore my testimonial proof, as well as others, that many questionable people of extremely doubtful character have been entering the United States under this program when in the majority of cases it could have easily been avoided, I have done everything I could in the best interests of the United States.

And as it seems to have been of no avail, I am hereby resigning.

Let me just add in doing that that I have no immediate project of further employment.

Senator JENNER. Mr. Cutler, Mr. Arens would like to ask a question.

Mr. ARENS. Would you give a little of your personal background, Mr. Cutler?

Mr. CUTLER. I went over that the other day, Mr. Arens. I don't think there is anything more to add on that. I am kind of mad, so I don't think I could go over it very clearly.

Senator JENNER. What position did you hold with the Displaced Persons Commission, if any?

Mr. CUTLER. First I was a selector and then I was an analyst, Mr. Chairman.

Senator JENNER. Have you been stationed in Europe?

Mr. CUTLER. Yes, sir.

Senator JENNER. Have you been stationed there all the time that you worked for the Displaced Persons Commission, Mr. Cutler?

Mr. CUTLER. Except, well, since February 2, when I came back.

Mr. ARENS. Mr. Cutler, after your testimony with Senator McCarran in Europe was released, did you have occasion to be called in to Frankfurt for consultation on that matter, on the matter of your releasing testimony?

Mr. CUTLER. Yes, sir; I did.

Mr. ARENDS. Would you just tell the committee what transpired there?

Mr. CUTLER. Well, we went over the facts.

Mr. ARENS. With whom? Who was there?

Mr. CUTLER. Mr. Rosenfield, Mr. Bashein, Mr. Kaplan, Mr. Squadrilli, and Mr. Ryan went over the statement or as many of the statements as I could remember that I had told Senator McCarran. As I had no transcript of what I had told Senator McCarran, it was, naturally, not verbatim. I might have told one thing that I hadn't told before, or vice versa. It was almost identically the same, to the best of my knowledge. We went over these cases that I have brought up, that I had disagreed with personally, that I thought that I was right in disagreeing with. Many of the cases didn't concern me at all, but I had talked with other members of the Commission about it who worked with me, and they showed them to me.

I think that the fact that speaking to Senator McCarran—I just don't understand what is the whole situation. I thought we were all working together in this country. And Senator McCarran is the head of the Senate Judiciary Committee, to the best of my knowledge. Is that right?

Senator JENNER. That is right.

Mr. ARENS. How does that bear on the conference you had there? Were you reprimanded for talking to him, or what happened?

Mr. CUTLER. I was charged with disloyalty to the Commission, and I replied then, as I reply now, that when there is ever a doubt in my mind, my first loyalty is to the United States.

Mr. ARENS. And was any explanation given as to why you were charged with disloyalty to the Displaced Persons Commission?

Mr. CUTLER. Well, the reason that I hadn't gone first to Mr. Carusi, or first to Mr. Rosenfield. However, as I said, I had gone to Mr. Squadrilli and attempted to see Mr. Carusi a long time ago, and I was told I had to go through proper channels. I considered that if I went through proper channels I would never have seen Mr. Carusi or Mr. Rosenfield, or I would promptly have been discharged on the spot. That was my consideration.

Mr. ARENS. Were you in that group of selectors or analysts who went to Frankfurt to protest the operation in a certain area?

Mr. CUTLER. Yes, sir; I was.

Mr. ARENS. What area was that?

Mr. CUTLER. That was the Butzbach area.

Mr. ARENS. Who was the senior officer there?

Mr. CUTLER. Mr. Bashein.

Mr. ARENS. What was the basis for the protest?

Mr. CUTLER. The basis for the protest was, as I have said there, that there were certain cases in which I had doubts and suspicion and was in many cases quite positive, in fact, that the person might have been ineligible and that his statement, that the IRO statement that the man had come in before 1945 was not backed up by sufficient proof, and I would have liked to question those cases.

Mr. ARENS. When was all this?

Mr. CUTLER. That was December 16, 1948.

Mr. ARENS. Prior to January 15, 1950, what was the false and fraudulent document situation in the European operation of the displaced persons program?

Mr. CUTLER. Prior to——

Mr. ARENS. Prior to January 15, 1950?

Mr. CUTLER. Well, as I said, until October 1949 there was no proof. I think there were 10 cases mentioned in some area which didn't concern me. But many people had doubts, myself, being one of them, and, well, at least—I don't know how many there were, but if I went into it I could give you the names of the people and I think they will come back and say they had doubts, too. And in October 1949 we initiated the program.

Mr. ARENS. Initiated what program? Was it generally known among the employees of the Displaced Persons Commission that the false and fraudulent document situation was serious prior to January 15, 1950, or not?

Mr. CUTLER. Well, it doesn't seem to have been serious here, but I had considered it serious in my opinion, yes.

Senator JENNER. What was the situation in your particular area? Would you tell the committee that, please?

Mr. CUTLER. Could I read a statement here that I wrote in October, I believe, or November 1949?

Senator JENNER. You may.

Mr. CUTLER. In October 1949, the policy of holding for interview those cases of late registration with IRO was initiated in Munich, provided that there was no documentary proof of residence, such as a police certificate. In those cases where there was documentary evidence, these were sent to CIC with a special form asking them to please check the validity of the enclosed documents.

In November, it was decided that a representative of the DP Commission be sent to the various IRO centers to check the files on the cases where there was no documentary evidence.

Accordingly, I was sent to the Luitpold Kaserne in Munich, where I proceeded to examine the CM–1 forms and any other pertinent data to be found in the IRO records of more than 300 cases.

The CM–1 form is a form that IRO has, in which they receive their records. Well, it is the IRO records, the CM–1 form, of each applicant. In the vast majority of cases, there was nothing but the CM–1 form of any value as documentary evidence, and this was usually very incompletely filled out. The form was filled out in general early

in 1948. In very many cases the statement of residence in the years prior to 1946 was based entirely on the applicant's statement.

Until November 1949, this had been accepted as sufficient proof to establish the applicant's date of entry in complete contradiction to the DP Act, which states that:

> The burden of proof shall be upon the applicant.

Insofar as I am aware, the IRO certification still continues to be accepted in the other areas. In some of the cases at Luitpold Kaserne there were DP–2 cards in addition to the CM–1 form. These were also almost always incompletely filled out. Most of them were unsigned by the registrar. Nor were the medical clearance certificates filled out on the back.

In the other centers I visited, Ulanen Kaserne and Gauting, the situation was similar except that the majority of files contained DP–2 cards. In very many of these cases the DP–2 card gave the first date of registration as 1946, yet the CM–1 form would certify that the applicant was in Germany in 1945.

I examined more than 300 cases in Gauting. At least half of them gave cities in eastern Germany as their place of residence from 1945 to 1946. There was no proof in any of these cases to show that the applicant actually was in Germany in 1945, other than his own statement.

In all the cases where the applicant had documentary evidence of his being in Germany in 1945 or claimed to have been in the United States zone since that date, it was sent to CIC so that they might establish the authenticity of the above-mentioned documents.

On January 9 I was told by IRO that I would not longer be allowed access to their files except in special cases, and then only under the supervision of an IRO official. The next day CIC was also refused the right to inspect their records. I understand that this was later rescinded, but not so far as the DP Commission was concerned, as far as I was concerned.

Senator JENNER. Thank you, Mr. Cutler.

Mr. Rosenfield has asked for a minute. Go right ahead.

Mr. ROSENFIELD. Mr. Cutler said he was afraid of reporting this stuff because he would promptly be put on the spot and perhaps discharged. Mr. Cutler apparently wasn't afraid of being discharged when he came to me personally and asked for permission to come to the United States when his wife was giving birth to a baby. Mr. Cutler wasn't worried when he came to me, also out of channels, and asked me to clear up his financial channels in connection with reimbursements by the Government.

And all I am saying and I repeat now if he was interested as much in the security of the United States as he was in a couple of bucks in his pocket, the least he could have done was told us something about it so that we could do something about it. In fact, we have been yelling for an opportunity to talk to the Senate. I am the last person in the world to say that a person could not talk with the Senate.

Second, I want to point out it was I who interviewed Mr. Cutler when he was employed.

I think the record ought to make perfectly clear this fact: Mr. Cutler has told he couldn't see Mr. Carusi. Certainly Mr. Carusi didn't tell you that.

Mr. CUTLER. I didn't say he did.

Mr. ROSENFIELD. I am sure you didn't.

Another point, I wasn't quite aware of that, he talked about the Cutler bill. I wasn't quite aware that Mr. Cutler was already a Senator.

But the only point I want to make is that we were all working together—said Mr. Cutler—except Mr. Cutler. If he felt as intensely as he did, and he did, I am not in any sense questioning his intensity. Again, it was I who interviewed him for employment. It was I who arranged for his coming back to be with his wife. It was I who got him his couple of bucks, which apparently was more important to him than the security of the United States.

What I am saying, Mr. Chairman, is that we have never been given a break to deal with some of these things that people have been complaining about, and I thank you for the opportunity of appearing before the committee.

Mr. CUTLER. Can I rebut that?

Senator JENNER. I would like to close the hearing, but you can have 30 seconds.

Mr. CUTLER. It would take me a lot more than 30 seconds to rebut that. We would have to look at the record, which I intended to put into the record later on this whole thing, of my family and everything else that Mr. Rosenfield has said.

Mr. ROSENFIELD. I didn't accuse you of any impropriety.

Senator JENNER. At the moment, Mr. Cutler has the witness stand. You go right ahead.

Mr. CUTLER. I would just like to say one thing: That the reason I didn't go to Mr. Rosenfield was that I didn't feel it would have been of any use to have done so on this program, because I didn't think he would have agreed with me. I think he felt the same way as all the testimony has shown.

Mr. ROSENFIELD. Did you ask me?

Mr. CUTLER. Well, that is the main point and I will have to get the record and the whole testimony on the business of the couple of bucks.

I wouldn't want to have it to have to go in. It might be a little embarrassing to the DP Commission if I went into the facts of that case. If they would like the whole record established, the whole documentary evidence, I am perfectly willing to put it into the record.

I would like to put that whole thing about the couple of bucks in the record.

Senator JENNER. You may.

The committee is adjourned, and all those who have been subpenaed are released by the committee.

(Thereupon, at 11:55 a. m., the committee was adjourned.)

DISPLACED PERSONS

TUESDAY, JANUARY 3, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE
DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

EXECUTIVE SESSION

The subcommittee met, pursuant to call, in room 409, Senate Office Building, Senator Pat McCarran, chairman, presiding.

Present: Senator McCarran.

Also present: Richard Arens, staff director of the special subcommittee.

The CHAIRMAN. You may proceed, Mr. Arens.

Mr. ARENS. Will you kindly stand and let the Senator swear you?

The CHAIRMAN. You do solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

The WITNESS. I do.

Mr. ARENS. Mr. Witness, you have asked that your name not be revealed, but you have stated that the information which you shall hereafter give to the committee may be used by the committee for its purposes; is that true?

TESTIMONY OF A FORMER EMPLOYEE, DISPLACED PERSONS COMMISSION

The WITNESS. That is true; yes.

Mr. ARENS. Will you give us your address, please?

The WITNESS. Washington, D. C.

Mr. ARENS. You have recently returned from Europe, where you were an employee of the Displaced Persons Commission?

The WITNESS. That is correct.

Mr. ARENS. Were you in Europe during the visit of Senator McCarran, when he was investigating the displaced-persons situation?

The WITNESS. Yes.

Mr. ARENS. Would you tell the committee what instructions, if any, were given to the Displaced Persons Commission employees with reference to Senator McCarran's visit and the information which he was seeking in that visit.

The WITNESS. Senator McCarran, at the time of your visit to Europe, I happened to be stationed in ————— and there was a senior officer in charge of that particular area who called a meeting of the

staff members of that particular office and informed us of your proposed visit.

The CHAIRMAN. Now, in whose employ or in what capacity did your superior serve?

The WITNESS. He was senior officer at the Displaced Persons Commission in charge of the area.

The CHAIRMAN. Very well.

The WITNESS. I might add that the area included all of one country, any place, any camp where there might be displaced people. That came under his jurisdiction.

They finally were were brought into ———— for embarkation to the United States. That was the port of embarkation.

Now, 2 or 3 days prior to your visit, Senator, we were informed in an open meeting of the staff members that you were coming down and that you had formed an opinion that perhaps things were not going as well as you would like them, and that you might possibly ask some of the individual members some very pertinent questions as to the operations. And we were informed by our senior officers, at that time, that we should be very guarded in our answers and not to volunteer any statement to you; that we would be "privileged to answer any nondebatable question"—I am quoting word for word now—

But to be very guarded in what we said, because we had to look upon it from this angle: that we had jobs there, we were on the pay roll, and if anything should happen to upset the applecart, we may not have those jobs.

The CHAIRMAN. Was he there on the occasion when I met with the group?

The WITNESS. Yes, sir.

The CHAIRMAN. Was it he who answered my questions?

The WITNESS. He answered some of your questions. If you will remember, he was rather a very heavy-set broad-shouldered man.

The CHAIRMAN. Yes; I remember him very well.

The WITNESS. He spoke very rapidly, very animatedly.

The CHAIRMAN. Took possession of the whole scene, in other words?

The WITNESS. That is right.

The CHAIRMAN. All right.

Mr. ARENS. Mr. Witness, how long were you with the Displaced Persons Commission in Europe?

The WITNESS. Approximately 10 months.

Mr. ARENS. And would you tell us the experience you had in various assignments with the Displaced Persons Commission?

The WITNESS. Well, I was first detailed to Frankfurt, Germany, but after a period of 4 or 5 days I was sent down to Munich. And I was assigned to a Mr. Donald Main,[1] senior officer, a former Immigration man from Kansas City; and incidentally a very fine person. He has a very efficient operation there.

The CHAIRMAN. In Munich, Germany?

The WITNESS. Yes; I met him in Munich. He has a very brilliant staff of men around him; I think the highest class of men on the DPC pay roll in Europe. And I was told later on that Mr. Carusi was very grateful and thankful that he did happen to have such an efficient operation as that in Europe.

[1] For the testimony of Donald Main, senior officer, Displaced Persons Commission, see p. 557.

The CHAIRMAN. That is the only efficient operation that I ran into.

The WITNESS. That is right. That bears out what I said.

And I remained in Europe for approximately 5 months and learned quite a lot about the operation, the procedure, and the processing of the various forms. And I might say, there, that that was the only place where we selectors, when a question of doubt arose in our mind as to the eligibility of a displaced person, were permitted to call that person in for a personal interview. And that, to me, was a very fine arrangement.

The CHAIRMAN. Now, when you use the term "eligibility," what do you have in mind?

The WITNESS. Well, mostly, or primarily, the entry dates. That was one of the main things that we had to guard against.

The CHAIRMAN. Did it have anything to do with the national safety of America?

The WITNESS. If we saw or detected in the IRO registration resettlement form that the man did have a police record or there was something about his character that we didn't like, we wrote up the report and forwarded it to the CIC, the Intelligence Branch of the Army, and they in turn made a field investigation and furnished us with a report of their findings, and upon receipt of that report, we either rejected or approved the application of this immigrant.

The CHAIRMAN. When you rejected or approved, to whom, if anyone, did your rejection or approval go thereafter?

The WITNESS. It first went to the senior officer.

The CHAIRMAN. Who was that?

The WITNESS. Mr. Donald Main. And he went over our findings, and it was his prerogative and authority to state whether we were right or wrong in our assumption. If he agreed with us, that was then forwarded on to Frankfurt for final decision.

The CHAIRMAN. And to whom in Frankfurt?

The WITNESS. Well, there were two or three men. They made some very rapid changes there. First, there was a man by the name of Shirk.[2] I think he is now in Washington office and then there was another man by the name of Shouse.[3] Now they have a man there whose name I think is Bernstein or Bornstein;[4] and he reviews the findings of the man in the field office.

The CHAIRMAN. Who is the head of the Commission in Frankfurt?

The WITNESS. Squadrilli.[5]

The CHAIRMAN. All right.

The WITNESS. He is a former UNRRA employee.

The CHAIRMAN. Are these not all former UNRRA employees, of whom you have made mention?

The WITNESS. No, sir. I think of the six senior officers there were two who were not former UNRRA employees.

The CHAIRMAN. I am asking these questions out of order, if you please, because I want to bring this out. In your experience, did you have occasion to observe, where the field officers, such as Mr. Main and others, had rejected an applicant that Mr. Squadrilli's office reversed

[2] Elliott Shirk, Chief, Resettlement Division, Displaced Persons Commission.
[3] Dwight Shouse, former selector at Frankfurt.
[4] Hyman Bornstein, Displaced Persons Commission review officer at Frankfurt.
[5] For the testimony of Alex E. Squadrilli, see p. 828.

the order and then directed that the findings of the field officer be withdrawn from the files?

The WITNESS. Yes, sir. That happened right in Munich.

The CHAIRMAN. How often, to your knowledge? Was it general?

The WITNESS. This is a general answer I am going to give you, too. I would say that approximately 15 percent of the objections were overruled by Squadrilli and sent back to us for reversal. And at one time—I never did get the actual facts at the bottom of the case—but there was one time there, where we were instructed to withdraw hundreds of files, to get them out of the way. I forget who was coming to see us at the time.

The CHAIRMAN. To withdraw hundreds of what files?

The WITNESS. Of personnel files, of these DP people.

The CHAIRMAN. In other words, files of rejection?

The WITNESS. Of rejection, yes, sir.

The CHAIRMAN. In other words, when a field officer found reason for rejection and put that into the file, he was ordered by Mr. Squadrilli or some of his people under him to withdraw his rejection and the reasons therefor?

The WITNESS. Yes, sir.

The CHAIRMAN. Is that correct?

The WITNESS. That is correct; yes, sir.

The CHAIRMAN. Will you please proceed?

Mr. ARENS. Mr. Witness, what percentage of the employees of the Displaced Persons Commission are in the foreign born or alien category?

The WITNESS. Approximately 35 percent; maybe more, but that is a fair answer.

Mr. ARENS. What is the nature of the work which they perform?

The WITNESS. The majority of them are so-called selectors. Some of them are interviewers. And that is a very important position. If a man happened to be a Croat and was in the capacity of an interviewer, if he had some Croatians come in, there was no reason in the world why he wouldn't favor them. If the Serbs came in—those are two nations that hate each other and have for thousands of years—he would just turn down all the Serbs.

Mr. ARENS. Now, would you express yourself in your own way and in as much detail as you can on the false and fraudulent document situation as it prevails in Europe, with reference to the displaced persons?

The WITNESS. Well, as you know, there are several agencies who act as sponsors for these DP's, and when they give an assurance, it is turned over to the IRO. The IRO calls the displaced person forward for screening, and after the papers are processed, they are then forwarded to the DP Commission and the first step in the operation is selection. If, at that stage, the person is accepted, he is then passed on to the analyst, who reads the selector's report and checks it for its accuracy against the IRO registration resettlement form. The analyst then writes up his report, providing he finds nothing wrong with that particular person, and that case is then sent on to Frankfurt. It is approved there and sent back to the particular field office. The papers are then passed to the American consul, who interviews that DP. He is given one more medical examination, to make definitely cer-

tain that the person hasn't contracted a disease during the interim between the original screening and the time of this last interview.

If the American consul sees fit, he issues a visa, and the person is then sent on to either Bremerhaven or Naples for immigration to the United States. But at both those points he must pass through the immigration officials and they also have the authority to reject, providing they find something wrong with the person.

Any person who was doing the selection with a reasonable amount of common sense can detect immediately whether or not the answers as given by the DP to the IRO are either correct or fraudulent. In that event those working in the Munich office, as I stated before, have the prerogative of calling the displaced person in for a personal interview, at which time he is really given a going over. But in my area that procedure doesn't work out. The selectors are not permitted to interview the displaced person. He must forward his report along to what is known as the security department, and the DP is then called forward for interrogation and is interviewed by two men who are assigned to that particular activity.

Incidentally, I don't know the name of one of those interviewers, but he is a foreign-born person and speaks very broken English. The other man is an Irishman from up in Boston. He is very good, too.

In my observation and screening of these papers in the ———— area, the thought always stood out in the back of my mind that a great many people were coming in with fraudulent entry papers, at a date away beyond the date as prescribed in the Displaced Persons Act. As a matter of fact, I found many, many of them that had entered in 1949 and became the concern of the IRO.

Mr. ARENS. Well, now, where did these people come from?

The WITNESS. A great many of them, particularly one race, are coming. I have no documents to substantiate this statement, but a great many of them are coming from Israel into a town on the border. And it is generally acknowledged by all of the DP members that papers can be bought very cheaply from the local police.

Mr. ARENS. What percentage, in your judgment as a former affiliate of the Displaced Persons Commission in Europe, of the applicants for displaced-persons status, under the present law, present false and fraudulent documents?

The WITNESS. Well, if we are to include——

Mr. ARENS. I am going to ask you first of all what percentage are detected and what percentage get through?

The WITNESS. Well, in the occupied zone I would say 10 percent would cover it; but in my area I think I would be safe in saying that 50 percent of the documents are fraudulent.

Mr. ARENS. In order that the record may be clear on this, would you restate your answer with reference specifically to the documents, first, which are presented? And then subsequently, I will question you respecting the documents which are caught. Is that what you were speaking of in the first instance? The documents presented?

The WITNESS. What I want to qualify there is that there are some honest mistakes. For instance, if I were to ask you where you were on September 1, 1930, you wouldn't recall; you would have to look back.

Mr. ARENS. Well, may I ask you the question this way: What percentage of the applicants willfully present false and fraudulent documents?

The WITNESS. I would say in the ———— area at least 25 or 30 percent.

Mr. ARENS. Now, in your opinion, what percentage of the applicants are screened out, found to be fraudulent?

The WITNESS. I would say 20 percent.

Mr. ARENS. Then it is a matter of simple mathematics that the remainder have gotten through?

The WITNESS. Yes. That is right.

Mr. ARENS. Would you tell us about the situation in your area, from which you have just come, respecting subversives and the attempts of subversives to gain admission into the United States by way of the DP program?

The WITNESS. Well, it has been my thought right along that the vast majority of the Czechoslovakians are coming into the area with the approval and full knowledge of the Communist rulers of Czechoslovakia.

Mr. ARENS. What do you base that on? Why do you reach that conclusion?

The WITNESS. I base that on this: That 95 percent of the Czechoslovakian so-called refugees are young men from the age of 18 to 25. They appear, on their papers, to have no family connections. Just a very small number have brought along their families. Those I am inclined to believe are sincere refugees. But the younger people have a cut-and-dried statement saying that they are fleeing Czechoslovakia because of fear of communism and a great many of them are students, who want to continue their schooling in this country. And from my personal knowledge and contact with refugees from behind the iron curtain, it is just an impossibility to leave those countries without being detected.

Mr. ARENS. Now, the Celler bill, which is presently pending in the Senate, provides among other things, for the admission into the United States under certain conditions of 15,000 displaced persons from behind the iron curtain who have not yet been displaced. On the basis of your experience and background and information, what observation would you make on that score?

The WITNESS. I would go along with that proposal, because I am firmly convinced that there are a lot of very fine people in Hungary, Estonia, Latvia, Yugoslavia, Poland, and some in Czechoslovakia, who would make good American citizens if they were permitted to leave the countries.

Mr. ARENS. Would you tell us about the security checks which are made in your area?

The WITNESS. The security check is done by the DP Commission itself. The procedure is to write letters to the police department and to the particular locality where the DP may have resided prior to his becoming the concern of the IRO. And further, they also write to Berlin and attempt to have the Berlin document or copies of same sent to the area office. But that is one of the big draw-backs in the operation of the activity, because in a great many instances, they don't even get replies to their requests, and in the balance of the cases, the answers

are more or less vague. It is a very, very unsatisfactory arrangement all the way around.

Mr. ARENS. Mr. Witness, what is the situation with respect to people coming in now into the occupied areas from behind the iron curtain?

The WITNESS. Well, the only ones who are getting in are, in the vast majority, Czechoslovakians.

Mr. ARENS. Well, now, why?

The WITNESS. I have no facts to substantiate this answer, but my theory is that they are coming in with the approval of the Communist government. And perhaps they may be being sent here as agents, to join these "cells," as they call them, here in this country.

Mr. ARENS. What makes you arrive at that conclusion?

The WITNESS. I will go back to my statement that they are most all young men from the ages of 18 to 25 and they are unattached. They have no families with them. They usually come in alone. They don't come in in pairs. And I will go back to the statement that it is just impossible to get out of any of those countries, particularly Czechoslovakia, unless you come with the full knowledge and approval of that Government.

Mr. ARENS. Are the security checks satisfactory in your area?

The WITNESS. No.

Mr. ARENS. In what way are they not satisfactory?

The WITNESS. Well, it causes a constant wrangle among the selectors and the analysts and the security people, there, in the area office. When we get the security reports back, sometimes they are so unsatisfactory that you go to the security man and ask him, "How on earth did you come up with this answer? How did you arrive at this conclusion? I can't pass this case on what you hand me." And then he will usually come across and say, "Well, that is all I can get, and in my opinion, it is O. K." Then, if you will O. K. those papers, there is only one thing left to do, to approve them yourself and send them in to the analyst and let him write it up and approve it. You can't let your personal thoughts or feelings enter into the thing. You have to take what is given to you and make the best of it. And in most cases, that was very unsatisfactory.

Mr. ARENS. What is the procedure to ascertain whether or not a displaced person who applies under the agriculturalists priority is a bona fide agriculturist?

The WITNESS. On the face of the IRO registration resettlement form, it gives you the man's working history for the past 12 years. Then beyond that, it gives you his scholastic record. And unless you are alert and watching for any discrepancies, you will find that a great many who are being sponsored as farmers have never worked on a farm. At least, their record doesn't show that they worked on a farm.

Mr. ARENS. How do they get through? How do they get farmer status?

The WITNESS. I think that fault originates with, perhaps, the agencies who are issuing the assurances and, secondly, it follows up with the IRO, who were not alert enough to detect those things. They should never have named them as farmers.

Mr. ARENS. Well, is any examination made of the man to ascertain whether or not he is a farmer or has had experience in farming?

The WITNESS. None by the DP Commission.

Mr. ARENS. Why not?

The WITNESS. That is a question I can't answer. I can answer that question only in this way: That the procedure and rules of the *modus operandi* of the DP Commission is to accept at face value the statements as made by the IRO. And when they certify that the statements on that resettlement form are correct, that has to be accepted by the DP Commission, unless they detect something very, very wrong with it.

Mr. ARENS. Do you know a woman by the name of Gertrude Ruskin?

The WITNESS. Yes.

Mr. ARENS. Who is she?

The WITNESS. She is senior officer at Stuttgart, Germany.

Mr. ARENS. What do you know about her functioning as senior officer at Stuttgart?

The WITNESS. Well, to give you a little of Miss Ruskin's personal background, she was a former UNRRA employee, and as I understand it, was brought into the DP Commission as a senior officer by Mr. Squadrilli. What her qualifications are for that job, I don't know. I do know this, however, that one Sunday, I think perhaps in July or August of 1949, she appeared in Munich with a displaced person and his wife and three children. This family had all the appearance of being, I might say, a very wealthy family. They were extremely well dressed, had beautiful luggage. And Miss Ruskin demanded that this family be processed immediately that day for immigration to the States, stating that the man had bought airplane tickets and that it was his desire to leave Germany as quickly as possible. She was informed by a member of the DP Commission who happened to be on duty that day that it would be impossible to process this man on such short notice and it was suggested that she contact Mr. Donald Main by telephone.

Upon the contacting of Mr. Main, Mr. Main confirmed the employee's statement that it would be impossible to process the family within a shorter period than 2 weeks. Miss Ruskin then went on back to Stuttgart and the family remained in Munich. The papers were expedited, and within 10 days or 2 weeks, everything was approved, the family appeared at the Munich Airport—but before boarding the plane, the German police appeared upon the scene and arrested the entire family. And it was discovered later that this man happened to be the biggest black-market operator in Germany.

Mr. ARENS. Would you express yourself on the black-market operations?

The WITNESS. It is a deplorable condition. It originates mainly with the IRO.

Mr. ARENS. What do you mean by that?

The WITNESS. I will give you a fairly clear explanation. If you are an American under the military rule in Germany, you are issued a PX [1] card, an AGO [2] card, and, before you are permitted to enter the PX, you must present your AGO card and your passport and also the PX card. An American is permitted to purchase one box of chocolates, and one and one-half cartons of cigarettes each week. But be-

[1] U. S. Army post exchange.
[2] Adjutant General's Office.

fore you can consummate that purchase, the girl or clerk who waits on you insists on seeing all of your credentials, and she punches a hole in the ticket covering your candy ration and tears off a square check covering your cigarette rations.

Now, on the other hand, the employees of the IRO, which, incidentally, is financed 67 percent by American money—and incidentally, 90 percent of the employees are foreign—it is almost impossible for an American to get a job with that outfit—those IRO employees can go into the PX and present lists of names of people who are supposed to be working for the IRO. And for that list of names the employee is entitled to get a carton and a half of cigarettes and a box of chocolates for every name on the list. I happened to stand alongside of one of those employees one day when he filled a canvas bag with cigarettes and Nescafé and chocolate and took them outside and loaded them into an automobile; while I, being an American, had to stand there and present all my credentials to get that carton and a half of cigarettes and the girl very reluctantly let me have them. Many, many times you couldn't get the brand you wanted.

And this is what happens. You can go right out to the DP camp at Dachau and buy all of the American cigarettes, Nescafé, or candy that you want at any time, providing you are willing to pay the black-market price—and there are no questions asked.

Mr. ARENS. To what extent is the black market centered in DP camps?

The WITNESS. Well, in Munich there are two black-market centers. One is in this infamous camp of Dachau and the other is a community in the center of the town on the banks of the Isar River. The black-market operation is conducted solely by one class of DP's.

I might also add for the record that in almost all small German shops Nescafé and American cigarettes can be purchased at any time if you are willing to pay the price. And the price for American cigarettes in Germany is 30 German D-marks, and in Italy, they will run from 300 to 400 Italian lire.

Mr. ARENS. To what extent are the sentiments which you have voiced here today entertained by other employees of the Displaced Persons Commission who are operating in Europe?

The WITNESS. I can't answer that to cover the entire operation, but I will say that the same feeling prevails in Munich among at least 90 percent of the displaced-persons employees.

Mr. ARENS. And what, in essence, would you say that feeling is?

The WITNESS. That the Frankfurt office have reversed too many rejections that have originated in the Munich office and it has created such a feeling that one fellow there actually has kept a record of all his rejections, with the feeling that perhaps he might be called into a hearing when this bill is finished and he will at least have some information, definite information, to offer the committee. That was his reason for setting up that record.

Mr. ARENS. Will you give us the name of that individual.

The WITNESS. Jack Cutler.

Mr. ARENS. And what is his address?

The WITNESS. Munich, Germany.

Mr. ARENS. What is the staff in your area, in comparison with the work load?

The WITNESS. Well, I was requested to go there and help them for a period of 6 weeks. They told me that they expected a boat to be coming into the port within 3 weks from the date this conversation took place and they were very concerned about getting a sufficient number of displaced persons processed in time to get them on this boat. And upon my arrival in ————, I was amazed to find that they had a staff of 53 people. And from February 1949 until September 1949 they had only processed approximately 250 displaced persons.

So I saw that they were working around in circles and I volunteered to jump in there and do anything at all possible in order to get this boat loaded; which we did. We got 800 on that boat. And then we were instructed that there would be another boat in there in another 3 weeks.

Now, let me tell you, to give you a comparison, in Munich, if I remember correctly, we had about 12 or 13 American men, 2 American girls, and probably 20 German stenographers and file clerks, and our average there was 150 complete cases every day. You can imagine my surprise and amazement when I landed in ———— and found a personnel of 53 had only gotten out 250 in a period of several months.

Now, I think that the act itself is O. K. There are a lot of people who would make good American citizens if they had the opportunity to come here, but I would certainly recommend that there be a change made in the European operation, and one of the most necessary changes is as to the method of screening.

I would certainly recommend that a team of real American employees be sent out into these camps and let them do the selection personally. Then call those selected persons forward into the processing centers for further interviewing and the processing of the papers. But I think it should be solely a function of the DP Commission itself; that is, after the agencies, the NCWC [1] and the HIAS [2] and the CWS [3] and a few others have given asurances, you see, for these people. Nothing can be done until that is done. Then bring them into these processing centers for further interviewing and screening, and, if they are found satisfactory as to their morals, their health, the dates of entry, and so on, and so forth, go ahead and write them up. You can have this job done in 5 or 6 months and have the whole crew over here. The way the thing is going now, it is costing millions of dollars.

And I am going to be very frank with you. The employees of the DP Commission in the European theater would like to see that thing continued on, you know. It is their job. They have no other job to go to now.

Mr. ARENS. When is the last time any member of the DPC was over in your area?

The WITNESS. That was along about the 10th of December.

Mr. ARENS. Who was the member that was there?

The WITNESS. Mr. Rosenfield.

Mr. ARENS. And what transpired there?

[1] National Catholic Welfare Council.
[2] Hebrew Immigrant Aid Society.
[3] Church World Services.

The WITNESS. Well, we were also instructed, prior to his visit, that we were to be very cautious about any statements made to him, because there was a general feeling throughout the European theater that there was a sort of feeling existing between him and Carusi and Squadrilli, and we wanted to be very guarded in what answers we gave to Rosenfield, what statements we made to him.

But I was very, very surprised to find that he was going on to Israel. I couldn't connect a visit to Israel with the DP Commission in Europe.

Mr. ARENS. Who was going to Israel?

The WITNESS. Mr. Rosenfield.

Mr. ARENS. You mean from Europe he went on to Israel?

The WITNESS. Yes; he told us he would be back after his visit to Israel, and he told me he was going there to see how the Israelites handle their DP question.

Mr. ARENS. Now, is there anything else you wanted to tell us, Mr. Witness.

The WITNESS. I think that is about all.

As I say, I think that the general public here on this side feels that it is a mighty good thing and that we have room for these people, providing we bring the right ones over.

Mr. ARENS. In order that the record may be perfectly clear, is it agreeable with you for any and all of the information which you have given today to be used by the subcommittee in any way the subcommittee sees fit to use that information, providing your name is not revealed?

The WITNESS. That is right.

Mr. ARENS. All right, sir. Thank you very much.

(Thereupon, at 5:55 p. m., the subcommittee recessed, subject to the call of the Chair.)

DISPLACED PERSONS

THURSDAY, JANUARY 5, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS TO THE DISPLACED PERSONS ACT OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

EXECUTIVE SESSION

The subcommitte met, pursuant to call, in room 424, Senate Office Building, at 10:45 a. m.

Present: Richard Arens, staff director of the special subcommittee.

Mr. ARENS. You may proceed, Mr. Witness.

This is a continuation of the executive session in which the witness was previously identified, a former and recent employee of the Displaced Persons Commission in Europe, who has testified respecting the operation and administration of the displaced-persons program.

TESTIMONY OF A FORMER EMPLOYEE, DISPLACED PERSONS COMMISSION—Resumed

Mr. ARENS. Mr. Witness, I understand that you have brought with you this morning certain documentary evidence which you assert substantiates your previous testimony respecting fraud and maladministration of the displaced-persons program; is that true?

The WITNESS. That is true.

Mr. ARENS. Would you kindly proceed now in your own way to present the matters to the committee?

The WITNESS. I think perhaps it might be well to quote some specific cases. The first will be Principal Applicant Fritz Gintz, age 41; wife Angeline Gintz; Washington Assurance No. A–3330.

Mr. ARENS. May I just interrupt to ask you this question: Could you identify these documents which you have present this morning or the notes that you have this morning with you? Did you make those notes yourself?

The WITNESS. Yes, sir.

Mr. ARENS. And from what documents or from what files were those notes made?

The WITNESS. They were made from the IRO registration resettlement form upon which I was working in Germany and the memoranda were made with the definite purpose in mind of ascertaining just what would happen to these cases, to these typical cases.

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Mr. ARENS. By "typical," what do you mean, Mr. Witness?

The WITNESS. These cases represent just a few of the great many that apparently have been processed and approved by the DP Commission for immigration to the United States.

Mr. ARENS. All right, sir, would you proceed, please?

The WITNESS. This man was born in Arnswahl, Germany. He had become wealthy in the liquor business. When the war broke out he moved to Brussels, Belgium, and remained there, living on his savings, until 1947, at which time he returned to Munich. And it appears that he has been approved for immigration to the United States, will get a free trip, passage paid for both he and his wife, and his papers show definitely that he intends to go into the liquor business in California.

Mr. ARENS. Now, would you point out specifically—I am not quite clear in my mind—would you point out specifically what, in your opinion, is wrong with that particular case?

The WITNESS. Well, in the first place, the man didn't reenter Munich until 1947. The act specifically states he must have been in one of the occupied zones on or before December 22, 1945.

Mr. ARENS. How did that case get through? How do you account for it?

The WITNESS. That, I can't answer.

Mr. ARENS. Then is it your judgment that in this case, which I understand you say is typical of a number of cases, there is a direct violation of the law if this man is being permitted to enter the United States?

The WITNESS. That is definitely a violation of the law if this man was permitted to enter the United States.

Mr. ARENS. Do you know whether he was?

The WITNESS. I don't know.

Mr. ARENS. What is the status of the case?

The WITNESS. He was approved in the Munich office.

Mr. ARENS. All right, sir. Now, you have some more typical cases?

The WITNESS. Another case, European Case No. 26672, Washington Assurance No. A–1067, covers a man who was a patient in a sanitarium from 1945 to August, and he was being sponsored and sent to the United States as a farmer. His destination was 277 East Tenth Street, New York City.

Case European No. 82790, Washington Assurance B–477, covers a Russian Hebrew and his wife, both 77 years old, who are being sponsored and brought to this country as missionaries.

Now, another case, documents were altered as to the date of entry in collusion with an IRO employee. However, these facts were presented to the CIC, who, in spite of the evidence, approved him.

Mr. ARENS. Do you have the name of the IRO employee whom you allege was involved in the collusion?

The WITNESS. No. However, the papers were forwarded to the CIC for their investigation and a CIC Army employee by the name of John Yowosky was assigned to the case and returned a favorable report covering the principal applicant. Mr. Yowosky signed for Capt. B. J. Rolak, who was in charge of the CIC investigations covering displaced persons at Munich, Germany.

The documentation in another case shows that this man entered Germany in September of 1938, and it was concluded that he was not eligible for immigration to the United States under provisions of Public Law 774. It further showed that he was born in Shanghai, China, and he immigrated to Germany in September of 1938. He entered school, and later, in April of 1944, he joined the German Army in East Prussia and remained a German soldier until May of 1945. There is no evidence which would entitle this person to be a displaced person nor a persecutee.

What actually happened was, this principal applicant returned to Germany with the prime purpose of joining the German Army. His parents had formerly emigrated to Canada, and they made every possible effort to have him brought to Canada. However, he was turned down by the Canadian authorities.

From the attitude of the Commission at the time this memorandum was written, it appeared as though he was going to be declared eligible for immigration to the United States.

In another case the principal applicant attended school from 1905 to 1913 and from 1936 to 1942. He was a mechanic in Athens, Greece. In 1942, he migrated voluntarily from Greece to Austria and remained there until 1943. In 1943, he obtained a position in a German armament plant in Berlin and Spandau, Germany, at which places he worked until May of 1945. From 1946 to 1947, he was unemployed in Berlin and Bamberg, also Schleisheim. In 1947, he obtained a position with the IRO in Schleisheim, Germany. This man is not a persecutee nor a DP in any sense, and he was probably in a position in the IRO set-up to assist many other undesirables.

I questioned the eligibility of this principal applicant, and my immediate superior raised the question as to why I questioned him. I pointed out that the man had entered Germany voluntarily, had obtained a position in a German munitions factory, and could have gone back home at any time that he was so inclined. In other words, there is no way that you could possibly classify him as an eligible DP.

Mr. ARENS. What happened on this case?

The WITNESS. I am taking it from what Smith did. Smith said that "the guy is all right and I am taking it from that memorandum," and that guy must have been passed.

Mr. ARENS. All right, sir.

Do you have another case that is typical of the cases that you were talking about?

The WITNESS. Another applicant was a tuberculosis patient in a sanatorium from 1946 up to the time of the processing of these papers, which was in August of 1948. The sanatorium was located at Gauting, Germany. His destination was 3501 West Evergreen Avenue, Chicago, Ill., and he is coming over as an overseer and his sponsor is HIAS.

Mr. ARENS. What happened on that case?

The WITNESS. It got past the Displaced Persons Commission. Whether the United States Public Health officer passed him or not, I don't know.

Mr. ARENS. In order that the record may be perfectly clear, Mr. Witness, you have mentioned these cases are typical, they are typical of what?

The WITNESS. Of hundreds and hundreds of identical cases.

Mr. ARENS. Which are being processed and have been processed in the past; is that right?

The WITNESS. That is correct.

Mr. ARENS. And you are speaking from your personal observation and experience as a selector with the Displaced Persons Commission?

The WITNESS. That is correct.

Another principal applicant was divorced from his wife. He claimed he was in Germany from May until June of 1945. Then he went back to Czechoslovakia and remained there until December of 1947; and in December of 1947, he went illegally to Israel, remaining there until January of 1948, at which time he went back to Czechoslovakia. By some means, he then obtained a position as immigration officer with the IRO, and from January of 1948 to the present time, to the time this memorandum was made, August of 1949, he was stationed at the IRO Area 6 Headquarters, Feldafing, DP camp in Germany.

Mr. ARENS. Will you proceed in your own way? Do you have some more typical cases there, Mr. Witness?

The WITNESS. Yes; we will cite one more case.

The principal applicant is a German national born in the city of Munich, Bavaria, Germany, on February 15, 1922, of German parents. She is of the Roman Catholic faith and the record discloses no evidence of religious or political persecution.

Under date of March 14, 1949, she married a Polish Ukrainian displaced person, who immigrated to the United States on March 30, 1949, or 16 days after his marriage to the principal applicant. It develops that the principal applicant is the mother of an illegitimate child born on February 26, 1945, whose paternity was not established by the record. Now, since she did not proceed to the United States as the dependent spouse of a principal applicant and since she is clearly ineligible as a principal applicant in her own right, it is concluded that she and her dependent child are ineligible for immigration to the United States under provisions of Public Law 774.

I have no documents to substantiate the following statement. However, I had heard it rumored on many occasions that German nationals, both of the female and male sex, would marry eligible DP's with the purpose in mind of being brought to the United States as the accompanying spouse of the eligible DP. In this particular case, it looks as though the principal applicant married this German girl, knowing full well that he had no intentions of bringing her to the United States. Otherwise, he could have, instead of leaving the bride 16 days after the marriage, he could have remained in Germany for a short period of time and had new papers processed and brought her along, and the procedure would have been within the law.

This brings to mind that in my experience it has been brought forcibly to my attention that a great many men, particularly of the Yugoslavian race, are coming to the United States, leaving wives and large families of children. Their claim is that they have no way of contacting them, and under the present set-up, all that is necessary for them to do is to furnish the Commission with a statement to the effect that they are unable to contact their wives and families, and if you read the evidence very closely you can very clearly see that these men are deliberately and purposely leaving these families and coming to

the United States and probably will never see their family again. It is the most pathetic thing I ever saw.

Mr. ARENS. Mr. Witness, do you have any further statements to make respecting fraud in conjunction with applicants who applied as agriculturalists?

The WITNESS. Yes. There is one case, I can't cite the numbers, but it was talked about in the office and discussed quite freely. There was a principal applicant who was sent to the United States as a farmer, and he gave as his destination an apartment house on Fifth Avenue, even citing the apartment number.

Mr. ARENS. Mr. Witness, may I ask you, on the basis of your experience and observations as a former employee of the Displaced Persons Commission in Europe, what information do you have respecting the German expellees, the so-called Volksdeutsche?

The WITNESS. From my observation, this is one of the most unfortunate groups of people in the entire European area. They represent families who had immigrated from Germany to other countries, anywhere from 100 to 200 to 300 years ago. Some went to Hungary, some to Austria, some to Poland, some to Yugoslavia, where they became firmly resettled and were successful in business and agriculture, and I believe that I can honestly state they are on the average a highly cultured and educated group of people.

Mr. ARENS. Are they eligible under the Constitution of the International Refugee Organization?

The WITNESS. Unfortunately, they are not.

Mr. ARENS. Why are they not?

The WITNESS. They are expressly excluded by the constitution.

What is going to happen to these people is a problem. There is some talk about placing all DP persons on the German economy after June 30, 1950. Even though this group of people were of German origin, they are not wanted by the German people. There is no work there for them. They are frowned upon and looked upon as foreigners by the German nationals. A great many of them are highly successful agricultural people, having owned their own farms in the countries mentioned. And if I might express an opinion, I feel that the Congress should give this group of people some consideration. They represent every nationality and faith and religious faith of the various countries from which they have been expelled.

Mr. ARENS. Is there anything else that you have?

The WITNESS. No, sir.

Mr. ARENS. Thank you very much.

(Thereupon, at 11: 15 a. m., the subcommittee recessed, subject to the call of the Chair.)

DISPLACED PERSONS

THURSDAY, JANUARY 19, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT OF
THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

EXECUTIVE SESSION

The subcommittee met, pursuant to call, in the District of Columbia Committee room, the Capitol, Senator Pat McCarran, chairman, presiding.

Present: Senators McCarran, Kilgore, Eastland, Magnuson, O'Conor, Graham, Kefauver, Donnell, Jenner.

Also present: Senator Withers and Richard Arens, staff director of the special subcommittee.

The CHAIRMAN. The committee will come to order.

STATEMENT OF A FORMER OFFICER, MILITARY INTELLIGENCE, UNITED STATES ARMY

Now, Mr. Witness, I understand that you occupied a position in the past that gave you an opportunity to have information concerning this subject.

The WITNESS. Yes, sir; I was G–2 of ——— from 1945 until the autumn of 1946.

The CHAIRMAN. What is G–2?

The WITNESS. Chief of Intelligence for United States Armed Forces there.

The CHAIRMAN. Were you a commissioned officer in the Army of the United States?

The WITNESS. Yes, sir.

The CHAIRMAN. How long have you been in the military service?

The WITNESS. I was in the military service from June 2, 1941, until November 1946.

Senator GRAHAM. Are you still in the Army?

The WITNESS. No, sir; except as a Reserve officer. I am in the grade of ———.

The CHAIRMAN. Do you have a family?

The WITNESS. Yes.

Mr. ARENS. Would you tell the committee the posts or positions which you occupied subsequent to your G–2 post?

The WITNESS. I left G–2 at my own request in order to accept a civilian position of the Civilian Administration and Political Affairs Branch, Office of Military Government. I remained in that post until February of 1948, when General Clay decided to talk back to the Communists and organized the radio station behind the iron curtain which was one of the few instruments of propaganda which has been very successful.

Senator MCCARRAN. Would you in your own way, as you did with me in the brief chat that we had prior to the time you were able to come here to this session, express your views on the proposition of the infiltration of Communists into the DP camps and into the American sectors of the occupied areas?

The WITNESS. I should like to predicate my remarks by saying that I was designated by Supreme Headquarters in February of 1945 to plan with my British colleagues the intelligence phase of the Operation Berlin and entered the city with the troops, entered the city with the first American troops. At that time, we considered our No. 1 intelligence problem that of smashing the last vestiges of nazism, picking up wanted persons, seizing those documents which would be of value in tracing the rise and history of the Nazi party or in the prosecution of those who were responsible for that rise and we had pretty well accomplished our mission.

By early autumn of 1945, it became perfectly clear to all of us that our immediate problem and one of far greater difficulty and importance was preventing the infiltration of Communist agents into our own local installations, into the installations in western Germany which were occupied by the British, American, and French, and into the United States itself. We became convinced with adequate evidence that deliberate attempts were being made by the Soviet Government, by the Polish Government, not only to infiltrate the military installations of Berlin and Germany, but to send people much farther, to the United States, to South America and to Canada, under the guise of being displaced persons or being political refugees.

Mr. ARENS. When did that movement of penetration of these Communist agents get under way? When did it reach its maximum flow? What is the situation now?

The WITNESS. It started before we were aware of it, that is to say, immediately following the contact between the two victorious armies.

I am quite sure that in the early months a great number of people made their way to western Germany, at any rate, where they were able to report on the progress being made under the American military government in, let us say, denazification and economic rehabilitation. We know for certain that these people filtered down and worked in close conjunction with the Communist Party organizations in western Germany and with the Communist Party organizations in France, Belgium, Holland, and Italy.

Mr. ARENS. I invite your attention specifically to the date December 22, 1945. How did the flow of these penetration agents come, in volume, after that approximate time, compared to before?

The WITNESS. I can answer that quickly. It was definitely on the rise on that date. There was a heavy increase in attempted penetration of American installations, and certain things were discovered in the

displaced persons camps in Berlin which needed immediate attention and correction.

We instituted a system of close screening and were able to filter out a large percent of those who were on their way, including recognized Soviet agents, agents of the Soviet of other nationalities, with great sums of money in their possession—with American money, I might add. In the one case, I think, one man had $6,000 in large bills. To the best of my knowledge, there was no decrease at any time while I was still in G–2. As a matter of fact, it is still going on, and that is a matter of record in the Office of the Army Director of Intelligence.

Mr. ARENS. What is still going on?

The WITNESS. Infiltration to the west; border escapees and so forth going into the various displaced persons camps.

Mr. ARENS. When you speak of infiltration to the west, do you speak of infiltration of Communist agents?

The WITNESS. Yes, sir.

Mr. ARENS. To what extent is there present infiltration of Communists as from the east to the west?

The WITNESS. That is a matter I cannot answer except to say it is still of considerable volume.

Mr. ARENS. On the basis of your experience and knowledge of the problem of infiltration of Communists, would you care to express to this committee your appraisal of whether there would be a security risk to this country if we should provide for the admission into the United States of persons from behind the iron curtain who are not yet in the occupied areas?

The WITNESS. I think that there would be a definite security risk, with one exception and that is that our own Intelligence Service should be able to bring people out whom they have in there or people who are serving our interests. I believe that if I were a member of the Soviet intelligence or one of the satellite states, I would welcome such legislation and would see to it that people who could serve me best were gotten into it, were gotten out of my country.

The CHAIRMAN. I would like to have an explanation of that remark, "I would welcome such legislation." Just what do you mean by that, please? You would welcome what kind of legislation?

The WITNESS. Legislation which would permit people who had been behind the iron curtain since the Soviet's aggressive policy of sovietizing the six nations east of the Tatra Mountains and the Elbe River.

The CHAIRMAN. You say you would welcome this legislation?

The WITNESS. Yes, sir; for this reason: Prior to the year 1945, the American Intelligence Services, security forces, were not only not completely aware of the efforts being made to infiltrate American installations and the United States proper but we had not yet set up methods to combat it or to stop it.

Senator DONNELL. Prior to what date?

The WITNESS. I would say January 1, 1946. The British on the other hand had done so. We learned a great deal from them.

If I were, as I say, a Russian, I would want to take advantage of everything which I had found out about the American and British intelligence organizations, about our own diplomatic corps and consular service, about the system of approving passport visas. I would

want to know as much as possible about what the requirements were for an individual to obtain a visa to the United States and admission to the United States as a potential citizen. Then I would select people who most nearly matched those qualifications and who at the same time were perfectly loyal to me.

Mr. ARENS. Under the existing law we have a cut-off date for eligibility of displaced persons. That cut-off date is December 22, 1945, the date prior to which displaced persons must have been in the occupied areas in order to gain eligibility under the law. Do you have any appraisal on the basis of your experience from the standpoint of security as to what would be the probable result if that cut-off date were advanced nearer to the present day?

The WITNESS. I should like to say I know nothing about immigration laws but I do know that since the date you mentioned, December 22, 1945, and the present date, there have elapsed a good many years in which time a lot of people have come from behind the iron curtain who definitely are agents of communism and these people are, despite our contempt for them, intelligent, clever, and fanatic in their belief in communism. There would be no doubt in my mind that as many as possible of such people would attempt to be admitted to the United States under the liberalized laws.

Mr. ARENS. Would there be a greater or lesser security risk to this country if the eligibility date were advanced?

The WITNESS. There would be a far greater risk, because in the intervening years many of those people have established themselves in western Germany, have built up friendships with Americans, which is part of their job, and have pretty well established themselves. Undoubtedly it would be impossible to check their antecedents prior to their coming over the border.

Now such a law would work hardship on a great many people of the kind whom we might want to admit but I think the danger to our own internal security is such that it would be better to work that hardship.

Mr. ARENS. What is your appraisal of the German expellees on the basis of your experience?

The WITNESS. May I tell you a small story about Berlin, which is not typical of all of Germany. We had in Berlin two types of displaced-persons camps, one which was made up of the Christian group and one which was made up of those of the Jewish faith. The one which was made up of those of the Jewish faith was much larger than the Christian group. That is not true of the western zones of Germany where I believe the reverse is true. There are far fewer members of the Jewish faith than there are of the Christian faith. But in our own experience near the so-called Duppel center, which is a camp of about 6,000 near Berlin, mostly escapees from Poland, we had a security problem and we had a problem of crime. In the other camp, which was made up of displaced persons from the Baltic States, mostly Catholic, we had no security problem of any importance and no crime.

Mr. ARENS. What is your over-all appraisal of the German expellees?

The WITNESS. If I were in a position to admit persons to the United States and if I believed in giving any group preference, which I do

not, I would certainly give preference to those ethnological groups of the Sudetenland and of the Baltic States, because the record bears me out that they are more highly skilled, so highly skilled that the economy of Sudetenland in Czechoslovakia has greatly suffered by the loss of these skilled artisans and because they have a record of abiding by the law and the rules of society.

Please do not misunderstand me, the people of Poland who break the law and who have lived as criminals in Germany do so largely because they know nothing else; they have suffered so under the German occupation of Poland that to stay alive they had to become criminals and it destroyed their respect for the law and for society.

Mr. ARENS. Now, would you express yourself on the false and fraudulent document situation?

The WITNESS. We had numerous instances of people who passed through our screening centers being found with false and fraudulent documents or no documentation at all. We had linguists, young men, officers and enlisted men, of incredible ability, and we broke one large ring in Berlin in the spring or summer of 1946 of agents attempting to pass through, because one young man could tell when somebody spoke Polish with a Russian accent. He found at that time a number of members of the Soviet Intelligence Service trying to be filtered through as bona fide political persecutees. They included both men and women. The entire ring, I believe, was broken up and it caused quite an international incident, because in the process of breaking it up we arrested several Russian officers in the act of engaging in espionage in the American forces and that finally got into the newspapers, and you recall that the Soviet in return arrested two of our officers and held them for 6 weeks.

Mr. ARENS. To what extent is this false and fraudulent document situation given momentum by the activities of certain immigrant aid groups operating in Europe?

The WITNESS. Of course, these groups, many of them, are obviously accepting direct governmental assistance, that is from the iron curtain governments. It is possible for any of you gentlemen today, speaking fluent German, to go into Berlin and buy yourself any kind of documents you want.

Mr. ARENS. Mr. Witness, is there any particular agency or are there any particular agencies over there that you can tell the committee about in this executive session which are particularly guilty of this false and fraudulent document practice?

The WITNESS. I do not believe that there are any American agencies which in any way have printed or attempted to print false documents, at least we have no knowledge of that, but we have had experience in the Joint Distribution Committee of members of that committee or employees of that committee advising displaced persons on how they might best evade the immigration laws and the regulations which had been set up for the handling of displaced persons. That is a matter of record going back again to the spring of 1946 when one of my young officers went into the Duppel center as a displaced person and lived there for about a week. This was all reported.

The CHAIRMAN. This was all reported?

The WITNESS. To the proper authorities, yes sir.

Senator GRAHAM. What is the Joint Distribution Committee?

The WITNESS. I cannot give you its charter of organization, sir, but what it has done has been to assist the Jewish refugees who had been persecuted by Hitler. The officer on my staff who came to me and requested the right to make that investigation and who did make it was himself an escapee and persecutee of Hitler. He escaped from Germany in 1936.

Mr. ARENS. Is there any particular group among the displaced-persons element which causes a particular problem from the standpoint of subversive activities or infiltration of subversives?

The WITNESS. Our experience was that those from the Balkans and from Poland were particularly guilty. Any country which had been overrun by the Red Army was suspected. Of course, Czechoslovakia did not fall until after I left.

Senator GRAHAM. What about the little Baltic nations?

The WITNESS. I think the little Baltic nations are among the real persecutees of the world today.

Senator GRAHAM. By both sides?

The WITNESS. Yes sir, by both sides. I think they have been discriminated against by us and they most certainly have been again occupied by Soviet Russia.

Senator GRAHAM. If the date were moved up to a later period, what would you think of those people from Estonia, Latvia, and Lithuania being included?

The WITNESS. I do not think it would help them a bit because I am suspicious of any persons who can now escape the iron curtain countries, unless we are able through our own intelligence network to know who they are and to assist them in coming out.

Senator MAGNUSON. Your organization, you say, aids those escapees, is that correct?

The WITNESS. Not my organization; no, sir.

Senator MAGNUSON. I mean the organization you are with. Did I misunderstand what the purpose was?

The WITNESS. I think we must be twisted here some place.

Senator MAGNUSON. I am talking about the organization you say you now work for. What is that again?

The WITNESS. We assist only national leaders, people like Mikolajczyk.[1]

Senator MAGNUSON. You assist escapees from those countries?

The WITNESS. Yes; but they are people already here in the United States now.

Senator MAGNUSON. You assist them domestically?

The WITNESS. Yes.

Senator MAGNUSON. You assist them financially or any way you can?

The WITNESS. Assist them in finding jobs, giving lectures in universities, writing articles, and that sort of thing.

Senator MAGNUSON. You deal only with national figures?

The WITNESS. Pretty much so. They may also be newspaper editors and things of that sort, but a man who is a democratic character, who is absolutely firmly established.

[1] Stanislaw Mikolajczyk, former Premier of Poland, now a political refugee in the United States.

Senator MAGNUSON. You do not help any in Europe; those are all locally?

The WITNESS. That is right.

Mr. ARENS. You made reference to the intelligence reports which are present in Washington which, as I understood you to say, cover many of these cases and cover many reports. I believe you said every week a report comes back on the situation. Will you tell the committee about the reports, where they are lodged, and what the essence of those reports is?

The WITNESS. I think many of you gentlemen may be familiar with the system of Army G–2 in which a periodic report is required once a week and that is divided into a number of phases. It is a highly classified report. One of the phases of that report is attempted espionage and subversion. Those reports are required of any G–2 any place in the world and find their way back to the Department of the Army, Office of the Director of Intelligence. They should be available there in great quantity, positive evidence of the things which I have told you.

Mr. ARENS. Are those here in Washington?

The WITNESS. Yes, sir.

Mr. ARENS. Do you happen to know the specific office in which they are lodged or the custodian of the records?

The WITNESS. They would be in the Office of the Director of Intelligence.

Mr. ARENS. Do similar reports go to any other agency of our Government here in Washington?

The WITNESS. There is, of course, the Central Intelligence Agency, the Office of Naval Intelligence, and the State Department.

Mr. ARENS. Can you tell us in essence what the reports contain?

The WITNESS. They would give you information on the crime rates and incidence of crime in every DP camp in Germany. They would give you documentary evidence on attempted espionage, on falsification of documents, on the rates of crime, espionage, and so forth in relation to the ethnological group. By that I mean whether they were Slavs or Balts or north Germans or what. It would break that down into considerable detail.

Senator GRAHAM. Which group had the highest rate?

The WITNESS. I do not know, sir. I would not want to comment. I know the picture in Berlin but I do not know the picture for Germany as a whole.

Senator EASTLAND. Which group in Berlin?

The WITNESS. Of course, the Jewish group was the bigger group, far greater, 6 to 1 or more, and they had the higher crime rate there.

Senator EASTLAND. Would it exceed 6 to 1?

The WITNESS. It was greater, I mean the proportion was greater.

Mr. ARENS. What is your observation on the subversive element aside from the criminal element among the ethnological groups in Berlin?

The WITNESS. The lowest crime rates were the people mentioned by the Senator, the Balts.

Mr. ARENS. I did not mean the crime rate; I meant the subversive.

The WITNESS. The same thing is true.

Senator GRAHAM. The Balts have suffered from both extremes?

The WITNESS. That is right.

Senator GRAHAM. They were overrun by the Germans and overrun by the Communists.

Mr. ARENS. Among those groups in Berlin, what group had the highest rate of subversives, Communist agents?

The WITNESS. Escapees from Poland.

Mr. ARENS. What ethnological group?

The WITNESS. These were the Jewish groups from Poland, no question about that, because they were infiltrated by Russian agents to a very large extent or by Poles or by Russians posing as Poles. I think the most obvious answer to that is the recent appointment of the Minister of Defense for Poland, Rokossovsky.[1]

Mr. ARENS. Among those groups which had the highest rate for fraudulent documents?

The WITNESS. The same group. I cannot recall a single incident of fraudulent documents in the other group.

Mr. ARENS. How extensive is that false and fraudulent document situation?

The WITNESS. I do not believe it is nearly as extensive today as it once was for the simple reason it is much easier to obtain legal documents. Western Germany has around 11,000,000 to 12,000,000 displaced persons.

Mr. ARENS. You are including Volksdeutsche in that period?

The WITNESS. Yes, those of German stock who have come out of Czechoslovakia, Prussia, and those of other countries. We must remember now that Germany is a beaten country and has a military government and the officials have done as they have been told. These people have been issued temporary residence cards, food cards, and so forth, and to a large extent have been assimilated into the German society, at least so far as possible to make them contribute something to that society. Checking back on them after 3 years is an impossible task.

Mr. ARENS. Mr. Witness, to what extent is it agreeable with you for the information which you have just given to the committee to be used by the committee provided that your name and identity be not used?

The WITNESS. I have only given you facts, and if my name and identity are not used, you can use the information in any way the committee sees fit.

Mr. ARENS. To what extent is it agreeable to you for the committee in the use of these facts to identify the giver of the facts as one who was formerly with the military government? To what extent could there be an identity without compromising your position?

The WITNESS. I do not think the committee would have to use these at all. I think the committee can go to official sources and get them with little or no difficulty. I would recommend that the office of Mr. Gordon Gray[2] be contacted and I am sure he would contribute anything that is available.

[1] This is a reference to the appointment of a Soviet Russian military officer, Marshal Rokossovsky, as Minister of Defense of Poland.

[2] The Secretary of the Army.

Senator DONNELL. Has Admiral Hillenkoetter[1] any connection with these reports? He is the head of one of the intelligence organizations, is he not?

The WITNESS. I do not know, sir. He was in Central Intelligence.

Senator DONNELL. Where is he now? He is here in Washington?

The WITNESS. I do not know his job, sir.

Senator GRAHAM. In fairness to you, do you not think it would be better to follow that procedure, because if this information were used, every newsman in this Capitol would be on the trail of, who is this man?

The WITNESS. Exactly, sir. I simply cannot have that happen.

Senator GRAHAM. Judging by things that I have seen, things like that do happen.

The WITNESS. Yes, sir.

Senator GRAHAM. It is very regrettable. I am myself somewhat opposed to using anonymous material.

The WITNESS. I am too, sir; and I think that in a discussion of a committee of this kind, if I may be excused for giving my opinion, this should merely indicate where the documented official facts lie and the committee certainly would have the authority to request those facts from duly constituted departments of the Government.

Mr. ARENS. Assuming for the sake of the record at the moment that the committee is unable to secure these records to which you refer, would it be agreeable with you for the committee, if it so desires, to use the information which you have given the committee and identify the source as one who was formerly with G–2 Intelligence?

The WITNESS. I think that is broad enough. However, what I have given you is rather vague. As a trained G–2, I would go after detailed facts and the kind of facts which you could take before a court of law and say, this can be proven.

Mr. ARENS. In order that the record may be perfectly clear on this point, is it your observation on the basis of your experience that Communist agents have been getting into the United States under the guise of refugee and displaced persons status?

The WITNESS. I do not think any American who has not fought the Communists on their home grounds can have any idea of how thoroughly they have infiltrated us and are attempting to infiltrate us and I say that because the type of espionage, the type of subversive activity in which they engage, is so completely foreign to our way of life and to our governmental system that it just is not possible for the uninitiated to feel it. I give my word, gentlemen, that nothing is too low, character assassination, direct assassination, the penetration of your home life, the use of the half truth, and any device whatever which will ruin an individual or a group which is attempting to fight them. That is not a shot in the dark; that I can prove.

I am quite convinced that they are operating a very excellent net in the United States today and that it goes deep into Government and into other places. That is my own opinion, but I have some very good evidence for it.

[1] Admiral Roscoe Hillenkoetter, Director of Central Intelligence.

Senator DONNELL. I did not understand whether the witness thinks that investigation would disclose that among the persons who have come over as displaced persons are Communists.

The WITNESS. I am quite sure of it, sir.

Senator DONNELL. A considerable number of Communists included in the DP's that have come over in your opinion?

The WITNESS. Not a considerable number. It does not take a considerable number. We have so many people here whose deep and unswerving loyalty to the United States is questionable, people who came as early as 1933, people who were born here. And there is no compromise with communism; a person once caught in the net will from that date on be a tool of any of the Communist intelligence services, because if you study the structure of government in the Politburo, you will see that the intelligence agency under Beria [1] has been raised to ministry level, reports only to the top, to Stalin directly and to the Politburo, and then is subdivided into two groups, one concerned with internal security and one concerned with external, and that these two groups infiltrate every office of the Soviet Government.

Anybody who is dealing with the iron-curtain countries must remember that nobody leaves Russia without complete clearance of the Soviet intelligence nor does he go alone. He reports to Soviet intelligence regularly. That means in effect that nobody leaves an iron-curtain country today with governmental approval who is not an agent.

Senator DONNELL. How do they get the reports from this country back to Russia?

The WITNESS. Probably through diplomatic pouch or through unwittting carriers. There are many ways of getting reports. We are getting reports regularly outside of their countries.

Mr. ARENS. I should like to ask you about this date proposition again. I understood you to say a moment ago that no one comes from behind the iron curtain without clearance from the Soviet Government.

The WITNESS. No one who has a passport or visa.

Mr. ARENS. Now when did the influx of the infiltrees begin after the war from the east to the west?

The WITNESS. Of course at the immediate end of the war you had a large influx of people who were escaping the Red army.

Senator GRAHAM. A good many of those were bona fide escapees?

The WITNESS. Yes; I would say most of them were bona fide, 99 percent were, although there were some who were not.

Mr. ARENS. That was immediately at the end of the war?

The WITNESS. Actually, that began before the end of the war as the armies advanced through Silesia and Prussia.

Mr. ARENS. Would you say before December 22, 1945?

The WITNESS. I would say 6 months before that.

Senator GRAHAM. What is the significance of the date December 22, 1945?

The CHAIRMAN. The cut-off date.

The WITNESS. I would say it increased after that date.

Mr. ARENS. The infiltration increased after December 22, 1945?

[1] Marshal L. P. Beria, member of the Soviet Politburo and head of the Soviet Secret Police.

Senator GRAHAM. What security checks would you suggest to us to screen these people, these displaced persons so that we have some assurance that they are not subversive?

The WITNESS. Sir, I think that the intelligence agencies have that pretty well set up. They have fairly adequate screening facilities. They are able to go into the background of a man's life, aside from his documents, by highly skilled interrogation and repeated interrogations over a considerable period of time. I think that they can do an adequate job provided they have the chance, provided nobody goes out without that screening.

Senator KILGORE. Is there not always a possibility that people may have been expelled to get them into the proper zone?

The WITNESS. Exactly, sir.

Senator KILGORE. In other words, is there not a possibility that just as many expellees as refugees may fall within that classification?

The WITNESS. We have found many who were particularly from the more recent countries such as Czechoslovakia.

Mr. ARENS. That would come after December 22, 1945?

The WITNESS. Yes; that would come in the last year or year and a half.

Senator KILGORE. Is it not always a fact that you have a considerable Communist action all over western Europe? You have it in France, Belgium, Luxemburg, Austria, and every place else?

The WITNESS. That is correct, sir.

Senator KILGORE. West of the iron curtain.

The WITNESS. That is right.

Senator KILGORE. So you have to do the same kind of check-up job on those who did not even come out as expellees or refugees. They may be Communists at heart. Is that not right?

The WITNESS. Quite correct. Now each one of these cells organized in western Germany and the western states are closely tied in with the intelligence network.

Senator KILGORE. I am going to ask you one more question. You say that Russian intelligence, both west of the iron curtain, the east, report direct to supreme authorities; is that not right?

The WITNESS. Yes.

Senator KILGORE. Do you not think it is a terrible mistake when we have our intelligence sort of divided up as it is?

The WITNESS. It is a very serious mistake, sir.

Senator KILGORE. That is all I wanted.

Senator KEFAUVER. May I ask a question? Are you in a position to give the committee, either now or the next day or two, your opinion about how this matter should be set up in order to give us the maximum security?

The WITNESS. Sir, there are a lot better intelligence officers than I am.

Senator KEFAUVER. As I understand you to say, as matters now stand, it is difficult, if not impossible, for someone to get by who is actually subversive?

The WITNESS. Of course, you cannot reach into a man's soul, but I think we could screen out all of the really dangerous ones.

Senator KEFAUVER. You mean you think we are now?

The WITNESS. I think we could.

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Mr. ARENS. Do you know of cases in which there were adverse security reports on displaced persons but in which cases they were brought to this country notwithstanding the adverse security reports?

The WITNESS. Yes, sir.

Senator EASTLAND. You mean by the Displaced Persons Commission? Is that your question?

Mr. ARENS. Yes.

Senator KEFAUVER. Do you know where the overruling took place?

The WITNESS. The overruling took place somewhere between the commander of the displaced-persons camp and the United States consulate.

Senator GRAHAM. Who could that have been?

Senator JENNER. It could be any one of three organizations?

The WITNESS. Apparently so. I am not familiar with their structure.

Senator GRAHAM. What three could they have been?

The WITNESS. That would be the displaced-persons counselor, I think he is called, at the camp. As a matter of fact, I went on several occasions and conferred with our camp counselor at the Duppel center in Berlin, which was the bigger one, Mr. Fishbein, and we later worked out a system whereby I think we had pretty good cooperation from them. However, General Howley had also a great deal of trouble there in pilferage, losses of foodstuff, and so forth, until finally he had the whole camp move out of Berlin. I do not mean little losses of food, I mean tons and tons of it, stuff which got out and went into the black market. That is part of the criminal element which was not of any interest to me as G–2 but I do know that these cases have existed where the Counter Intelligence Corps, the CIC, have given adverse reports on individuals who later have been approved and have gone on to the United States.

I think that our intelligence services per se are always subject to overrule, because we have not learned yet to trust them. We do have very adequate, excellent people. We have had a lot of them who were not, but I do know in the general picture wherever American intelligence has been pitted, adequate good men have been pitted against either the German intelligence service or the Russian, we have always won. I think we have been smarter and cleverer.

Senator KEFAUVER. Do you have any idea, off the record if you wish, where it was you got overruled? Do you know whether it was by the Displaced Persons Commission or immigration authorities?

The WITNESS. I do not think it got to the immigration authorities, Senator. My guess would be at the DPC.

Mr. ARENS. You mean Displaced Persons Commission?

The WITNESS. At the center itself, whoever was the representative there.

Mr. ARENS. Is there anything else which you think is pertinent for you to express yourself on to the committee which, as I believe I told you, is considering now proposed amendments to the displaced-persons law?

The WITNESS. Sir, I do not know what the amendments are and I am not familiar with the law, but I should like to recommend to the committee's consideration that any law which is going to admit displaced persons to the United States should take several factors

into consideration: First, no admissions without a thorough screening; second, no admissions on the basis of religious belief.

Senator DONNELL. Just what do you mean by that?

The WITNESS. I do not think that a man's religion or ethnological background should play a major part in whether he is permitted to have an opportunity of becoming an American citizen. On the contrary, the factors which should govern it are: First, can he be assimilated into American society? Second, does he have the proper background that he is a potentially good citizen? And, third, is he politically clean so far as we can determine?

Mr. ARENS. In your judgment on whom should the burden of proof be to establish those facts?

The WITNESS. I think the burden of proof should be on the individual and that the intelligence agencies should determine that. I think always that there should be reviewing authority made up of people whose own roots go very deep in the American soil, American tradition.

Senator EASTLAND. You say what should be made by people whose own roots go deep in this country?

The WITNESS. What I am getting at, sir, is that I have direct knowledge of at least poor judgment being exercised by people who themselves were naturalized citizens.

Senator GRAHAM. I would like you to help me with my problem. I do not want any subversive elements admitted into this country but I do want to admit our share, the United States share, of these unfortunate people. Have you any suggestions to help me when I consider this matter?

The WITNESS. I feel as you do, Senator. Under any system of immigration, it seems to me there are going to be heart-rending cases of people who for one reason or another should be admitted but who may not measure up to what I think the standard should be. If a person has been associated with the Communist Party or one of its organizations, I think regardless of how fine or how contrite he might now be, serious doubt should be placed on his ever being admitted as a citizen. Bring him over for a few months as a visitor, if he wants to come, but as a citizen, no. I know the internal workings of that machine so thoroughly that I do not think anyone can ever escape it. I think many of the people who have been writing exposé books that I have been reading frantically since I have been back are people who "once a Communist always a Communist."

I know the system of inculcating the fear of God into a person by threatening him with exposure or something in his past, threatening his family or members of his family who are still behind the iron curtain.

Senator GRAHAM. That is one of their most powerful weapons?

The WITNESS. It certainly is and one they exercise.

It might be interesting to know that the Soviet Government has finally admitted that they are running a concentration camp in Germany, admitted it on the 4th of July. Sachsenhausen has over 18,000 inmates today and a concentration camp is a concentration camp, no matter what you call it.

Those would be my bases of selection: First, is the man potentially of the type that can be assimilated; second, will he contribute some-

thing to our society and our way of life, which I think is threatened by these people.

Senator GRAHAM. I am just asking you, if we could carry out our checks, the date is not as important as it might be if we did not have some thorough security checking?

Senator EASTLAND. You mean December 22, 1945?

Senator GRAHAM. That is what I mean.

The WITNESS. Except that it makes the work a lot tougher. It makes it awfully difficult because of disability of the man to have built up a background for himself between the 1st of January 1946 and the 1st of January 1950, let us say. Those 4 years are extremely important. In that time he may have gotten himself employed by American military installations in Germany.

I have seen this one happen, so I will give you a real case. The person had a background which you would reject in a second if you knew it, but in those 4 years he had worked in the post exchange and had been very careful and honest. He had gotten a recommendation from the post exchange officer; he has been a fine man, worked hard and so forth. He moved to a better job and finally found himself in a job of no small importance up in Bremen. Now if that individual, who is still there, should apply for citizenship, I am convinced on the basis of all the documentary evidence which he presents—he even worked for the CIC—it is going to look awfully good.

Now, how are we to know what he did 4 years back? Only by chance do we know that this fellow is a bad person and practically nonadmissible. In fact, in my opinion he is completely nonadmissible. The fact that we know that is because one of the other escapees has given a full report on his background with documents. So it is a case of checking one against the other. One thing to our advantage in making these screenings is the fact that these people do tattle on each other.

Senator EASTLAND. As a practical matter now, could they be screened so as to protect this country?

The WITNESS. Not 100 percent, not any more than a fire department can protect a city from fire. All it can do is reduce the losses.

The CHAIRMAN. To whom do you refer when you say "could they be screened"?

Senator EASTLAND. People who came in after December 1945.

The WITNESS. If we limit it to December 1945, it makes our work much easier at the moment. If we set it a year ahead, it makes it that much tougher. If we set it 5 years ahead, it makes it 5 times as tough, maybe 50 times as tough, because hundreds and hundreds of thousands have come in since then.

Senator KILGORE. I believe December 1945 is the date in the present law. Is it not a fact that on that date no inventory had been completed of your concentration camp people and others at that time?

The WITNESS. That is correct.

Senator KILGORE. Would it not be more advantageous to have a date on which the Army of Occupation had completed a complete inventory of whom they had and knew who was there? Would it not be a better date than December 1945, which is just a date picked out of the air during which there was no complete inventory and no record?

Senator EASTLAND. What is that date?

Senator KILGORE. I do not know. We discussed it last year.

The WITNESS. I wonder if we had a record.

Senator KILGORE. My understanding is that you did make a complete census at a somewhat later date. This date was a few months later or 6, 8, 9, or 10 months later, in which they made a complete inventory of all the displaced persons who at that time were war displacements completely. That of course excluded the expellees and refugees of other types. Would it not be much easier if you had that inventory of who actually were in concentration camps?

The WITNESS. As of a given camp.

Senator KILGORE. Or who had been in concentration camps and were outside working at such jobs as they could get?

The WITNESS. Yes sir, it would make it easier.

May I put something in there? Our early habit was to recognize a person from a concentration camp as an ipso facto political persecutee. It just is not true. A lot of them who were in concentration camps would have been in prison here, too.

Senator KILGORE. Now I have another question. The wartime contration camps in Germany had a pretty good card-index system on the occupants?

The WITNESS. Yes, sir.

Senator KILGORE. Which would give their back history and where they came from and all about them. Have those been translated?

The WITNESS. I do not believe they have been translated.

Senator KILGORE. Do you not believe it would be advisable to translate them to get a picture of the background of each one of the people who were in concentration camps as of the end of the war?

The WITNESS. Yes, sir, and why they were there.

Senator KILGORE. And where they came from and the background?

The WITNESS. We have in the United States Document Center and still have in Berlin the files on the Nazi Party and the memberships of those parties. I think in any case one should be checked against the other.

Senator KILGORE. That is right.

The WITNESS. But we do not have anything on the Communists.

Senator KILGORE. I know you do not, but from that you could get a background of the source or origin which might give you leads from which you could determine the question of Communists; is that right?

The WITNESS. Yes.

Senator KILGORE. I saw a great number of those cards in various camps and they seemed to be rather complete.

Now on this question I realize, with you, that it is utterly impossible to screen the people's minds; you do not know what is back of them. I want to ask you, not exactly a hypothetical question, but it is based on what you have testified to, which happens to bear on a matter now pending in this committee. A man who is an American citizen and who holds a rather dangerous position internationally for the United States has all his close relatives in the United States. He succeeded in getting them out of Russian-occupied country. Do you not think it would be dangerous to deport, say, that man's brother back into the clutches of the Communists with that man holding a very responsible

position in an international capacity for the United States Government?

The WITNESS. Unless the brother is expendable.

Senator KILGORE. Do you not think it might have a tendency possibly to influence the judgment of the brother in the United States with threats of persecution to his brother?

The WITNESS. Certainly it would.

Senator KILGORE. In other words, is that not their technique of exercising pressure on those in their grasp to influence the judgment of those who are not within their grasp where the activities of those not within their grasp might be of advantage to them?

The WITNESS. I could hardly imagine a man who enjoys the security of the United States and being an ex-citizen of one of those iron-curtain countries considering going back to it.

Senator KILGORE. I know, but sometimes you have to consider the question of deportation by the Immigration Service, because your time has expired in this country. I was thinking about the effect upon his brother.

The WITNESS. It would definitely have an effect upon him. In fact, I know of only two cases in which blood relatives have not affected the thinking of an individual.

Senator KILGORE. May I be explicit? The man in question happens to be a very highly trusted man in the World Bank. He is an American citizen. His brother is a Czech. If his brother were deported within the Russian zone, and he is the only living relative he has, it might have some effect upon the judgment of the brother who is with the World Bank. Do you not think so?

The WITNESS. Yes, sir, and the only chance of that brother being deported, for survival is for himself to become a Communist and to report everything he knows about this country and about the people inside the Government and so forth. We are handing them on a silver platter a good agent.

Senator DONNELL. I am not sure I understand just what you mean by your testimony on the religious matter a little while ago where you said in substance that you did not think a man's religion should determine his right to come over. Did you not say something to that effect?

The WITNESS. Yes, sir.

Senator DONNELL. Let me pose this situation. There are over in Germany now Protestants, Jews, and Catholics.

The WITNESS. And some Mohammedans.

Senator DONNELL. Would you think that there would be any objection to some provision to the general effect that the number of visas to be issued to each one of these major groups, Protestants, Catholics, Jews, and Moslems, should be in proportion approximately or should bear the same ratio one to the other as the number of members of those respective religious groups bear to the total number of displaced persons provided they meet the test?

The WITNESS. If they meet the basic test I have laid down?

Senator DONNELL. Yes.

The WITNESS. Anyone who says that, however, is likely to be called anti-Semitic and I am speaking very frankly. I said that deliberately to show that that is not influencing my thinking any. I think that

the basic tests are all important, the religious tests under our Constitution are unimportant.

Senator DONNELL. I am not quite clear yet whether I understand your views. I get your thought that a person's right to come into this country should not depend on his religion. Do I correctly understand your view?

The WITNESS. Yes, sir.

Senator DONNELL. Suppose we face a situation such as this? Over in Germany today the displaced persons roughly are divided between Protestants, Catholics, Jews, and Moslems with some minor sects. Do you think it would be objectionable to put a provision into the law to the effect that there should be issued to persons in each of those major groups, those four I have mentioned, Protestants, Catholics, Jews, and Moslems, that number of visas which bears the same ratio to the total number of visas as the number of each of those groups bears to the total number of displaced persons in Germany?

Senator EASTLAND. If otherwise eligible?

The WITNESS. It would seem to me to be very reasonable.

Senator DONNELL. You see no objection to that?

The WITNESS. No, sir.

Senator EASTLAND. Has there been any discrimination in favor of or against any group in the selection of displaced persons to come to this country?

The WITNESS. I am not qualified to answer that. I can only say that what I have heard in rumor and so forth, that there had been a discrimination and I do know for a fact that the only groups which are being assisted, or were being assisted, I should say, and the only ones that are being assisted to any major degree today are the Jewish groups, and I think that is because they are a well-knit group who take care of their own, who do try to assist their own people wherever they may be, where the Protestants and Catholics are not so well knit.

Senator EASTLAND. You think there has been discrimination in favor of that group, then?

The WITNESS. Yes; I think there has.

Senator EASTLAND. Special favors to that group?

The WITNESS. Yes; I think there have been.

Senator KILGORE. Is it discrimination or rather has there been greater pressure to take care of them by their own group?

The WITNESS. I think that is better, Senator.

Senator KILGORE. The Jewish people have raised enormous sums of money to take care of their people abroad and I question whether or not the Catholics or the Protestants, either one, have gone to those extents.

The WITNESS. There is no question about it, that the early displaced persons, the ones who were found in the concentration camps, should have had extra help and they were largely Jewish.

Senator EASTLAND. But on the basis of the employees of the Displaced Persons Commission, people who were put there to select, has there been favoritism in the selections on their part?

The WITNESS. I have heard it reported.

Senator EASTLAND. Has there been on the part of the employees of the Displaced Persons Commission discrimination in favor of any group?

The WITNESS. I have heard many reports of it, of course. They were coming from my Jewish officers present in these camps who were crack officers and did a fine job and reported to me that there was discrimination.

Senator EASTLAND. In favor of the Jewish group?

The WITNESS. In favor of the Jewish inmates of those camps.

Senator EASTLAND. Then it was discrimination at the administrative level; that is true, is it not?

The WITNESS. Yes, sir. I think that is a logical discrimination, because they were in the majority and they were the people who had really suffered.

Senator GRAHAM. Do you call that discrimination?

Senator JENNER. They were organized.

The WITNESS. Yes.

Senator KILGORE. And they presented, probably, a more pitiful picture at that time; is that right?

The WITNESS. Yes, sir.

Senator KILGORE. I want to ask another question which is general on this bill. You stated various things in here. I am talking about a yardstick for bringing people into this country. Do you not think that the primary basic principle on which we should bring people into this country would be really what might be called assimilation; in other words, people who could be educated and trained in our way of thinking as of government and other things, people who would fit into our national economy and people who would fit in with our people? Do you not think that investigation and selectivity based upon that should be the guiding factor in bringing these people over if we hope to have them happy in this country?

The CHAIRMAN. Do you include in that national security?

Senator KILGORE. I put that in people who were in a position to assimilate our ideas of government, which would mean they had not been tainted with communism or fascism but who could assimilate our ideas of free government.

The WITNESS. Senator, I have been 5 years in Europe, and during that time, I have tried to keep my feet on the ground and my American heritage alive, and maybe I am a little bit sentimental about such things but I believe we have the finest system in the world. I think we can take so much. I think we can absorb so much. I think we can lay out so much of our treasure and no more. I think that from now on, the United States Government has got to be selfish, it has to start thinking about our own future, where we are going. Are we going to keep this kind of government and this way of life, which has brought the highest standard of living in the world and the greatest freedom or are we going to take a chance of bringing in a group which eventually might change it? I do not think any of us here are so naive to believe that there are not groups at work right now to change that.

The CHAIRMAN. Gentlemen, we will have to recess at this time.

(Whereupon, at 5:25 p. m. the committee recessed, to the call of the Chair.)

DISPLACED PERSONS

WEDNESDAY, FEBRUARY 22, 1950

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

EXECUTIVE SESSION

The subcommittee met, pursuant to call, in room 424, Senate Office Building, Senator Forrest C. Donnell, presiding.

Present: Senators Donnell, Kilgore, Kefauver, Jenner, and Graham.

Also present: Messrs. Richard Arens, Frank W. Schroeder, and Thomas J. Davis, professional staff members.

Senator DONNELL. The committee will come to order.

The witness will come forward, please. Will you raise your right hand?

Do you solemnly swear that the testimony that you are about to give before this subcommittee of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF A FORMER MEMBER, CRIMINAL INVESTIGATION DIVISION, UNITED STATES ARMY

The WITNESS. I do.

Mr. ARENS. May I make a preliminary statement for the purpose of the record, Senator?

Senator DONNELL. Go right ahead.

Mr. ARENS. This is a continuation of the hearings with reference to the administration of the displaced persons program. The witness today has requested that the testimony which he shall give be taken in executive session and that his identity be not revealed publicly but that he will reveal his identity to the committee; that is, his identity as an individual will be revealed to the committee. It is, as I understand, agreeable with the witness, however, that the material which he shall present to the committee may be used by the committee in such manner as the committee deems desirable so long as the identity of the witness is not revealed; is that right, Mr. Witness?

The WITNESS. Yes, sir.

Mr. ARENS. It has further developed in the course of informal conversations with the witness, Mr. Chairman, that some of the material which he shall testify about is material which he alleges was presented to the Chairman of the Displaced Persons Commission.

We, therefore, felt it was appropriate that the Chairman of the Displaced Persons Commission, Mr. Carusi, be invited here to listen to this testimony.

I would like at this time to suggest to the chairman of this subcommittee that Mr. Carusi be requested not to reveal the identity of this witness.

Mr. CARUSI. Agreed.

Senator DONNELL. Very well, gentlemen, we will proceed with that understanding. May I inquire, is this testimony ultimately to be printed?

Mr. ARENS. I do not know, Senator, we have tried a time or two to get the testimony prepared for printing and as you know we have been so busy with other things, and we still have other witnesses that have to be heard, that we have not had anything printed as yet.

Senator DONNELL. May I suggest that in order to preserve inviolate the identity of the witness, that we term him upon the record today, Witness A, February 22, 1950, and that the committee, however, retain in its files the name and address of the witness which I take it is upon the subpena which I hold in my hand and which I hand to counsel for the committee at this time, Mr. Arens, for incorporation into the confidential files of the committee.

Is it agreeable to handle the matter in that way?

Mr. ARENS. As far as I am concerned, it is.

Senator DONNELL. Is that agreeable with you, Mr. Witness?

The WITNESS. Yes.

Mr. ARENS. Will the witness kindly identify himself, not by name, but by prior experience and background, insofar as he can do so without having that information reveal his identity?

The WITNESS. For a period of May 1946 until approximately August or September of 1949, I was the authorized agent of the United States Army, CID, Criminal Investigation Division, assigned at ————, Germany.

Senator DONNELL. Mr. Schroeder, you may proceed with your questioning.

Mr. SCHROEDER. Mr. Witness, will you explain for the committee the Berger case, known as No. 52 CID 815?

The WITNESS. The Berger case occurred between the months of June and possibly August 1949. Information came to us that certain DP's were bringing huge quantities of coffee into Germany. It was being smuggled in or brought in under the name of charity.

To explain that, that charity is simply this: The United States Government permits any authorized charitable organization to send in materials to persons in Germany free of tax. Investigation disclosed that the Berger Bros. and several other persons, all Jewish DP's, were involved in these operations, particularly, 50 tons of coffee shipped in from Basel, Switzerland, under the guise of apples and table fruit in the name of the Joint Food Distribution.

Senator DONNELL. Was this coffee in cans?

The WITNESS. No, sir; this is in sacks, 100-pound sacks or 50-pound sacks.

Mr. SCHROEDER. Had the coffee been ground or was it in the bean?

The WITNESS. This was always bean coffee. Once coffee is ground it has to be disposed of.

Senator DONNELL. I am curious to know how this in any sense would impress a person as being apples. What was the other guise?

The WITNESS. Apples or table fruit.

Senator DONNELL. I would think that sacks of coffee would readily be ascertained not to be coffee or table fruit.

The WITNESS. Senator is somewhat ahead of me.

Senator DONNELL. Go ahead.

The WITNESS. It was brought in in freight cars. One of the shipping points, Basel, Switzerland, is a free port which means that no one can examine any shipments whatsoever. Therefore, anything necessary to ship anything out of there is a freight declaration together with the receiver's declaration from point of shipment which was submitted. Under the general course of events where charity goods are shipped, it is not unusual for freight cars to go directly through these points. As a matter of fact, the Red Cross ships tremendous amounts and they are sealed in the same manner in those cars.

Discovery of this came about with the movement of the coffee into Frankfurt and it came to a German bonded warehouse in Frankfurt. I do not believe we need the street; it is not necessary. The coffee was brought in in loads of 10 tons each. Working in conjunction with German customs officials, two loads were permitted entry in order to ascertain the actual delivery places. The third load was seized. We began an examination of the records and searched for the persons previously named as the Berger brothers. However, upon the seizure of the coffee, those subjects were not to be found at their usual place of residence.

Senator DONNELL. The Bergers were the consignees, were they?

The WITNESS. Yes, sir. They were not the actual paper consignees, they were the persons who were receiving it.

This started an investigation to all coffee deliveries in the Frankfurt area. In order to do that it was necessary for us to check bonded warehouses, and we found that the Bergers were not involved in 50 tons but they had become involved in the shipping and receiving of over 250 tons of tax-free coffee.

Under the German tax rate, the tax on coffee is over 10 deutschemarks per kilo, which is approximately 2 pounds. That would be an approximate value of about $2.50 in tax for 2 pounds. The actual cost of the coffee in the European theater is approximately 40 to 45 cents a pound. Therefore, the persons who were able to bring that in would realize a profit of perhaps 150 percent because of the evasion of the tax. The greater part of the Berger operation was the receiving of this material under the guise of charity. It was called the Association for Hungarian Jews, I believe, or a similar name.

Senator DONNELL. May I interrupt to ask; you say that the name was Berger?

The WITNESS. Berger; B-e-r-g-e-r.

Senator DONNELL. Was not the head of one of the camps named Berger?

The WITNESS. I know the man you speak of. My man is an American.

Senator DONNELL. The man I speak of comes from one of the three Latvian countries, I forget which, and he was a banker. My recol-

lection is that he was named Berger. Do you remember that man, Mr. Arens?

Mr. ARENS. I do not.

Mr. CARUSI. He was a rather good-looking man.

Senator DONNELL. He was located near ————— ?

Mr. CARUSI. He has gone now to Canada.

Senator DONNELL. Is he not named Berger?

Mr. CARUSI. It may be.

The WITNESS. There was still another man by that name at Zilesheim.

Mr. CARUSI. I know the man the Senator speaks of.

Senator DONNELL. He is a banker and very intelligent and had quite an interesting career.

Mr. CARUSI. He is up in Canada now.

Mr. ARENS. I wonder, since we have gotten diverted, if Mr. Carusi, who is now present, would care to go on record as to whether or not he recognizes or can identify the witness as one who was, at least at the time Mr. Carusi was in Europe, affiliated with the organization which the man asserts he was affiliated with?

Mr. CARUSI. I can say I am pretty sure he was. In order to be technically correct, I would say that he so represented himself to be and so satisfied me.

The WITNESS. I believe I presented my credentials.

Mr. CARUSI. You did. There were two of them. You see, I was in the provost marshal's office and one was coming in and one going out, as I recall. We were discussing what we ought to do securitywise and criminalwise, and we worked out the arrangements which I hope are in practice now, but it was before the DP Act was passed.

Mr. ARENS. In view of the fact that the witness expressed the desire of his identity not be revealed, I thought it would be proper if Mr. Carusi would identify him as the man acting in a capacity which he asserts he was in.

Mr. CARUSI. Yes; he did.

Senator DONNELL. In other words, that he represented himself to Mr. Carusi as being in the capacity which he now asserts he was in?

Mr. CARUSI. In fact, I can even go further. My subsequent dealings with the provost marshal's office confirmed the fact.

Mr. ARENS. This gentleman who is now here as a witness was working in some investigative capacity.

Senator DONNELL. Proceed, sir.

The WITNESS. The final outcome in this was that we were able to trace and prove that approximately 300 tons of coffee had been brought in. The tax evasion amounted to over 800,000 deutschemarks.

Senator DONNELL. In American dollars, what would that be?

The WITNESS. At the present rate the deutschemark is 4.20 per dollar.

Senator DONNELL. This was how many deutschemarks?

The WITNESS. Eight hundred thousand.

Senator DONNELL. That would be about $200,000?

The WITNESS. Approximately.

Senator DONNELL. Where did this coffee originate? Was it Brazilian coffee?

The WITNESS. It is all Brazilian coffee, but when you go to the origin of these things they travel from Belgium to Czechoslovakia. It is impossible to know always on papers for foreign shipment but somehow or other they dropped off in Germany.

Mr. ARENS. When were you last affiliated in an investigative capacity with the military over in Germany or Austria

The WITNESS. Well, I still am, sir; I am not with the CID. I am with a kindred organization, I am no longer doing criminal investigation.

Mr. ARENS. When were you last in this CID unit?

Senator DONNELL. Is that going to reveal this gentleman's identity? He might not want that in the record.

The WITNESS. I have nothing to hide; those facts are open. I merely want to protect my status.

Senator DONNELL. My suggestion was made merely because of a desire to protect your identity so that it would not be known at this time other than confidentially.

The WITNESS. I presume that all of this is for the use of the committee?

Senator DONNELL. Well, I think, Mr. Witness, it should be said that the committee, unless there is some contrary agreement with you, that the committee would reserve the right to use this testimony, printed, make it public in any way it might want but with the reservation that your identity will not be indicated.

The WITNESS. Yes, sir.

Senator DONNELL. I would not want you to inadvertently reveal your identity by some facts or figures.

The WITNESS. Yes; sir.

Senator DONNELL. Let the record show that Senator Kilgore is present.

Mr. ARENS. Mr. Witness, before you proceed with the specific cases you have in mind, would you care to have an over-all appraisal, on the basis of the most recent information available to you, and identify the time respecting black-market operations with reference to displaced persons?

Senator DONNELL. I call to Senator Kilgore's attention the fact that this gentleman is appearing here to give us testimony that may be used in any way the committee desires to use it, but his identity is not to be revealed. I am correct in that, Mr. Witness?

The WITNESS. Yes, sir.

Senator DONNELL. Go ahead.

The WITNESS. I think if I can bring these individual cases to your attention, that the purpose might be better served than if I generalized.

Mr. ARENS. Will you proceed in your own way?

The WITNESS. We began to go into the task of apprehension of these individuals. We went to Mr. Squadrilli's office and, I believe, we saw Mr. Kaplan there and several others. As far as we could discover, three of the Bergers were in various processes of going to the States.

Senator DONNELL. As DP's?

The WITNESS. Yes, sir. All of these persons I am speaking of are Jewish displaced persons; all of them.

Mr. ARENS. Would you identify each one of these cases as you proceed by date or approximate time?

The WITNESS. This, as I said before, is some time between the months of June and July 1949. I am speaking, naturally, from memory, because I do not have notes in front of me.

We were able to find one Berger in the French zone. Of course, we obtained warrants for them. We brought him back. His name is Stefan Berger, S-t-e-f-a-n. We located a second Berger, named Jenö. J-e-n-ö. There was a third Berger, a small red-headed individual whom we were unable to locate. We had heard that the Bergers' mother was leaving the Butzbach camp so we proceeded there and as the train was about to pull out we found the third Berger, a red-headed gentleman, and removed him.

Check of his papers identified him to be Alexander Klein. Alexander Klein, alias Alexander Berger and Josef Berger had both been previously arraigned by military government court directly who requested that we take over the investigation. They were released on their own cognizance and vowing. We had to swear out the warrants in order to bring the people into jurisdiction.

Alexander Klein had in his possession a Kennkarte [1] identifying him as Alexander Berger, but he had been cleared and was about to come to the States under the name of Alexander Klein. We had his immunization register and several other kindred papers under the name of Klein. Subsequent investigation proved him to be the brother-in-law of Josef. Josef Berger finally surrendered.

We checked with the CIC screening unit and found that Josef Berger, who was of Hungarian descent had applied in 1947, I believe, for immigration to the United States under the German quota and presented a Kennkarte showing that he was born in Landhesse, Germany, in the American zone of Germany. We received this Kennkarte and also a statement from the CIC agent who had interviewed him.

He told us at the time on the second interview that Berger became alarmed and left his office, but never came back for the Kennkarte.

Senator KILGORE. What card is that?

The WITNESS. A Kennkarte is an identification. Every German national must have one. That is spelled K-e-n-n-k-a-r-t-e. It shows his name, birthplace, fingerprints, and his denazification and so forth.

Senator DONNELL. It means a knowledge card, is that not what it means?

The WITNESS. Just about.

Senator DONNELL. By whom is that issued, Mr. Witness?

The WITNESS. They are issued by your local presidiums which is the police, city hall, you might call it, a sort of combination. It is hard to describe the German operations as compared to ours. Anyhow, it all comes under their bureau of vital statistics but it is attached to their police department and they must go there and swear to these items before they get their Kennkarte.

The four Bergers were brought to trial in military government. Alexander Klein, alias Berger, was found guilty of having the illegal Kennkarte and he was given a 30-day sentence. Josef Berger was convicted and received a 2-year sentence, 10,000 marks.

[1] Identification card.

Senator DONNELL. What was he convicted of?

The WITNESS. Smuggling. The entire case was not brought to trial, only a portion of it, that portion of the coffee which we had actually seized. All three of those persons have or are immigrating to the United States, even though they were all four involved in this smuggling.

Following this case, as a result of our collecting information, we went to a German bonded warehouse of which there are several. These bonded warehouses receive all shipments coming out of Germany and they have a regular system such as those storage places we have in the United States. The examination of their books showed over 500 tons of this coffee that had been brought in under charitable purposes. Investigation disclosed no such charitable agencies.

Senator DONNELL. Did it disclose to whom the coffee had been sold by the persons who brought it in?

The WITNESS. Yes, sir. Every time this coffee was delivered to DP camps throughout the American zone. Bergen-Belsen, an old concentration camp, they got something like 200 tons up there in 1 month as far as we could trace. One of those shipments was to Aguda Israel. There may have been an Aguda Israel but certainly not in Germany.

This entire system of coffee importation is based on the American dollar—purchase, sale, and profit. This investigation broke down into six different cases. The rest of it which we could not handle was turned over to the JEIA customs agency, which is a part of the military government.

Senator DONNELL. Let the record show the presence of Senator Kefauver and the fact that Senator Kefauver is informed that the witness is testifying for such use as the committee wishes to make of the testimony but without revealing the identity of the witness.

Senator KILGORE. You called this smuggled coffee. Was this coffee smuggled into Germany from outside?

The WITNESS. Yes, sir.

Senator KILGORE. Was it a smuggling operation or was it brought in under false pretenses?

The WITNESS. Either false pretenses or smuggling. I know you might consider it hard to smuggle in a 10-ton truck but it was done continually, perhaps with the connivance of border officials.

Mr. ARENS. I understood you to say a few moments ago that all of the people that you are now talking about either have immigrated to the United States or are in the process of immigrating?

The WITNESS. To the best of my knowledge.

Mr. ARENS. What is your information on that?

The WITNESS. By checking with the Displaced Persons Commission.

Mr. ARENS. What did you check and what did you find? What is their status? I am a little bit in the dark on that.

The WITNESS. They have applications. I do not know the number of them, but every one of these people are processed in a certain manner.

Mr. ARENS. How do you know they have been processed by the Displaced Persons Commission?

The WITNESS. Because we were in contact with the Displaced Persons Commission during the investigation. One man, as a matter of

fact, had been processed. As you recall my previous testimony, he was in Butzbach ready to get on the train when we apprehended him.

Senator DONNELL. Mr. Schroeder, will you read into the record the number of this case?

Mr. SCHROEDER. Case No. 52 C. I. D. 815, Josef Berger.

The WITNESS. I do not believe he is processing, I believe he is languishing under durance vile. Klein is now in the States, I am sure of that.

Mr. CARUSI. Are you sure he is here?

The WITNESS. I saw the man and he told me 2 months ago he was leaving.

Mr. SCHROEDER. Alexander Berger.

The WITNESS. His is particularly open because of the tremendous difficulty we had in locating the man. The last place we looked was Butzbach and that is where he was.

Senator DONNELL. He is the red-headed man?

The WITNESS. Yes.

Senator KILGORE. These Bergers were a ring of black-market operators working together in conjunction or just what was it?

The WITNESS. They were, No. 1, smugglers. No. 2, they were operating under a false pretense in that they were receiving goods for a charitable purpose that was actually sold for profit. That is the essence of this case.

Senator KILGORE. Were they disposing of those goods at black-market prices illicitly?

The WITNESS. Illicitly, they would have to. In Germany they have to be licensed. A coffee merchant probably does not get more than 200 pounds of coffee a month to sell.

Mr. ARENS. They were not paying a tax?

The WITNESS. They were not paying a tax or anything, except the actual cost of the coffee at the wholesale market in Basel.

Mr. SCHROEDER. They were running international boundary lines?

The WITNESS. That is correct.

Senator KILGORE. Where were they buying the coffee?

The WITNESS. Switzerland, either at Switzerland or Belgium. I think I will have to go into a little more description, because they are syndicates. Arrangements are made for these before they leave the ports and the money must be there to cover all the coffee they buy. This coffee may run back and forth two or three times before he gets a deposit, because there must be a buyer for this coffee.

Senator KILGORE. The operation was coffee?

The WITNESS. Either coffee or cocoa, beverages hard to get. It is mostly coffee, because it has the quickest sale.

This particular crew was only one of about five that we unearthed, because they were all using the same operation. It is merely a change of names as you go along. We were also able to trace 200 tons of that coffee into the AJDC without the knowledge of those officials.

Mr. ARENS. What is that AJDC?

The WITNESS. It is the American Joint Distribution Committee which I believe is the one recognized agency for the distribution of Jewish relief in Germany.

Mr. ARENS. Is it a voluntary agency engaged in expediting the immigration of displaced persons to the United States?

The WITNESS. No; I believe it is mostly a supply agency.

Mr. CARUSI. Relief.

Senator KEFAUVER. You said, "without the knowledge of the officials." They did not know it was stored there?

The WITNESS. They did not know the coffee was stored there.

Senator DONNELL. I am not clear on this phase of it. The Bergers claimed, as I understand it, that they were entitled to receive this coffee duty-free because it was destined to charitable purposes? Is this AJDC a charitable purpose?

The WITNESS. Yes; but AJDC is a recognized agency. Do not confuse it with these people. They were trying to operate under the name of these other agencies.

Senator KILGORE. In other words, this coffee was stored in this basement and was not AJDC coffee at all and they did not have anything to do with it. It was just being hidden there as a place of concealment?

The WITNESS. Yes.

Senator DONNELL. In other words, the owner of the coffee was keeping it in that basement under the pretense that it was?

The WITNESS. It was the finest cover in the world, because we naturally could not raid the AJDC.

Senator DONNELL. But the fact is that the AJDC did not know about this?

The WITNESS. That is right.

Senator KEFAUVER. Is the purport of this that the people coming into the United States as DP's were involved, and the Displaced Persons Commission knew about the operations? I did not know what you were getting at.

The WITNESS. No, sir. First of all, there are a lot of ramifications on this thing. The present laws in Germany probably do not cover these things as they should. A person involved in that in the United States, I am sure the penalties would be much more severe. Smuggling in Europe is considered, I think, an outdoor sport, as long as you do not get caught at it. The reason I brought this here is because the people profiting by it are these displaced persons coming to the States. They are in the minority, but they are the ones that are moving out first. Most of them are retired. It is not unusual for us to pick up one man of this type and have his bail set at 10,000 deutschemarks and have the man post it half an hour later. I believe that is real money even in deutschemarks.

Mr. ARENS. How extensive is this black-market or smuggling operation that you are talking about?

The WITNESS. It is the most extensive in Germany, sir.

Mr. ARENS. I say, how extensive is it?

The WITNESS. It is beyond me to put my finger on that. I can only testify to what I have seen or have knowledge of in ——— or the surrounding areas.

Mr. ARENS. Do you have other cases there which you wanted to direct the committee's attention to?

Senator KEFAUVER. Before he does that, I must say that I do not understand exactly what he means. The displaced persons who come over here are profiting? You mean they engage in the black market?

The WITNESS. Yes, sir. I mean these particular persons that I am referring to who can be identified by case are those persons who have,

through this smuggling, obtained the illegal profits. Many of them have very large bank accounts in New York even before they arrive here.

Senator KILGORE. That is what I was going to bring up. They are depositing their money in New York?

The WITNESS. They can deposit the money through their representative in Basel, Switzerland.

Mr. CARUSI. I am really interested in this and with your permission, Mr. Chairman, I would like to ask a question. I would like to have the names of the persons you have.

The WITNESS. I have no files, sir.

Mr. CARUSI. I do not mean right now.

Mr. ARENS. You tried to get the files since you arrived in Washington?

The WITNESS. Yes.

Mr. CARUSI. These folks have fooled us and fooled the consuls and the immigration officials, assuming that they are excludable, because black marketing is not an excludable item. We would not want them here, though, as bad characters we would not want them and I would certainly like to check it.

Senator DONNELL. Under the force of section 10 of the Displaced Persons Act, which requires records of the character and the history of individuals, do you not think that some agency, whether it be the Displaced Persons Commission, which I do not think myself is the agency that has the right to use that information for final decision, but is it not in your judgment, Mr. Carusi, the right of some agency in charge of this displaced-persons operation bringing people into this country to take that into consideration and deny the person the right to enter on the basis of history, moral obliquity, even though it may not be a criminal offense?

Mr. CARUSI. Yes.

Senator DONNELL. I am not criticizing anybody.

Mr. CARUSI. I understand. As far as the law is concerned, certainly that section 10 merely tells the agency designated by the President, which is ourselves, to make a report on the character of the person. It does not say to do anything about it. No matter how black the character, we just make that report. But when the case is handed over to a consul or immigrant inspector, he can reject the man only on statutory grounds, and badness of character is not one of them. Therefore, lest it go by default, we have taken, and I think subject to some criticism, we have taken the authority to weed out these cases where they are obviously very bad, and we have not been able to exercise that precision of elimination because I doubt that we have the legal authority to do it, because if we do not do that, the consul cannot.

Senator KILGORE. Conviction for smuggling in Germany constitutes a type of offense that the Immigration Service could exclude.

Mr. CARUSI. I am not so certain about smuggling.

Senator KEFAUVER. These men were convicted?

The WITNESS. They all have convictions for something or other. It may be only 30 days but it is a conviction. What I am trying to lead up to and I believe Mr. Carusi can follow me because he has this background, all of these things, as I said before, these coffees are

paid for in American green dollars which are absolutely forbidden in Germany. I have not one, but I have five instances where we have seized trucks and we have had Jewish displaced persons with anywhere from $3,000 to $5,000 in cash in their pockets, at the time, to pay for those things. It all comes from the New York area banks. It is physically impossible for these people to get this unless they are receiving assistance. No American is permitted to bring any green dollars into Germany.

Senator KILGORE. What do they use, gold-seal dollars?

Mr. CARUSI. The Americans use scrip, and they use German marks.

The WITNESS. Let me show you. Unfortunately, my bills are smaller. Theirs are fifties and one hundreds. Most of the money that we have confiscated is all $50 or $100 bills of B series issued in the New York area.

This original Berger case led to a second case.

Senator KILGORE. There were no 500's and thousands?

The WITNESS. Once in a while a 500, but not a thousand. The DP will not fool with money any bigger than a 500, he is afraid it might be counted.

Senator KILGORE. The reason I ask that question is that if you remember the latter part of the war and right after the war we had the terrible time in the New York area with the gangsters with their $500 or $1,000 bills that they got into the market over here. Waxey Gordon and others were active in that. I thought it might be some of the old bootleg money and gambling money that they cannot account for.

The WITNESS. This money is in fairly good shape when you get it and has not had much handling.

To continue, the second case that we arrived at was the German Red Cross that we started receiving information. We intercepted a truck in Frankfurt, Germany. Ninety 100-pound bags of coffee were loaded on this truck. We picked up the driver and the driver seemed to know very little about it. We asked him for the bills of lading which they have to carry and they are quite numerous if it is a proper and legal shipment. He had none, all he had was an envelope, sealed, and we took that from his possession, opened it and then there was a second envelope and after opening the second envelope, there was a letter addressed to the Red Cross, that is, the German Red Cross.

We took the coffee over to the impounding area. We called up the president of the Land Hesse. We asked him if he had any coffee. He said "No," but he would like to have some, because he had not had any in the area for some time. We called him over and started checking. We found that a Wiesbaden chapter had a Dr. Borngesser who was a Lutheran minister. He was a German national, incidentally. He had entered into a contract with various and sundry DP's, and under the aegis of the Red Cross, he had brought in over 50 tons of this coffee of which he actually received less than one-quarter for the use of the Red Cross.

Investigation showed that he had actually certified to the German customs that the material was for the full use of the Red Cross and was only a charitable donation to families in the family-size packets. Of course, a 50-pound sack of coffee would be rather large for a family. We started to check in the actual delivery points in ————.

They were black-market garages, cellars, houses, and things of that sort. We listed before we finished, approximately eight Jewish DP's, two of which are remaining in Germany. Their name is Mandelbaum, Mandelbaum brothers.

Mr. CARUSI. Still there?

The WITNESS. Yes, sir. I see the boys when I am home and they tell me.

Mr. ARENS. Are some of them shipped over as DP's?

The WITNESS. Yes, sir.

Senator JENNER. As DP's.

The WITNESS. Yes, sir.

Mr. CARUSI. He is at Butzbach. You say he was convicted of this?

The WITNESS. No; I am giving you the case. This case was not brought to trial before the military government. Dr. Borngesser has a fine name; he is a Lutheran minister. He was a prisoner of the Nazis during the war and I think there was pressure to keep him out of the trial. The fact remains that it is documented on these other people whom I have given you that they worked on the coffee and that it was sold in the black market after being brought over from Belgium.

The third delivery—these are all happening right in the same time, because as one breaks the other comes in right behind it—we received a phone call from The Netherlands, Holland, a Captain Dubofort. Captain Dubofort is with the Royal Dutch Police there. A Dutch firm was approached and asked to deliver coffee under Czechoslovakian papers. Here we come again to this travel back and forth, so you can see how close these things come together.

The coffee was finally arranged after about a week's delay, and Captain Dubofort came to Lindbergh, Germany, with this huge truck and trailer. Another agent and myself boarded the trailer. There was a small entrance so that we could get into it with Captain Dubofort and we had a Dutch policeman driving the truck. The truck was wired for sound with field telephone so that we could hear the various things that might happen from the descriptions.

We arrived at 11 p. m. At 3 a. m. the truck was contacted, and after riding around for half an hour we came to a German warehouse. The men unloaded the two trucks, 15 tons of coffee and cocoa. I say two trucks; I mean a truck and trailer about the same size. You probably have seen the size they have in Europe.

At the end of the unloading we arrested and apprehended nine people of various categories, including the night watchman of the warehouse and a German driver. Five of the others were Jewish DP's. One of them was named Hermann Weil and had $3,500 in $100 bills, which was to pay the two Dutch policemen for the delivery of the material there. In order for them to get that material out there, they had to break the international Dutch seal, which is quite large so that anyone can see it. All of those people were arraigned in military government and their alibis were quite numerous. It was very interesting. One man was returning from a poker game with several of his friends and he was asked to help unload the truck because it was for a Jewish agency. He did not know anything about it. Anyhow, out of the nine we convicted one, a man named Robert Plauvner.

Mr. CARUSI. Was he a DP?

The WITNESS. Yes. He also had a French carte identé.[1]

Mr. CARUSI. Did you get his name from that? He was not in Germany; he was in France?

The WITNESS. He was in Germany, but he had a French carte identé; I believe they call that for those persons present for 30 or 60 days. The second man's name was Meyer Klain, we had a Klein previously, but this one is K-l-a-i-n. The third man's name, and this was the man with the money, was Hermann Weil. These persons were all registered DP's. I cannot remember the names of the others.

Mr. CARUSI. You said one was convicted?

The WITNESS. Plauvner was convicted and I believe he was put in the asylum. I doubt if he will come to the States. Now all of these three cases represent the same thing, smuggling over the international border lines, use of American currency and done by DP syndicates. They are always delivered, either in the DP camps or met by the DP's who direct them. It is impossible for this thing to work without a syndicate organization. They have the same thing in Munich and the same thing in Stuttgart. This is the main income of most of your displaced persons today that I am testifying to. There is never one point, except the sale to the German nationals, where money appears and that is green money. That is what they call it over there.

Mr. CARUSI. Do you mean, of those who are in business of any kind, this is the main source of income? Do you mean that out of the whole 500,000 DP's most of them do this?

The WITNESS. I am speaking of the criminal fringe that I am testifying against.

Mr. CARUSI. Those who misbehave are primarily in this business?

The WITNESS. That is right, because that is where the money lies. These people are not bandits. We do not have to worry about them in armed robbery. They are only involved where there are money transactions.

There is also another syndicate that works out of and goes into Berlin where they do business for the Russians for this money and they buy machinery for Israel. All of that is done on a percentage. These men are all commission men. One is a little higher than the other, as represented by Alexander Berger. He never had much money, but he carried out all of Josef's instructions. The other two boys were the same. Nevertheless, they are all in the same thing, a well-knit syndicate. When they start out and keep in contact with and meet these trucks all the way through Germany at appointed hours, they must be well organized. We knew several of these trucks were to approach a certain gasoline station at 2 o'clock. Five minutes after two the trucks were there, and so was the leading automobile. Most of these automobiles are of American make.

Mr. SCHROEDER. Would you tell the committee about the stealing of Government property over there?

The WITNESS. This was in 1947. We are getting off the track. This is what actually is happening in 1949 which is financing these people.

Mr. ARENS. Do you have any other cases along these lines that you want to tell the committee about?

[1] Identity card.

The WITNESS. I have brought up four cases as examples. The others would be repetitions.

Mr. ARENS. How many others do you know?

The WITNESS. We had one where one agent was tried. Five Jewish DP's apparently bribed the agent. I say "apparently" because the agent was acquitted.

Mr. CARUSI. You mean an American agent?

The WITNESS. Yes, sir.

Mr. ARENS. Have any tried to bribe you?

The WITNESS. Quite often.

Mr. ARENS. Tell us about those.

The WITNESS. May I finish the other one?

Mr. ARENS. Yes.

The WITNESS. This man was tried but acquitted. When we were working the coffee deals, we did not have the time to do all of the work and this agent was in the office and we turned it over to him. He picked up the five people associated with the Aguda Israel that I previously testified about. They brought in something like 500 tons by boat from Holland. It was seized by the German police and they were supposed to pay a bribe to the police, and instead of doing so, arguments ensued and that is where we got into the case while the finagling was going on. All of a sudden, five of these DP's disappeared completely. The agent was brought to task about it and he denied any knowledge of it. These people were approached, I was one of the men that approached them, to bring them back into jurisdiction through their wives. They were told if they came back and testified they would receive immunity. They contacted ———— in ———— and did receive immunity. All took the stand and testified that they paid that agent approximately $5,800 in cash American money for their release.

Senator KILGORE. In spite of all efforts, he was acquitted?

The WITNESS. The court chose not to take their word, because they were known to be criminals. I did not sit in on the case, I only have the information from my office. I bring that up to show you where the American currency comes in and how these people operate.

Mr. ARENS. What about the instances in which you were offered bribes?

The WITNESS. I was offered this $3,500 in the Dutch truck.

Mr. ARENS. Who offered it?

The WITNESS. Weil.

Mr. ARENS. What was the circumstance under which the bribe was offered?

The WITNESS. He said, "Take the $3,500 and let me go; nobody will know you have it." He said it in Yiddish, of course. It's the usual offer. You might pick one up and he will have $4 and he will say, "Take the 4." They have a dread of being fingerprinted.

Mr. ARENS. Have you had contact with Mr. Alex Squadrilli, who is a coordinator for the Displaced Persons Commission, with reference to the identity cards or on smuggling?

The WITNESS. We will have to digress and go back to 1947. At that time, Mr. Carusi asked for an investigation to see if it were possible to determine the percentage of false documents that were slipping through the consulate. Secondly, he wanted a structure of advice as

to how these shortcomings could be rectified. We went to five of the consuls and received a cross section, I do not recall the exact number but I think we got 30 or 45 of these documents. We took them to various German laboratories, because they were all German documents for examination. These examinations proved them to be fraudulent, because of different types of ink and paper and various other things. Every one that we submitted was fraudulent. On the basis of that cross section we estimated at that time that approximately 5,000 of these had gotten through.

Mr. ARENS. Gotten into the United States?

The WITNESS. Had gotten through the consuls.

Mr. ARENS. That they had gotten visas?

The WITNESS. Apparently so; that is where they go for the purpose of getting visas.

Mr. ARENS. When was this?

The WITNESS. 1947, at the time Mr. Carusi came over. We recommended, one, that they set up a fingerprinting system because at that time they were not using any. We had a regular basic card worked out and we had a different color for each section, such as Stuttgart area would have perhaps green, Munich would have red, Berlin would have purple, and so on, so that if the man applied and received that purple area, he would have to confine himself there. The second one was that those cards would not be issued by any DP camp or any persons of that caliber but they would come to the military government, be fingerprinted and the card countersigned by an officer of the United States Army, and that those cards would be kept under lock and key to prevent anybody getting hold of them. We went a little further than that; we stated that the pictures should be perforated once they were placed on these cards. Third, and I believe the most important recommendation, and at that time I believe Mr. Carusi concurred with it, that an investigative agency be set up separate and apart from the Army with its own powers of arrest and investigation, because we told him that from our survey the Army could not possibly serve and gain the proper background checks that he wanted, otherwise the CID would not have been doing the investigation when CIC was doing the clearance work. Well, that was the situation. After Mr. Carusi left, I think we had a meeting of all the consuls. Mr. Vance was there and we presented our report to you people at that time.

Mr. CARUSI. Yes.

The WITNESS. About 2 or 3 months later, if I recall accurately in time, Mr. Squadrilli arrived.

Mr. CARUSI. If you are asking me, I would say that cannot be right, because the Commission was not created until 10 months later, maybe a year later. I was there in October 1947 when these things happened and the act was passed June 25, 1948. The Commissioners were appointed August 13. I went overseas in September and Squadrilli was hired after that so it was about a year later.

The WITNESS. I was under the impression that he preceded his organization there.

Mr. CARUSI. No. He worked for the Army at the time.

The WITNESS. Maybe that is what it was. He may have had kindred work.

Mr. CARUSI. He was Chief of the Army Office of DP's.

The WITNESS. He came up to the general's office there and they sent for me at that time. Apparently, we were the only ones giving this any thought or consideration. He presented a sort of travel folder—that is about all I could call that thing—and he wanted to know if we would consider that to be acceptable. We told him in the first place that we had only made a recommendation but, secondly, it was of absolutely no use for identification purposes. The main reason for that identification was to set up a duplicate set of fingerprints of all these people so that we would have a central file, and, if you wanted to know about John Jones, all you had to do was to go to the central file and there was his background and records. But, those recommendations were never carried out.

Mr. CARUSI. Who had the authority to do it?

The WITNESS. I do not know, sir, we figured you would.

Mr. CARUSI. You mean to organize an outfit in your branch?

The WITNESS. Not in our branch, this was done, this work, for you, remember?

Mr. CARUSI. This was before the law was passed?

The WITNESS. Yes. I believe you were going to use the Provost Marshal General's system.

Mr. CARUSI. And the fingerprints?

The WITNESS. Yes. The other part was never carried out. To begin with, fingerprints must be taken by men trained or they are not worth anything. If you were to turn this over to the DP centers, then for matters of security, you might as well not have them. There is no system there that has any credence. You can buy a Kennkarte for $30 in any city in Germany right now. All a man has to do to change his identity is to go over and buy a couple of Kennkarten.

Mr. ARENS. Are you familiar in general with the security over there?

The WITNESS. I am as far as the identification papers are concerned.

Mr. ARENS. What is your appraisal of the situation?

The WITNESS. Not very good, sir.

Mr. ARENS. I beg your pardon?

The WITNESS. They are not very good. Military government is gladly giving control back to the Germans. The Germans are either too strict with the proper DP's or they sell out to the others. In any event, they do not give you too much control.

Mr. ARENS. What is your suggestion to improve it on the basis of your background and experience?

The WITNESS. You need some investigators in the Displaced Persons Commission and you need a closer liaison.

Mr. ARENS. Liaison?

The WITNESS. Liaison with all of the different agencies.

Mr. CARUSI. Is there anything to prevent those agencies from dealing with the consuls or somebody? I thought that was what we set up.

The WITNESS. Mr. Carusi, it has never seemed to work out. I am testifying from my information. I never thought this man Klein should have gotten out after we dug 3 weeks to get him.

Mr. CARUSI. Was this information in the file? I presume it was.

The WITNESS. You will find that the cases are much more thorough than what I am skipping over here.

Mr. CARUSI. That is why I have taken the names and I would like to check and see what happens. Obviously, you know from my dealings with you and your chiefs how interested I would be in getting this stopped.

The WITNESS. We were disappointed because no prosecutions were ever begun on that case of the fraudulent documents.

Mr. CARUSI. You are disappointed with us?

The WITNESS. Not with you.

Mr. CARUSI. Because after all we cannot prosecute them.

The WITNESS. With the consuls. The consuls asked us for this report. We built that up and we could not go any further. We were a fact-finding body. They took that to Wiesbaden and Wiesbaden said it was too hot and shifted it. Two well-versed men came over and interviewed me for 4 hours. They were going to prosecute, and in 1949, they came back. To my mind, not one of these persons has been prosecuted or brought to trial.

Mr. CARUSI. What would there be to keep them from coming to the United States if they have not been prosecuted?

The WITNESS. Nothing whatsoever. In that case that we prepared and presented to you, I think more than eight people actually were in the United States. The proof of those documents came from the Jewish committee. We were able to get in there, and through the help of one of their DP's who is still in Germany, we did that.

Mr. CARUSI. If I am taking any liberties in asking questions, Mr. Chairman, stop me. I really am interested in these individual cases.

Mr. ARENS. That is why we invited you up here.

Mr. CARUSI. I am grateful for this opportunity.

The WITNESS. I would like to bring the committe's attention to the fact that these activities are what they use to finance their movements. The acivities of one of those men might actually finance 15 or 20 people coming to the United States.

Senator GRAHAM. Would you repeat that again for my benefit, please?

The WITNESS. I say, quite a few of these hot shops, as we call them, what they did was to go out and build themselves up a high-sounding name and brought in this stuff with just a couple of letterheads.

Mr. CARUSI. By "stuff" do you mean things or people?

The WITNESS. This was done for the purpose of bringing in these things tax-free.

Mr. CARUSI. Into Germany?

The WITNESS. Into Germany as Jewish agencies.

Mr. ARENS. If I may just pose a question to clarify the matter for the benefit of the Senator who just arrived, you mean the DP's set up fictitious charitable agencies for the purpose of——

The WITNESS. Not actually fictitious, they did actually band together.

Senator GRAHAM. You mean fraudulent?

The WITNESS. The agency would be all right but the activities would be fraudulent. Let us say there are 50 Hungarians in Frankfurt. They band themselves together and call themselves the Association for Hungarian Jews. There is nothing illegal until they start exporting, because the only one licensed to do that is AJDC.

Mr. CARUSI. Senator, in one instance, they actually took the AJDC, which is a reputable agency, and used their basement for storage space. They may have used its name but without the knowledge of the officials in charge. In other words, they were being used unknowingly by these persons.

Senator KILGORE. In one case the German Red Cross leader permitted his agency to be used and his agency would get about 25 percent of the product and the others would take the 75 percent and sell it.

Mr. CARUSI. That is right.

Senator GRAHAM. Has that been stopped?

The WITNESS. I do not believe so, sir. I do not believe they are going to stop it as long as that tax is open. It is just like prohibition when we had it over here, you could not stop it. I mean, you stop up one hole and they break out in another.

Senator KILGORE. I want to get something further there. We will say that the so-called Hungarian Beneficial Society buys a shipment of coffee in Holland. Now is that paid for in Holland?

The WITNESS. Yes, sir.

Senator KILGORE. Before it is shipped?

The WITNESS. Yes, sir.

Senator KILGORE. Is that paid for with American exchange?

The WITNESS. With American green dollars.

Senator KILGORE. Who is the pay-off man in Holland?

The WITNESS. Who is the pay-off man?

Senator KILGORE. In Holland.

The WITNESS. Some of the DP's that have traveling permits.

Senator KILGORE. They go over there and use American money in violation of the law to pay that?

The WITNESS. All of that is in violation of the law, of course.

Senator KILGORE. Do we know that that money has come out of the United States?

The WITNESS. You can tell by examining it, sir.

Senator KILGORE. What?

The WITNESS. It all comes from one area, the B area. It could not be issued from any place but New York. Even the counterfeit which we have—and I assure you the Jewish DP's do not take it—is B, so apparently, the only thing they have seen is New York issue.

Senator GRAHAM. Do the people in the Displaced Persons Commission have responsibility in this situation?

The WITNESS. Well, speaking as an investigator I cannot say what their responsibility is, sir. All I can tell you is that these people are getting in continually, because it is not considered a crime of moral turpitude and they might get only 90 days for one of these offenses where they had made $90,000.

Senator GRAHAM. You investigated the Immigration Service?

The WITNESS. No, sir; the Army investigation.

Senator GRAHAM. CID?

The WITNESS. The CID.

Senator KILGORE. The immigration inspector cannot turn this man down as a criminal, because the crime of smuggling or black marketing is not a crime within the definition as was the stealing of the six shoestrings or the eight eggs. They could turn the fellow down who stole the shoestrings.

Senator GRAHAM. Why can we not define this as a crime?

Mr. CARUSI. It could be, but under the present statute, it is not. It is a crime but it is not the kind by which they are excludible. Treason is not a crime for which a person would be excluded for, strangely enough. It does not involve moral turpitude. It is an odd one but it is true.

Senator GRAHAM. The Immigration people can do it.

Mr. CARUSI. No; they cannot. If this involved moral turpitude, the consul should not issue the visa and the Immigration people should exclude him if he has a visa but under the law he is not excludible and for that and that alone.

The WITNESS. Apparently the carrying of false papers does not have much effect because Klein told me, "President Truman said it was all right for us to use false names as long as we did not take it to the States."

Mr. CARUSI. I do not know when the President talked to him.

The WITNESS. One of these DP's said that President Truman said they could live under false names as long as they did not do it over in the United States.

Mr. CARUSI. A lot of people have concealed their identities to spare their families. We have told them they must tell the truth.

The WITNESS. Do you know how many names these operators have as an average, Mr. Carusi? I would say anywhere from 1 to 10 and I can assure you they have a conviction on every one of them.

Mr. ARENS. If they had a good fingerprint system they would catch them.

The WITNESS. The only time we fingerprint them is when they catch them.

Senator GRAHAM. I would like to ask this question: On the basis of your background and experience as a man who knows about this over there with the Army, what can we do? What ought to be done to protect the interests of this country, the United States of America, to keep this type of person out?

The WITNESS. If you were to make it a crime to be involved in the use of prohibited American currency in these transactions it would be the key to your problem.

Mr. CARUSI. You would have to make it a crime, conviction for which causes exclusion.

The WITNESS. Illegal use.

Mr. CARUSI. There are a great number of crimes that you can be convicted of and still get in.

Mr. ARENS. Let me ask Mr. Carusi a question at this point. What would be the operating effect of a division of law that the DP's must establish good moral character? Is that too vague a criterion to be used?

Senator KILGORE. I think so.

Mr. CARUSI. It is vague and it will mean that different persons will have different judgments about what is good moral character.

The WITNESS. It will take a King Solomon. But, if you hit your currency, your currency is the key to your problems in Germany. You take the profit out of that dealing and you prevent them from coming to the States if they use dollars and you have solved your problems.

Mr. CARUSI. What I think you can do is that if you have a provision either in the DP law or in the immigration law that any person convicted of crime shall be excluded, of course that means misdemeanors and everything.

The WITNESS. That might work a hardship, too.

Mr. CARUSI. That would counter it. Even now, a man can murder his mother, and if he has not been convicted of it and does not admit it, you are unable to do anything about it even though you and I saw it.

The WITNESS. I understand that the visa is almost a pardon once they get to the States.

Mr. CARUSI. No. A person who was inadmissible is deportable. The visa, of course, shows a determination by a consular office that he is admissible, but if his visa is predicated on a mistake, even after the issuance of the visa, the immigration inspector can exclude it. He can exclude him and if he was excludible when he entered he is deportable in most every instance we know of.

The WITNESS. We had a case of David Dekowitz in 1947. He was an RTO officer and sold approximately 125,000 sheets, sold them to Jewish DP's and pleaded guilty. We came to the United States and could not even interview him. We went to your Immigration Bureau in New York and they said he was not deportable, nor could we get him to come and speak to us even though we had proof that he had stolen property willfully.

Mr. ARENS. Of course, this is all these fraudulent documents you are talking about, a man who secures or attempts to secure a visa through willful, false misrepresentations.

Mr. CARUSI. He is excludable and deportable after he gets here.

Mr. ARENS. He should not be passed in the first place.

The WITNESS. I bring to your attention, Mr. Carusi, that there was not any prosecution of those 40 cases.

Senator KILGORE. What is the duty on coffee?

The WITNESS. The D-mark tax is over 10 D-marks per kilo. You see they work on the kilo basis which is about 2.2, I think.

Senator KILGORE. So the tax alone will make a handsome profit?

The WITNESS. There is more profit there than there is in the sale of the coffee itself, which is why I have been telling you of this nontaxable products business. They are making $2.50 for every 2 pounds.

Senator GRAHAM. In my brief stay here, you are pointing out cases of fraud and crime?

The WITNESS. Yes, sir.

Senator GRAHAM. We want to stop that. One suggestion you make is very concrete and that is that if they have American currency that is prima facie evidence of guilt?

The WITNESS. No, sir; I did not say that. I said the use of American currency for an illegal activity. If you can set that up in the form of a statute you will prevent this thing here.

Senator GRAHAM. The use of any currency for illegal activity?

The WITNESS. Senator, let us say this: Let us look at it from the DP's side. I am a soldier and walk up to him and give him $10 out of the goodness of my heart. The next man picks him up. Do you think he should be barred?

Senator GRAHAM. No.

The WITNESS. But if he is caught in an illegal transaction with American currency—and I do not mean scrip, I mean dollars—it will eliminate this operation.

Senator KILGORE. It is against the law to have that currency?

The WITNESS. It is against the military regulations, sir, but, under the present set-up, I do not know what it is, perhaps a small misdemeanor. All they do is confiscate the money.

Mr. CARUSI. I do not believe that what you suggest would be the solution. It might accomplish his going to jail but it would not accomplish preventing his going to the United States, because that would not involve moral turpitude.

Senator KILGORE. I think the cure there is to expand the definition to excludable so as to include defenses like that by statute.

The WITNESS. That is what I had in mind. You do not have anything to cover that and that is how they are financing it.

Mr. ARENS. But you do have what you need to cover the fraudulent documents?

The WITNESS. They are prima facie cases. That was the reason for building them up. We have the sworn testimony of experts that every one of those documents; is fraudulent.

Mr. CARUSI. We made quite an inquiry into it at that time.

Senator GRAHAM. The use of American money in illegal activity—that is one hole you want to plug?

The WITNESS. Yes.

Senator GRAHAM. The fraudulent hole is pretty well plugged?

The WITNESS. That is, I believe.

Mr. CARUSI. The fraudulent document thing is bad in two instances. The DP Act says that any fraud to procure the visa will bar them under the act forever thereafter. Then the regular immigration laws would bar them because of fraudulent entry.

Senator KILGORE. That is the point I want to get in here, because Mr. Tripp [1] said exactly the reverse in his testimony a week ago, that they could not bar him for fraudulent documents.

Mr. CARUSI. He is wrong.

Mr. ARENS. No.

Senator KILGORE. That they do not bar them for fraud in the procurement of a visa.

Senator GRAHAM. I was not here.

Mr. CARUSI. He is an Immigration man.

Senator KILGORE. He is Chief of Immigration.

Mr. ARENS. I am not taking issue with you, Senator, but he was talking, as I recall, about the jurisdiction of the Immigration Service and said, in effect, that the Immigration Service is, under its practice, bound by the determinations made by the Displaced Persons Commission as to eligibility under the law, and that if, on the basis of collateral information, it appeared to the Immigration officers that the man was ineligible for any reason under the displaced persons law, the Immigration Service was bound by the decisions made by the Displaced Persons Commission.

Mr. CARUSI. There are instructions to that effect. The jurisdictional grounds are worked out by the Visa Division, by the Commissioner of Immigration, and by us. They did reach that conclusion. How-

[1] For the testimony of Almanza Tripp, see p. 647.

ever, there was with that same instruction an instruction to him to turn back all cases where he thought there has been a mistake or error.

Senator GRAHAM. Or fraud?

Mr. CARUSI. Or fraud on those things.

Mr. ARENS. If it turns him back, if the DP Commission recertifies him.

Mr. CARUSI. If there is a false document there and the man is getting in through fraud, it jumps from mere ineligibility to fraud, and that is within his competence.

Senator KILGORE. That is my recollection, but I would like to read the record.

Mr. CARUSI. We find now that some of these false documents have gotten them through, and they got their visa and are here. We send them right straight to Immigration and start this deportation.

Mr. ARENS. Your people have even issued a directive to the general effect that people who have been denied immigration opportunities to the United States on the basis of falsification of documents should be brought in and given an opportunity to change their story, is that not so?

Senator GRAHAM. You say "brought in"—you mean brought in before the authorities?

Mr. ARENS. Yes.

Mr. CARUSI. Brought in and disclose the truth.

Mr. ARENS. Have not your folks over there issued a directive to the general effect that an applicant is being encouraged to alter falsely presented facts in the registration form, and so forth?

Mr. CARUSI. Only this, to put the truth in the place of false ones. You certainly want to know the truth. I started that myself. We did not want them to come in with false facts on their papers.

Mr. ARENS. Will it affect their immigration status if they do not do it?

Mr. CARUSI. If they do not do it, they have sent in false papers and that will have the effect of barring them permanently. What we want is the truth.

Mr. ARENS. Let me read this to you. See how you would want to explain this. I hate to digress but we have gotten on this subject. Mr. Carusi, if you wish, you may look at this directive.

Senator GRAHAM. You have just heard the discussion?

The WITNESS. Yes, sir.

Senator GRAHAM. What suggestion do you have?

The WITNESS. I am afraid that they missed the boat. If they had replaced the system of identification by having all previous papers turned in to the military government for check and identification and new papers issued based on the American system, you would have eliminated just this thing you are after now, because any man who was at that time an authorized DP, would have gotten a card.

Mr. CARUSI. Do you think that card in 1947 would have settled the finality of whether a man was there in 1945?

The WITNESS. It certainly would, because 50 percent of the people would have moved some time after that.

Mr. CARUSI. If I walked in in 1947 to register with you, would that be proof that I was there in 1945?

The WITNESS. Let us say for the sake of argument that you had 400,000 people present. Then you would have to have 400,000 identifications from the camps, would you not?

Mr. CARUSI. Yes.

The WITNESS. If there was any case of duplication and Smith came in with Jones' card, when Jones came up he would not have any card, would he? Do you follow me now? He would have to have it in his personal possession.

Mr. CARUSI. How would you know between Smith and Jones who had the original card when they both claimed it?

The WITNESS. Now one man is gone and another man comes in and picks it right up.

Senator KILGORE. At one time, there was an American registration made by the United States Army to determine where the people were. What was the date of that?

The WITNESS. If you can call those registrations under Army supervision, because the DP camps were under Army supervision at that time.

Senator KILGORE. Was there a registration in 1945?

The WITNESS. 1946 is about when the registration came.

Senator KILGORE. We put up a big fight on the date line, because there was a registration made at that time.

The WITNESS. There was not a proper registration, because, as Mr. Carusi said, they had maybe a thousand cards in the DP camps. JEIA has authorized about 3,500. I had dinner with Mr. Flatneau. There were exactly 6,900 people present, which meant there were 3,400 approximately that were not registered and had no cards. Yet, when the time came, they all had those cards, because the DP camp had them and it was just a question of printing them.

Mr. CARUSI. The trouble was that the registration took place too long after their arrival. That is why we wanted the date 1947, because we knew at that time they had been registered and if they were there to register, they were certainly there.

The WITNESS. That is why we requested that these new identification cards with colors be put out for each area. He would bring his identification in where it would be examined by a proper team. You would take A to C, and on Monday, everybody with A to C would come in or his document would be removed from him. In any case, every one you had would be properly documented.

Mr. CARUSI. But it would constitute proper proof only as of the date he got that piece of paper.

The WITNESS. You would be surprised at the number of false ones you picked up easily.

Mr. ARENS. Regardless of the date you used, you are going to have people coming in.

The WITNESS. Now it is too late, because most of the people are in the States. If you had done it in 1947, you would have picked up 40 percent of them.

Mr. CARUSI. Under the President's directive, the important thing was to be born in Germany, because they had the biggest quota, so the false documents came in, the ones I called to your attention, trying to prove they were born in Germany. Because most of the people who were trying to prove they were born in Germany spoke Polish,

therefore, they stated they were born in Breslau, because that used to be Polish at one time. When the December 22, 1945, date line came in and the German quota was not important, then the false documents were on the date line.

I do not mean to say that we countenance or condone that activity but I do say that the arbitrary date line has encouraged this. I was hoping to get a date line subsequent to when they registered.

The WITNESS. May I come back to that case we gave you?

Mr. CARUSI. Which one?

The WITNESS. The one case with all of those false documents.

Mr. CARUSI. You mean in 1947?

The WITNESS. The documentary case. There was never one prosecution and there were 45 documents submitted. There never has been one prosecution of those cases.

Senator JENNER. You do not know how many of those were in the United States?

The WITNESS. I know 10 of them were at that time.

Do you remember the Jewish committee in ————, the Jewish Committee for Liberated Jews?

Mr. CARUSI. I remember that.

The WITNESS. Ten of these people were registered and we went to the committee, and through the help of a man, we removed from the committee files the original statements of these Jewish persons as to their birthplace, Hungary, Poland, and so forth, photographed and photostated them. We went back to the consul with them and every one of those people were in New York as one of the citizens.

Mr. CARUSI. I think if they came in and changed it, they proved their falsehood.

The WITNESS. The military government refused to prosecute the case.

Mr. SCHROEDER. Will you relate the ambulance case, the DP camp running a black market in cigarettes?

The WITNESS. This is another thing. It still runs along the same line, for dollars, for prohibitive goods. We received information that the United States Army ambulances that had been donated to IRO were being used to run cigarettes. We took that to the IRO people in Frankfurt. Naturally there was nothing to it. One week later, the ambulance from Zilesheim turned over in Frankfurt. In that we found 16 cases containing 100 cartons each of cigarettes. We finally got the man who was delivering the cigarettes and we traced it back to the ambulance driver in the camp who had given him the ambulance. At the same time, another vehicle was picked up in Munich.

That is the situation you have in the camp and how reliable your officers may be.

Mr. CARUSI. Which officers?

The WITNESS. The officers in Zilesheim and the other places.

Mr. CARUSI. You said "your officers."

The WITNESS. I did not say yours. It is impossible, if you have one ambulance, to know whether or not it is present and working for you.

Mr. SCHROEDER. How about the Freeman case?

The WITNESS. He was in the ambulance behind that. I believe he is in the States now. There were 50 people involved there and they did not make a move on it.

Mr. JENNER. Is Freeman a displaced person?

The WITNESS. Every person I have testified to is a displaced person.

Mr. CARUSI. When did he come?

The WITNESS. The early part of 1949.

Mr. CARUSI. Do you have his first name there?

The WITNESS. I believe it was Leo Freeman.

Mr. ARENS. What do you know about subversives over there? I do not think I have had a conversation with you on that.

The WITNESS. That is a CIC activity. As far as the Jewish people are concerned with subversive activities, the ones I have related to are interested in the dollars. They will do business with the Russians if they make money with them. If they do not, they will not. The background of all these people is money transactions. The only reason I have testified to this money is because that is what makes it possible for them to come to the States by buying all these things. Papers can be bought, as Mr. Carusi well knows, without any trouble. It is the poor people, possibly your best risks, who cannot get through, because they do not have those opportunities.

Mr. SCHROEDER. Does that tie in with the two Palestine nationals?

The WITNESS. The Palestine nationals came in on still another transaction. They were working for Israel, as many of these people are. Israel hires these people. It must be the Zionist Czechs that they have. I cannot prove any part of this. I can only tell you all the money that was ever picked up comes from the New York area.

Mr. ARENS. Do you have any information respecting people coming across the iron curtain countries now?

The WITNESS. Not too much. Most of these people I am speaking of are those who have been within the Frankfurt area during my time.

(Whereupon at 4:30 p. m. the committee recessed to the call of the Chair.)

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OVERSEAS HEARINGS

DISPLACED PERSONS

OVERSEAS HEARINGS

FRIDAY, SEPTEMBER 30, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT
OF THE COMMITTEE ON THE JUDICIARY,
Displaced Persons Resettlement Camp, Ludwigsburg, Germany.

Present: Hon. Pat McCarran, chairman.
Also present: Messrs. Cal Cory and Hal Lackey.

STATEMENT OF ROBERT JAMES, VICE CONSUL, LUDWIGSBURG

Senator MCCARRAN. Your name is?

Mr. JAMES. Robert James.

Senator MCCARRAN. You are vice consul; how long have you been stationed here?

Mr. JAMES. I have been here since last March. I came in consul service in 1947 and was sent to Visa first and later was transferred here.

Senator MCCARRAN. How many have you in here now at the so-called displaced persons camp?

Mr. JAMES. Well, in her camp, she can give you a more accurate figure than I, but the last time I knew there were about 450 people. She has a certain residue and others there, some who are going to other countries, but the ones that concern us, I think, are around 450.

Senator MCCARRAN. About what is the processing?

Mr. JAMES. They have had over there as many as 1,200. When they have around 1,200 in their camp, we can process approximately 750 a week here. We consider our capacity of this office is 750 visas a week.

Senator MCCARRAN. How many are you processing now?

Mr. JAMES. This week, for example, we will process 340.

Senator MCCARRAN. From here they go where?

Mr. JAMES. From here they are sent out every week by Miss Roberts on a chartered train to Bremen and there screened by the emigration service and put on transports.

Senator MCCARRAN. Do you find a falling off of number?

Mr. JAMES. Yes, sir. We have had a marked falling off. I have a graphic portrayal here, the red line being the numbers of people who have been sent over by DPC (Displaced Persons Commission). It rose very markedly in July and is now in a state of decline. In July

we were getting, for instance, as many as 850 people a week from the displaced-persons command.

Senator McCarran. How long would it take you to process 850, about?

Mr. James. We could do it in six working days.

Senator McCarran. Is there any reason for the falling off that you know of?

Mr. James. The only information I have on that is there is no reason as far as the consulate is concerned. As far as I know, there is no reason from the IRO viewpoint. It is my understanding the reason is the local displaced persons coming here are not receiving sufficient assurances or cases from their Frankfurt office to enable them to give us more people.

Senator McCarran. How are the facilities from the standpoint of taking care of them here? Are they well taken care of?

Mr. James. The displaced persons? Yes, sir, I think they are. The camp is a former German Flak Kaserne or antiaircraft training center and the buildings here are permanent German Army barracks and the people live in those and it is my impession they are properly heated. The food is good. All our German employees ate at the IRO for several months before it was felt they couldn't go on, and yet, I can say the food is adequate. Then, too, the IRO and ourselves cooperate very closely to try to keep them here the minimum possible length of time because it is a transient center.

Senator McCarran. How do you get them in here? Where do they come from?

Mr. James. They came from the IRO camps distributed in this particular area of Germany.

Senator McCarran. How many camps are there?

Mr. James. That I don't know, sir.

Senator McCarran. Who would be able to tell me?

Mr. James. Miss Roberts.

Senator McCarran. You say that your help took meals with the IRO, with the displaced-persons group?

Mr. James. Well, not with them but I think they had——

Senator McCarran. They took the same food?

Mr. James. Yes. They had a dining hall set up and the employees of IRO and our employees ate together.

Senator McCarran. Are they at all constrained in their activities? There is a wire fencing.

Mr. James. No. The wire fencing is an inheritance from the German period. It is all an old fencing and I think has just been left. It hasn't any significance.

Senator McCarran. Do you have any come out and take work and come back?

Mr. James. We are not able to observe that here, because they are, in a sense, in a railroad station. It is a transient center. As for the people coming through who have been certified to us in the record that they have been living in IRO camps as opposed to being free-living people, which is what they call those who have lived outside on their own resources, it is my impression—I would say about 10 percent are free-living, but I think Miss Roberts can probably give you a more accurate figure.

Senator McCarran. How are they divided as to religion, do you know?

Mr. James. Well, so far as is revealed through our issuance of visas to them, which I think is an accurate indication, we have issued to date 34 percent of our visas to Catholics, 24 percent to Jews, 24 percent to Protestants, and 16 percent to Greek Orthodox.

Senator McCarran. Do you see anything that discriminates against any religion?

Mr. James. In its application I don't see it; no.

Senator McCarran. You just take them as they come, to issue visas?

Mr. James. Yes, sir.

Senator McCarran. Have you any method of discernment as to whether or not visas should be issued to them? Have you any power to restrain the issuance of visas?

Mr. James. Yes, sir. We can refuse to issue a visa to them if they do not meet the requirements of the immigration laws, and the more common reasons for refusal here are if they have been medically unfit or are illiterate. We have a number of those rejected because they are considered to be politically undesirable.

Senator McCarran. Have you had a number of those cases?

Mr. James. Yes, sir. They don't bulk as large as illiteracy and medicine, which are the two big reasons, but I would say we have, oh, four a week.

Senator McCarran. Suppose you refuse on that ground, what becomes of the individual?

Mr. James. Well, the individual is sent back from this center to the IRO camp from which he originated, and I think, unless the IRO is of the opinion that the basis for the rejection would no longer entitle him to help as a refugee, that he just stays in that camp. Possibly he goes somewhere else or stays in Germany. Of course, in most instances, they appeal their case again to us.

Senator McCarran. To whom do they appeal?

Mr. James. To us here, giving us further information which will attempt to overcome—well, let's say the reasonable doubt that exists in the mind of the consulate authority.

Senator McCarran. Does the Displaced Persons Commission interfere in that at all?

Mr. James. No, they do not. In a sense they determine the same thing to their satisfaction before we receive them. However, we make an independent finding in that case, often on the same evidence that they have found.

Senator McCarran. Do you have access to the Central Intelligence Agency?

Mr. James. Through the Displaced Persons Commission and I don't think this is a formal connection, but we have an investigative unit in the consulate to whom we refer cases, and I think, in a limited sense, they are able to get help from the CIC. But if it were to require a further investigation of the person, it is then our practice to refer the case to the DPC and they then ask the assurances of the CIC.

Senator McCarran. Have you seen any tendency on the part of the Displaced Persons Commission to alter your decision if you know whether or not the party is politically fit?

Mr. JAMES. They, on occasion, will re-present a case to us which we have refused as politically undesirable, pointing out information which they assume that we have not had previously, or information which the applicant or voluntary agency may ask be presented to us. On the other hand, if we make a final decision that he is politically undesirable, they have not challenged our decision.

Senator MCCARRAN. Was there any tendency on the part of either agency, or any agency, to choose any particular group as against others?

Mr. JAMES. I don't think so. As emphasized here, I think, that has not occurred. In this camp we have representatives of many voluntary agencies representing the Jews, for instance. There are two or three organizations here representing them. There are one or two organizations representing Catholics and there are Lutheran organizations, and so forth. But so far as I am aware, they have been treated equally.

Senator MCCARRAN. Has there been anything, to your knowledge, in the way of a drive to fill the camp, bring in additional people other than those that are classified properly as displaced persons?

Mr. JAMES. No, I think not. The question of whether a person is a displaced person is determined by the Displaced Persons Commission rather than the consulate. The only time that we go into that question at all is when, in a given case, we think it rather clear that an error has been made by the case analyst. In that case we send it back to the DPC and ask him if they, indeed, consider this person as a displaced person. If they then state that they do, we feel that settles the question. We have no power to determine whether or not that person is one. The only time, in a sense, we override the Displaced Persons Commission on that and it really isn't on that point, though it has that effect, is if a person had applied for emigration to the United States as a displaced person under the President's directive before the act of 1948 had been passed, and that person had been refused by the consulate because of fraudulent documents. Then if that person comes in again—as I had a case last week with new documents establishing anew his status—we refuse him under emigration laws because of attempted fraud in an earlier case of application for a visa. So that has the effect of our vetoing the findings of the Displaced Persons Commission. In that case, though, it is done from an emigration viewpoint.

Senator MCCARRAN. Do you have many cases like that?

Mr. JAMES. We have had a number. I would say four or five a month.

Senator MCCARRAN. It runs on about that, regardless of the output of your camp? Would the percentage be higher if the number was higher?

Mr. JAMES. No, I don't think so. I think it is fairly consistent. It depends on a lot of variables. For instance, we had a number of cases last month which had been earlier sponsored by the organization, HIAS, Hebrew Immigrant Aid Society. Those people had been subjected by the consulate under the Presidential directive in 1948 and they were all, over the course of a limited number of weeks—let's say five or six—re-presented to us so they, of course, made a fairly sizable number over that period of time.

Senator McCarran. The only time that you have occasion to find such a situation is where you have a record of your own?

Mr. James. Yes.

Senator McCarran. Of previously attempted fraud.

Mr. James. Yes. If a case comes in to us and it is a new case, we have no record of it at all. Then the person's status as a DP has been determined by the IRO and by the Commission, and we have nothing to do with it.

Senator McCarran. You have no way of determining whether that person had previously submitted a different set of facts to the IRO and is now going through on a new set of documentation which may be fraudulent?

Mr. James. No, we have no way of knowing, unless he actually applied to the consulate or at some other consulate.

Senator McCarran. Would you know if they applied at some other consulate?

Mr. James. Yes. It is customary, on visa requests, to send out look-out cards to all consulates, and by referring to these records you can determine whether——

Senator McCarran. What are other grounds for refusal of visas besides being unfit?

Mr. James. Well, if they are going to the United States as a prostitute or procurer or an immoral person. We can refuse them—there are three——

Senator McCarran. Criminals?

Mr. James. Yes, criminals. A person who has been unfit, or admits having committed a crime involving moral turpitude.

Senator McCarran. Medical——

Mr. James. Yes, we mentioned medical. There are other grounds which, in this act, are not used very frequently. In fact, that wouldn't be one going as a contract laborer, which, in this sense, they are all going as a contract laborer. We can refuse people if we feel they are not actually going as an emigrant but for some other reason. A pauper or a vagrant can be refused. A diseased person or a mental defective and one guilty of polygamy can be refused. Then there are political provisions. Also, someone likely to become a public charge. That particular ground is quite circumscribed under this act because of the fact they have been assured of a position in the United States, which more or less precludes the possibility of becoming a public charge, so we don't go into that unless, in our opinion, the person, as a result of an examination by the public health person, is not in a physical position whereby he could hold the job. We do that in the case of persons who hold a class B medical certificate. They haven't a loathsome disease.

Senator McCarran. How do you determine that?

Mr. James. That is determined by the Public Health Service and we take the word of the doctor.

Senator McCarran. Where do they go through that?

Mr. James. Here. We have a medical section upstairs. The IRO actually takes the chest X-rays and the blood test and, in fact, the IRO gives them a physical examination also. Then they come to the Public Health Service, and the Public Health Service doctors interpret the chest X-rays and the laboratory findings in the blood test, and

determines whether the person has venereal disease or tuberculosis.

Senator McCarran. You were referring to the general immigration law provisions in there.

Mr. James. Yes. I have before me here a paper. Actually, there are 21 specific grounds for refusal.

Mr. Lackey. You mentioned a pauper. What do you consider a pauper?

Mr. James. That is out. I am, in a sense, referring to a lot of the things we never have come up. The illiteracy, the medical grounds, in some rare cases the medical charge questions, and political grounds are the four actual causes of rejection.

Senator McCarran. Has it come to your attention that at both Butzbach and Ludwigsburg there has been a drive to encourage the incoming of displaced persons?

Mr. James. No, I am not—I have not heard that.

Senator McCarran. You haven't heard that at all?

Mr. James. No, sir.

Senator McCarran. Was that discussed by you here?

Mr. Cory. Yes. I understood either you or Mr. Tapascy stated that you had heard both the Displaced Persons Commission and the IRO were putting on drives to get in all possible registrations.

Mr. James. I think that must have been Mr. Tapascy. We haven't touched on that here, Mr. Cory. At least, I don't know of any organized attempt of any of those organizations to get people in the camp.

Senator McCarran. They really don't come here unless screened out?

Mr. James. Yes, sir.

Senator McCarran. This is merely a temporary residence?

Mr. James. Yes, as far as Ludwigsburg is concerned. We would not get anyone who is not, theoretically, going to get a visa within the next 2 or 3 days, and make formal application at the consular office for a visa.

Senator McCarran. What are your views with regard to the administrative procedure of the Displaced Persons Commission for security screening?

Mr. James. You mean with respect to screening people for security?

Senator McCarran. I would like to have a very candid statement.

Mr. James. I think it could be improved because, as I understand it, their security screening is done by the CIC but it is done in large volume. For example, if they present us even as few as 400 people a week, that means that 400 people have been screened from a security viewpoint by the CIC in that week, and it is my impression that the CIC finds itself working under pressure; it has to do that very quickly and, unless they come across a positive lead, they have to O. K. the case. What they do, as far as we can tell from the dossiers that come to us, is send a mimeographed sheet to the Displaced Persons Commission in which they state that the record is negative and then they state that this does not constitute a recommendation. It is a sort of negative finding.

Senator McCarran. Who says that?

Mr. James. That is the local CIC screening officer here.

Senator McCarran. If an individual would be politically unfit, does he have to prove his fitness or is it taken for granted that he is fit?

Mr. JAMES. No. As far as the emigration laws are concerned, the burden of proof is on the applicant to show that he is politically desirable.

Senator MCCARRAN. How about the Displaced Persons Commission practice?

Mr. JAMES. From looking at the cases, it seems to me that if they do not find something negative in the case, they approve it or, for instance, in certain cases they might say the CIC has stated that this applicant may be a Communist and has been denounced as a Communist, let's say, in this camp. However, they have been unable to substantiate this charge.

Senator MCCARRAN. And are not required to clear themselves?

Mr. James. And therefore we find that he is not.

Senator MCCARRAN. In other words, he is not required to clear himself even though CIC may throw the accusation toward him?

Mr. JAMES. Yes. I would say that it seems to me, from reading the dossiers, that the CIC has got to present a case as branding a person as a Communist. If they do not, even though they have uncovered accusations that might lead one to imply he is a Communist, the person is passed by the DPC.

Senator MCCARRAN. Is that true of the emigration service, where there is an accusation made against an applicant, he must clear himself?

Mr. JAMES. That is the way we have done here.

Senator MCCARRAN. So this is a departure from your customary procedure in issuing visas to the applicant?

Mr. JAMES. Well we have not departed from it ourselves.

Senator MCCARRAN. I am speaking of the Displaced Persons Commission.

Mr. JAMES. Their method is different than ours, yes. Under our regulations, if the consular officer has a reasonable doubt, he can refuse the person as a political undesirable.

Senator MCCARRAN. If you were to act under that under the Displaced Persons Commission program, what would be the result?

Mr. JAMES. Well, in terms of statistics, I can't say, but I would say that a number of cases which are presented to us would not be presented to us. I should think that we would have no occasion to reject anyone ourselves as being politically undesirable if the Displaced Persons Commission used the same criteria that we do, because in almost all instances we are using the same intelligence information that they are. There are cases that we have some additional information in our consulate files, but not often.

Senator MCCARRAN. Would you say you have relaxed the rule as regards displaced persons?

Mr. JAMES. No, sir; we have not.

Senator MCCARRAN. Where you have invoked the rule and turned applicants down, have you had them sent back to you by the Displaced Persons Commission?

Mr. JAMES. Yes. I think, in general, too, the policy of the Displaced Persons Commission, locally, to hold cases which we have returned to them as rejected for a period of weeks—I am not sure how long, I think it is 6 weeks—and give the person an opportunity, as they call it, to appeal. Therefore, in practice, if we reject some-

one as a political undesirable, the Displaced Persons Commission notifies them of that fact, pulls the case, and the voluntary agency interested in that person attempts to administer evidence which will cause us to reverse our finding. I think two-thirds of the cases we reject for political reasons are re-presented to us for reconsideration.

Senator McCarran. Of the two-thirds re-presented to you, how many would you say, off-hand, are there in which you have changed your position and issued visas to them?

Mr. James. Oh, I would say 1 or 2 percent. The only basis on which we would change our position—as I have explained to the Displaced Persons Commission and the voluntary agency—is if they present new evidence which we have not previously considered, evidence concerning the person's identity as much as anything else, where we have reversed our decision. It is a rare case which would overcome a reasonable doubt which would exist in the mind.

Senator McCarran. Do you still retain the practice of exercising the reasonable doubt theory?

Mr. James. Yes; we do.

Mr. Lackey. So the evidence upon which you generally pass that is considerably changed under this procedure, is it not? In other words, so many determinations have been made prior to your getting the thing, the real evidence which is necessary oftentimes doesn't get to you?

Mr. James. We determine it in terms of positive evidence available for us and the evidence that is available for us, in practice, is what is presented to us by the DPC or which might be in the files of the consulate. If, for example, a case was presented and there was no derogatory information on the person and it happened they had had no contact with the consul previously, we then would issue a visa. Whether a further investigation would indicate something positive in that case, we are in no position to know.

Mr. Lackey. But an examination of that applicant by the Displaced Persons Commission before you made it—that is, if you had made that same examination that the Displaced Persons Commission is now making, you may have turned up evidence that they do not apparently turn up because they do not make that——

Mr. James. Well, I don't know whether we would or not. It is a hypothetical situation.

Mr. Lackey. Yes; I recognize that but I think you are generally familiar with the lack of extensive investigation they do so that, comparing that other type of examination that you did give without the present law, that is, the type that the selector and so on gives to the documents, you would never have been satisfied with that type of examination prior to this act. Is that not correct?

Mr. James. Our examinations under the President's directives were not conducted at the speed with which they have to be conducted now, and I think possibly more time was spent on each individual case by our investigating unit, and for that matter, by the same CIC unit that is screening these people under this act because of the volume of people being processed. As far as I know, it is my impression they spend less time unless they obtained a positive lead, so to that extent I imagine that our previous section, from a security viewpoint, was

more thorough inasmuch as things become more thorough as you spend more time on it.

Senator McCarran. And the fact they are largely crowded and the CIC and your own office has to deal with more persons in a shorter length of time, the opportunity and spirit for protection to the Government of the United States is less.

Mr. James. I think so. It is difficult for me to state positively how thorough the CIC is being except I do know they are rushed and I draw what conclusions one would draw from the fact that someone is working under pressure. From our viewpoint we are not rushed and we don't act on them like that. We can turn a case over to our investigating unit and ask them to look to it further. Of course, there are numerous inquiries made about those cases. Any case that we hold over 10 days we have numerous inquiries from DPC and voluntary agencies as to why we are holding it and when will they go. To that extent we are moving fast, also. On the other hand, we have no compunction in holding the case as long as we feel we must to run a lead to the ground, or think we have a lead or CIC a lead.

Senator McCarran. I am interested in what you have just said, very much so. It is one of our great objects, to try and protect our own Government. Going back just a little bit—you will have to deal with this from the standpoint of your own office. You can't say what the CIC does, exactly. Where there is something that comes to your attention that arouses your suspicion as to whether or not an applicant is a Communist, do you exercise the same degree of care with reference to that applicant that you would have exercised ordinarily under the ordinary practice of issuing visas?

Mr. James. At this office we do, yes.

Senator McCarran. And do you require him to prove that he is not a Communist?

Mr. James. Yes, sir.

Senator McCarran. What is the method of proof resorted to?

Mr. James. Well, the facts of the case are included in the dossier with a denunciation of the person or information from our investigative unit that they are a Communist or that they have been a member of a Communist organization, or something of that sort. The consular officer interviews the person on the political question. We make it a practice to interview them all rather carefully on that subject and if he has a reasonable doubt to the fact that they are politically inadmissible, he would then require that they prove positively what they were doing during a particular period of time.

Senator McCarran. Do you take their word for it?

Mr. James. In practice they aren't able to do that. For instance, if we refuse someone, I don't know of a case that anyone has presented to us evidence that would definitely account for each month of their life during the critical period. But that is what we want. If, for instance, a person has been a Communist in Latvia during a particular period and was a member of the Red Army unit and was known to consort with Communists, we would then want him to present character statements from people, preferably we call other people permanent in Latvia to account for their activities during that period. For instance, if they were not teaching in a Communist school, what were

they doing during that period. We feel it is up to them to prove to us what they were doing for a period of time their activities were not reprehensible.

Mr. CORY. While making an investigation of that nature, are you not, from time to time, requested by the Displaced Persons Commission to go ahead and approve the applicant?

Mr. JAMES. Well, the DPC is always anxious for us to process the case. They don't express any desire that we give them the visa or we don't give it to them, but they want us to do something on the case.

Senator MCCARRAN. Who of the Displaced Persons Commission contacts you most, either by communication or personal visit?

Mr. JAMES. Miss Gertrude Ruskin, senior officer of the Displaced Persons Commission here at Ludwigsburg.

Senator MCCARRAN. And she is stationed right here?

Mr. JAMES. Yes; her office is in this building.

Senator MCCARRAN. How frequently does this Miss Roberts contact you on the displaced persons?

Mr. JAMES. I would say that I talk to her on the phone or see her at least once a day and sometimes two or three times a day.

Senator MCCARRAN. She is quite insistent on getting clearance for those who are help up; is that true?

Mr. JAMES. She is insistent that we take some action on the case. And if it is the type of case that we feel we may have reason to reject, we have numerous inquiries from the DPC and from the voluntary agencies, for that matter, as to why the case is being held up and what are we doing about it and when are we going to issue a visa, and so forth. I have not been asked by the representative of the DPC to issue a visa. I think they recognize that would be improper.

Mr. LACKEY. If you are holding a case here for something which you don't have anything to put your finger on, still there is something that you think isn't right with it, and they want to know and you can't dig up anything against it, you have to generally resolve that in favor of the applicant, don't you, unless you can say, "Here is some real evidence." You couldn't resolve that in favor of yourself and say, "I can't lay out any evidence."

Mr. JAMES. Yes; under this program, if you have a case that you can't justify refusal on in terms of the immigration laws and the requirements of the Department of State, at the same time you hesitate to issue a visa, it is very difficult to lay the case to one side and hold it for further development. You can do it and we do do it, but we do it subject to the fact that inquiries will be made about that case frequently during the period that you hold it.

Senator MCCARRAN. During the period that you hold it. Would that be the case under ordinary administration of emigration?

Mr. JAMES. No. Under ordinary emigration, naturally we do receive inquiries from interested third persons, but they aren't as insistent, they aren't made as often, and under this program every DP has an interested third person inquiring about him. It may be the voluntary agency or the Displaced Persons Commission. Under normal emigration, I presume the only ones that are inquired about are those that have relatives in the United States or some connection in our own country.

Senator McCarran. Have you got anything else, Mr. James, that you would like to tell me with regard to this general subject as an American citizen? Are you interested in any other——

Mr. James. Only that we are operating at about 60 percent of our capacity here.

Senator McCarran. What do you mean by that?

Mr. James. We are now issuing about—this week we have issued 340 visas when we have the ability to issue 750. That has been, with the exception of one period of about 3 weeks, true ever since we opened this office, and we all here wish that we had enough people coming through to operate at capacity.

Mr. Lackey. That is true because you set up this office at the request of the Displaced Persons Commission to take care of that many. You don't particularly want to take care of any more than 300 in your own mind, but since you have gone to the expense and trouble to set up an administrative unit here to take care of what they estimated they might need, then it seems inefficient to have that?

Mr. James. Yes. If there are 750 eligible applicants a week to be presented to us under this law, since we have gone to the effort and expense of establishing this office and are sitting here waiting for them, we would like to have them.

Senator McCarran. Are there 750 eligible applicants waiting?

Mr. Jamess. There aren't now.

Senator McCarran. Nowhere that you know of?

Mr. James. Let me put it this way: We are presented approximately—in the last month we are presented about an average of 400 a week. I gather that is all of the eligible applicants they can present to us.

Senator McCarran. Is this the only outlet to us to the point of embarkation?

Mr. James. No, sir; it isn't. There are about—I think 11 offices of varying capacities.

Senator McCarran. Similar to yours?

Mr. James. There is one in Munich bigger than us, and I think, too, this one and one other about this size and others of somewhat smaller capacities.

Senator McCarran. Do you know how they are operating, whether or not they are running to capacity?

Mr. James. It is my impression they are not operating at capacity. I think, relatively speaking, they are operating at the same general level that we are.

Senator McCarran. I would like to go back to that drive being put on through this weekly quota. You know nothing of that?

Mr. James. No, sir; I don't.

Mr. Cory. Is it your impression that the Displaced Persons Commission is determined to cause the number called for in the Displaced Persons Act to emigrate to the United States? In other words, are they primarily interested in reaching that figure of 205,000?

Mr. James. Well, I became connected with this program in March and a good many things transpired before I was connected with the program. It is my understanding, however, from the records of meetings that were had at the Displaced Persons Commission, and the comments of the consul general here and my observations since March,

that from the beginning of the program the DPC considers 205,000 people by June of 1950, June 30, as their goal.

Senator McCarran. Who is the representative in that national conference here?

Mr. James. I think it is Omanilee.

Senator McCarran. Is he in the staging area?

Mr. James. Yes, sir.

Senator McCarran. And who is the representative of the Jewish organization? There are a number of Jewish organizations.

Mr. James. Yes. The representative of the AJDC is Miss Levine and the representative of HIAS is Mr. Laremburg.

Senator McCarran. Has anyone questioned you, called you on the phone or communicated with you in any way as to my coming, outside of my own people here?

Mr. James. No; only the consulate, after having talked with Mr. Cory this afternoon, advised me you would be here.

Mr. Cory. Mr. Wilkinson?

Mr. James. Yes.

Senator McCarran. Have you any questions you want to ask?

Mr. Lackey. I believe not.

Senator McCarran. Have you?

Mr. Cory. I think we would like to look in these files.

Mr. James. That's right, sir. Miss Ruskin has a message for you concerning Mr. Carusi.

Senator McCarran. I hope you understand, Mr. James, the questions imply nothing with reference to yourself and the administration.

Mr. James. Yes, sir.

Senator McCarran. We are anxious to have you speak freely to us and anxious to get your innermost thoughts, if you care to give them to us, either on or off the record, just as you see fit. My purpose here is a serious one, as chairman of the Judiciary Committee, having subject matter at hand, and it has been held up and we are trying to get at the bottom of it to see what it is all about.

Mr. James. Yes. Well, it is the desire of Mr. Wilkinson that our operation be an open book here for you, and that we help you in any way we can, and put the facts at your disposal. From a personal viewpoint I am very happy to do that.

Senator McCarran. Fine.

Mr. James (looking at a document). This is the case of a man earlier refused by the consulate on political grounds under a Presidential directive, later presented to us by the Displaced Persons Commission and now being considered for rejection again on political points.

Senator McCarran. How long has he been before you?

Mr. James. This case? We interviewed him on the 29th. I think we have had this case before us about 6 weeks.

Senator McCarran. What is his occupation?

Mr. James. His occupation is listed as a bookkeeper.

Senator McCarran. Is that a fact from what you have?

Mr. James. Well, we interview them in an attempt to find it out, and I think, in this case, it is. Well, he has been other things, too. The IRO forms say he is a bookkeeper, and, in most instances, we can't get beyond it unless the man, at the time we interview, admits it. This is a CIC report which was in the file before it came to us. In other

words, the DPC saw that as well as we did. That is the brief on which he was earlier rejected to the consulate.

Senator McCarran. When was he first before you for consideration? This that I read you is dated January 14, 1948.

Mr. James. He was refused at the consulate in Stuttgart on February 18, 1948.

Senator McCarran. Now your CIC apparently had no knowledge of that, did they?

Mr. James. Well, this was done after that.

Senator McCarran. After that.

Mr. Cory. Didn't you have another CIC investigation of this man in connection with his present Displaced Persons Commission?

Mr. James. Yes. This is all the original case in the consulate. For instance, the thing you read here is the original here. This is the consulate dossier. It is not the Displaced Persons Commission's. It was on the basis of this record and other items received in January 1948 that led to its rejection in February 1948, the political grounds.

Mr. Lackey. Then even though the Displaced Persons Commission have a copy of this, they sent this back through, with this information before them, certifying, so far as they are concerned, that he is an acceptable emigrant.

Senator McCarran. Who does?

Mr. Lackey. The Displaced Persons Commission sends it to the consulate. Is that not right, Mr. James?

Mr. James. I want to be sure of any statement here now. I want to be sure they had this CIC report. They would have it available to them insofar as they had it check by CIC again. Now this, you see, is in the consulate dossier. This, incidentally, is a kind of analysis of the person by the Displaced Persons Commission, which is sent. [Hands document to Senator McCarran.]

Senator McCarran. Off that subject a minute, how many fraudulent applications have you had that came in to the displaced persons camp after December 22, 1945? Do you have many of those cases?

Mr. James. The only ones we could positively state we had are those which were rejected for fraud in connection with establishing that status earlier by the consulate. Because all that come to us now, the record shows that they are qualified DP's.

Mr. Cory. Unless you have a consulate record which would contradict the IRO finding, you necessarily accept the IRO finding?

Mr. James. Yes. We have to have a ground under the immigration law to refuse; if we privately think he is not a DP, as far as I can see, that is not material.

Senator McCarran. You can't do anything about your private opinions.

Mr. Cory. Don't you have some areas nearby here where you can go to the German chief of police and obtain a certificate from him that you were a resident of that locality prior to December 22, 1945?

Mr. James. They do obtain that but I think I am correct in saying they obtain it through the IRO.

Mr. Cory. Yes, I understand you don't thave anything to do with that.

Mr. James. No.

Mr. Cory. But isn't it a matter of knowledge among the consular officials here that any person who wishes to qualify as a DP can obtain

a certificate of residence by going to a nearby locality and bribing or paying the German chief of police of that locality for such a certificate?

Mr. JAMES. I have heard it alleged that can be done but I don't——

Senator MCCARRAN. Haven't positive proof of it.

Mr. JAMES. Haven't positive proof of it. We have a case now which is in the hands of the CIC. I believe here they are attempting to prove that fraudulent official documents were issued, in sizable numbers, at Breslau.

Mr. CORY. Is that nearby here?

Mr. JAMES. No, that is in Polish Silesia, German Silesia but under Polish administration now. So, therefore, we are very careful about documents coming from that area. I gather that the documents, of course, don't necessarily come from that area, but they list residence in that area at the critical date; in other words, December 1945.

Senator MCCARRAN. Have you at any time been asked, where you had turned down an applicant, to withdraw the letter of denial from the files?

Mr. JAMES. No, sir.

Senator MCCARRAN. Have you any case where you have received any letters from the Displaced Persons Commission requesting further consideration of an applicant? It doesn't reflect in here, does it?

Mr. JAMES. Yes. No, this case we have not turned it down yet, and, therefore, the letters we do get requesting consideration are, on those, actually rejected. I have had verbal inquiries, but that's all.

Mr. CORY. In particular, I would like to have the Senator read a letter where we read that since nobody came up with positive proof that the man was a Communist, therefore he was not a Communist.

Mr. JAMES. All right. This goes with this case, Senator, and this is the CIC report. They had this at their disposal. There is some doubt in my mind they had this one, the Displaced Persons Commission.

Mr. CORY. Would they have had that at their disposal if that was a part of the inquiry?

Mr. JAMES. Yes, and this indicates we turned him down previously.

Senator MCCARRAN. He says here: "Subject denied having applied for emigration to the United States previous to April 1949."

Mr. JAMES. He is wrong there, certainly, because we have got the record. Of course, they all deny that, almost always. They all did up to a point where they began to realize we could refuse them on the grounds of making false statements as well as other grounds.

Senator MCCARRAN. They had evidently denied that before?

Mr. JAMES. Yes, we had a sizable number that did do that.

Senator MCCARRAN. Here is another statement in here about the FBI:

> Subject has previously denied having any political connections. However, he admits now that he did sympathize with the Litansdisches Social Democratic Party in Schwaebisch-gmuend.

Mr. JAMES. This is the one that Mr. Cory mentioned. This is the Displaced Persons Commission's explanation of the CIC charges. This is the copy of the charges themselves.

(Discussion off the record.)

Senator McCarran. What became of this other case?

Mr. James. At the moment we are getting ready to reject him. We are awaiting for Mr. Wilkinson to come out. We have a three-man board and he is a part of it.

Senator McCarran. He is a forester and a bookkeeper.

Mr. Cory. Bob, it seems to me like you showed us a letter written by the Displaced Persons Commission, a two-page letter, and on the second page of that letter they said that the case had been either in your hands or in the hands of the CIC for more than 30 days, words to that effect, and since no positive proof had been turned up during that period, then the man should be presumed to be eligible. Do you recall such a letter?

Mr. James. That would have been included in the file itself and, as I recall, that was one case there——

Mr. Cory. After we read that letter we discussed for a few moments the shifting of the burden of proof, that the practical effect of that letter was to shift on to the consular official or the CIC the burden of proving the man was undesirable, where in the normal emigration case, if there is any objection or supposition that the man is undesirable, this case is withheld and the burden is on him to prove he is desirable.

Mr. James. As I recall, it was this statement because this, taken together with the CIC report, seemed to indicate that, in the absence of the CIC report proving the man——

Mr. Cory. This does the same thing, too. I didn't remember that letter. I thought I had seen another letter.

Mr. James. I don't recall the case.

Mr. Lackey. I believe this is it, Cal, because this is the guy that was going to be the presser.

Mr. James. As I remember, it was that case.

Mr. Lackey. The first guy was a bookkeeper. This guy has been a statistician all his life and now is going to be a presser. I am trying to find out where he is going. They say there is a presser needed in the locality.

Senator McCarran. We had better see that lady. It is almost 6 o'clock now. May we see her now?

Mr. James. Yes. That is Miss Roberts?

Senator McCarran. Yes. I think that at this point of the record we are making here, please, I respectfully, Mr. James, refer you to section 10 of the Displaced Persons Act and I quote for the record:

> No eligible displaced persons shall be admitted into the United States unless there shall have first been a thorough investigation and written report made and prepared by such agency of the Government of the United States as the President shall designate regarding such person's character, history, and eligibility under the Act. The burden of proof shall be upon the person who seeks to establish his eligibility under this Act. Any person who shall willfully make a misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person shall thereafter not be admissible into the United States.

I just draw that to your attention. I am very grateful to you for your frankness.

(Discussion off the record.)

DISPLACED PERSONS

MONDAY, OCTOBER 3, 1949

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON AMENDMENTS
TO THE DISPLACED PERSONS ACT OF THE
COMMITTEE ON THE JUDICIARY.
Funk Kaserne, Munich, Germany.

Present: Hon. Pat McCarran, chairman.
Also present: Messrs. Cal Corey and Hal Lackey.

STATEMENT OF WALTER C. YOUNG, DISPLACED PERSONS COMMISSION

Senator MCCARRAN. Mr. Young, I am going to say to you what I said to others. I am very much concerned in the welfare of our country and I am here trying to get the facts. I want to get them from people who know and who can give me statements of fact. I assure you that no reprisal will be worked on anyone who tells me the facts, because I am going to protect him. The only way I can get facts is to make that known.

If you can, in frankness and fairness, give me full and clear statements of what you found with reference to displaced persons' activities, this committee will be grateful and your country will be grateful, because we are now in a period in the history of our country where we have got to do everything in our power to protect it in every way. If you feel that you can frankly and fearlessly tell me the facts that you have found as regards the administration, I will appreciate it very much. If, on the other hand, you feel you would rather tell me without a record being made, I shall withdraw the reporter immediately.

Mr. YOUNG. Well, sir, as far as the record is concerned, I haven't anything I can't say for or without a record. I can't criticize the bill, because I believe in it.

Senator MCCARRAN. Will you state your name first?

Mr. YOUNG. Walter C. Young.

Senator MCCARRAN. What is your place of residence?

Mr. YOUNG. My home?

Senator MCCARRAN. Yes.

Mr. YOUNG. Catasauqua, Pa., Twenty-first District.

Senator MCCARRAN. How long have you been with the DP work?

Mr. YOUNG. Since November.

Senator MCCARRAN. You came over from the States at that time?

Mr. YOUNG. Yes, sir.

Senator McCarran. What has been your position here?

Mr. Young. I have been selecting and analyzing. I was told in Washington that I would come over here, in a short time, I would be put into another position. That, of course, is neither here nor there. I realize I have a right to go home if I want. I have been working, of course, for the Government for a long time. I was working for the regional director for UNRRA in China for 2½ years. Prior to that, I was director of OPA in Pennsylvania. Before that, I was director of personnel on the Pennsylvania Turnpike. I don't know whether this is of any value or not.

Senator McCarran. It is all right.

Mr. Young. Before that, I was an examiner of the International Relations Board. Prior to that, I was chief investigator of NRA in Pennsylvania.

Senator McCarran. All right.

Mr. Young. I was with the Labor Board. I was an examiner with the National Labor Board.

Mr. Cory. You have been stationed at Ludwigsburg?

Mr. Young. I have been stationed at Ludwigsburg. I didn't want to come in out of China and get into something where I would have too much responsibility, and on those grounds I came over. I have been working right along and you probably recognize, from my former jobs, I am on 7-day jobs and there wasn't any rest in between, which I like. That is my form of relaxation. I came into Ludwigsburg from Frankfurt. I got into Ludwigsburg, was assigned there from Frankfurt and arrived about 8:30 in the morning. I was met by the secretary of the senior officer, who told me to wait, the senior officer was not in. About 2 o'clock in the afternoon, the secretary came in to the office where I was with other analysts and selectors and these words she said, "The queen awaits." I had heard about the queen from the time I was there, so I was ready for most anything.

I went in and met the senior officer.[1] She was very busy; her desk all littered up with a lot of paper, fooling with that; looked up and said, "How do you do." I stood there for possibly a minute, which seemed like an hour. She said, "Sit down." I sat down. She started telling me what an operator she was, how she had the Army buffaloed. There is certain significance to these statements, having the Army buffaloed in a foreign country and the Army has control. It should be the other way around. She said how she was telling the consul what to do and was having fights with them every day, the Visa Division. So she said, "I have heard about you from Frankfurt and Washington. You are the man I need. I am tough and I have got them all scared around here."

So I smiled and she said, "Wipe that smile off your face." I said, "Don't be damn silly." When somebody says you have them scared, that's funny. She said, "I have a place for you. I can put you up in this organization. You're responsible and you can go places." I said, "If it is all the same to you, I don't want responsibility in this office," because I had spoken to the fellows and knew what it was. She says one thing one day and one thing the next and it is all confusion. I

[1] Gertrude M. Ruskin, whose testimony appears on p. 978.

came over here to do a job and if there is a job to be done, hell or high water isn't going to stop me. That's my job.

Things got very bad. This was in December. In January, there was a movement afoot to go to Frankfurt and report our activities. It came to a head in the afternoon. I suggested we wait until the following morning, because often a night's rest and you change your mind and I would like to see what we could do about it. The thing had been smouldering and blew into a flame in the afternoon, so we came back in the morning and it was agreed to drop the trip to Frankfurt.

Things got so bad, it interfered even with our social life. We can walk into the Ludwigsburg Club today and just go in the dining room and they know you are with the Displaced Persons Commission and they look at you right down their nose. She has everyone down on the personnel.

The thing began to grow again until it became so bad that of the nine employees in the Ludwigsburg office, seven of us went to Frankfurt and protested the operation. We went down there on a Saturday on our own time. The other two didn't go, because they weren't asked, so we don't know whether they would have gone or not. Before we went, however, we called Frankfurt and learned that Ruskin would be there. We didn't want to go around her back but didn't want to get Squadrilli [1] and Ruskin together. Squad refused to see us, which to my mind was complete admittance of lack of administration. Anyone who handles men, if a group come down like that, by God they are going to see them.

We asked that testimony be taken. He sent in a fellow by the name of Shirk; a representative of Squad's, O'Connor,[2] was there at the time and we asked if he would come in and listen to our story and he told us that things would be straightened out.

We didn't want to put Ruskin on the spot and say, "Throw her out," because it was out of our field altogether. However, we thought if we put in certain words they would take cognizance of the fact and do something. We said, "We want to stay with the program; we believe in the program; we think our experience is worth something to the Commission, but we would like to be transferred to any other office in Germany."

Senator McCarran. To whom did you say that?

Mr. Young. This was for the record to Shirk, for Squad in the presence of O'Connor. We went through our story and there should be a record down there, which I doubt. However, we returned to Ludwigsburg.

The following Tuesday, a girl by the name of O'Reilly [3] was dismissed. She was one of our group. Within a week, there was another being transferred, and they have all been transferred without any investigation whatsoever. New men have come into the office, replacements from other offices.

There was a wedding 2 months ago and a reception, of course. Some of the people came up from Frankfurt. The highest one in the group was Mrs. Kelley.[4] Since everyone was being transferred, I said to

[1] The testimony of Alex E. Squadrilli appears on p. 828.
[2] Commissioner Edward O'Connor.
[3] Miss Joan P. O'Reilly, former DP selector.
[4] Mrs. Frances Kelley, special assistant to the DP Coordinator.

Mrs. Kelley, "Look, I want to know something about my transfer or I am going to have to send a memo to Squad and ask him to qualify any discrimination. What have I done?" She said, "I will have to have that this week. We weren't going to transfer you. You are doing a swell job. You are carrying the work load." I said, "To whom will I send my memo?"

So the following Wednesday afternoon, I got a call and was asked if it would be convenient to see Sqaudrilli on Thursday in Frankfurt. I said, "You bet." So I went down to see Squad. He asked me how things were going and I told him, said, "There wasn't any change." He said, "Oh, everything is quiet now." I said, "Squad, you can pick up your telephone and ask anyone if they will accept a transfer tomorrow morning and everyone will say, 'Yes.' If everything is O. K. up there, they wouldn't accept a transfer." He said, "Gee, I didn't know that was that bad. I will be up next week. Look, stick around that long." I said, "Sure." Squad said, "I will be up within a week and try to get this thing straightened out."

The week rolled by and Squad didn't show up. The following Monday, one of the fellows came into my office and said, "Well, I got some news of Ludswigburg over the weekend." I said, "Yes; what was it?" He said, "Ruskin is going to Frankfurt and you are taking over the office." "Well," I said, "that wouldn't happen on orders from Frankfurt," because the place was too much of a mess for me to try to straighten out. I had done that before on other jobs.

This traveled through the office and even the German personnel were asking me about this change-over. The following Wednesday, I got a call from Frankfurt telling me I was transferred to Munich. The end of my checkered career at Ludswigsburg. However, after I was called, Miss Ruskin asked me to come down to her office and gave me my efficiency rating. We discussed things and I reported to Munich.

Mr. CORY. Are you covered by civil service because of your former Government service?

Mr. YOUNG. No, no. I have always just missed it. I have been moved around from one place to another so I have just missed it.

Mr. CORY. So you are not covered by civil service?

Mr. YOUNG. No.

Senator MCCARRAN. As to the work in the office while you were there, what have you to say as to whether or not the spirit of the law is carried out?

Mr. YOUNG. I can only say this: There is one person up there who handles all cases that have any derogatory information in the CIC report. It is not up to me to say whether he is qualified or not, but they have an attorney, or had an attorney, in Frankfurt. His name was Shouse. I had occasion to go to Frankfurt in early spring. I met him in the Carlton in the evening with another employee, Mr. Williams[1] of the Ludwigsburg office. We were introduced and he said to me, "I am the supreme court of the Displaced Persons Act. I am the guy that says whether they go or whether they don't go." I said, "Oh." He said, "Yup. You are from Ludwigsburg?" I said, "Yes." He said, "You know Gerty Ruskin is doing the best job of any senior officer in the field." I said, "Why?" He said, "I get fewer rejections from her than I do from any other office." I said, "Well, if I were in

[1] Lewis A. Williams, DP selector.

your shoes, that would certainly be the flag for me to get out to the regional office, because we are sending people to the United States and that is the second largest office in Germany. And if you are getting less rejections from them, then, by God, I think I would check on the people going through or at least spot check the files," because it didn't sound good to me nor does it.

Senator McCarran. Who was the party who always questioned the cases?

Mr. Young. A man by the name of Curry, Leo Curry.[1]

Mr. Cory. Do you know what became of those cases? Do you have any knowledge whether or not they were all approved, or the majority approved?

Mr. Young. I would say the greatest majority of them. I frankly don't believe we have more than—I may be way off base on this but I don't think we have more than 15 rejections.

Senator McCarran. Out of how many?

Mr. Young. That is complete rejections?

Senator McCarran. Yes.

Mr. Young. Let's see. In July or August we celebrated the issuance of our one hundred thousandth visa.

Senator McCarran. Do you think there are about 15 out of that that were finally rejected, notwithstanding the fact that the CIC reports had made derogatory reports in many instances?

Mr. Young. Well, a derogatory report doesn't necessarily mean the man is not eligible under immigration laws.

Senator McCarran. Well, this is the displaced-persons law.

Mr. Young. Yes, that's it, about 15.

Senator McCarran. In other words, the CIC had rejected under the Displaced Persons Act and of those rejections a very small percentage were finally rejected.

Mr. Young. That's right. This is the only—many times we will get a case here and before we will get a reply from the local CIC—bearing in mind that many of the records were destroyed, just not available——

Senator McCarran. How destroyed?

Mr. Young. During the war. So when we get a case in here from CIC and there are certain things that don't show up on it, maybe something where they had been fighting with the Balts, then we hold that case until we get a check from the Berlin document,[2] where they have much more complete files. Then the report goes to CIC and they, in turn, send them to us and we hold them.

What I started to say, every person that has come into the office up there from—well, they have come in from Schweinfurt, Augsburg, and other regional offices—see, when we were transferred they fill it from some other office. Conditions are about the same all over, except here. The man here is the only man that has the gumption to defy Frankfurt and just say, "This man is not eligible," send it in to Frankfurt. They refuse it, send it back and tell him they are eligible. He sends it back, tells them to advise it in writing and he gets it in writing. They have cases here where people entered Germany in 1946. The final date, as you know, is December 22, 1945. These were

[1] DP selector.
[2] Berlin Document Center.

rejected in June and are now clearing back over the desk, "O. K., a mistake in the entry date," and there is only one group involved.

(At this time there was an off-the-record discussion concerning a Mr. Vincent in Bremen, Germany.)

Mr. YOUNG. The question might come to your mind as to why I haven't packed up and gone home. People complaining are still holding on for one reason. We are Americans, too. I have got a family. Where I can stop any of this funny business of people going over there, I am certainly going to do what I can to stop them. I know we can use some of these people over there. There are some damn good people, but when you stop to think, it makes you shudder—and I do very often. We have 48 States and a lot are going to towns in 48 States. And the Americans are so gullible, and there's a lot of propaganda.

Senator MCCARRAN. Are you worried about the security angle? Do you feel there is an adequate check made?

Mr. YOUNG. I feel the security check is as adequate as it can be under the circumstances, because of the records being changed, the similarity of names and so on, all that sort of thing. But I don't feel that the signals of protection are being operated as they should be. I think, by God, when CIC says this man may be a Communist, I think that's enough. If he may be, to me that's enough; there is no pink light for me to destroy it.

Senator MCCARRAN. He should clear himself thereafter?

Mr. YOUNG. That's right.

Senator MCCARRAN. That isn't the case? The case is that you have to prove that he is.

Mr. YOUNG. That's right.

Senator MCCARRAN. Is that right?

Mr. YOUNG. You are accepted. I never had to do that, because I never got derogatory cases until I came up here. The cases are reviewed sometimes by German personnel, sometimes American, and then given to—possibly Miss Ruskin sees them, possibly she doesn't; I don't know. But any of the derogatory information goes to this one man. He writes the report. That is the condition when I was there. There may be somebody other writing them; I don't know. Even down to the case of stepchildren, I did get some stepchildren I tried to clear, or illegitimate children, which CIC always closed, but on a child born out of wedlock, that has no bearing in our case.

Senator MCCARRAN. Do you believe that the present act discriminates against any religion or nationality?

Mr. YOUNG. No, no. If there were discrimination, those that the agencies would discriminate, would discriminate, act or no act. The agencies and IRO are the prime factors. We aren't permitted to talk to a DP in Ludwigsburg nor were we permitted to talk to voluntary agency representatives. Miss Ruskin, in a meeting at which we had—I was there, very new at the time—she had at this particular meeting the CIC, counsel of the agencies, IRO, and her own staff. She sat at the end of the table and we were all gathered around the long board table and she said, "If you people have any questions you want answered, just ask me, don't ask my staff. They don't know the answers anyway. I am the only one that knows; ask me." If we were no

good, if we didn't know what it was all about, why didn't she clean house?

Senator McCarran. Any further questions?

Mr. Cory. Do you believe that the practice of using false and fraudulent documents has been widespread to get in under the December 22, 1945, date line or do you have any way of passing an opinion?

Mr. Young. I haven't any way of passing an opinion. It was common knowledge that birth certificates, entry dates, marriage certificates could be bought in various camps. There was a strong rumor that visas could be bought for $200 at one time, but of course it wouldn't have gotten very far with this man, Tripp,[1] in Bremen.

Mr. Cory. He is the immigration officer?

Mr. Young. That's right. And he is the one person that the Commission should thank God for, because he is the last door before they hit that Atlantic. He is doing a pretty good job. He holds them off regardless of how they holler in Frankfurt and what they tell him. He knows his job and that's that. He holds them off until he is satisfied.

Mr. Lackey. Do you think that, at the rate at which the present law was being administered, the number authorized by the act will have been reached by the end of the period?

Mr. Young. Not now. Not since a congressional committee came over here and started asking some very pertinent questions concerning the administration.

Senator McCarran. Who headed that committee?

Mr. Young. Congressman F. B. Walter. They were in here and asked some resounding questions. They knew what it was all about. All the questions were sensible. And since the Senator is here, certainly your headhunting is going to be cut down. That's what it was. Listen: Ask the senior officer who was present. I have heard it twice now from two senior officers, that Squadrilli embarrassed the consul when consul said the act didn't mean, was not 205,000 must. That was a maximum, the must was, but would be good material to citizens in the United States. And Squad got up and said, "That's a mandate from the United States. There must be 205 people over there."

Mr. Cory. You mean 205,000.

Mr. Young. After all, you hear things like that and over here it sort of makes your blood run cold, because 205,000 can cause a lot of trouble.

Mr. Cory. Are you acquainted with the so-called Celler bill?

Mr. Young. No, I am not.

Mr. Cory. Would you be able to give an opinion as to what the effect would be of moving the date line up to January 1, 1949? Would that qualify a number of people who are not now qualified?

Mr. Young. It would, and it would qualify my own rejections, because the date line is the only thing I can speak from. It would qualify a number of the better people.

Mr. Cory. A number of the better people?

Mr. Young. A number of the better people.

Mr. Cory. Who have been rejected.

[1] For the testimony of Almanza Tripp, see p. 647.

Mr. YOUNG. Because of the date line. But there, again, it could be worked the other way if the administration goes on as is. But it certainly would help us get some pretty decent people over there.

Senator MCCARRAN. If properly administered?

Mr. YOUNG. If properly administered, yes. I am not speaking as an authority. I am only speaking because once you have your own unit, things happen in an administration that happen in another, the same problems, and there is something that should be done because we are going to pay for it in the long run. You can't just go haphazard sending people over there.

Senator MCCARRAN. All right. I thank you, Mr. Young, thank you very much.

Mr. YOUNG. You're welcome, sir.

(The meeting adjourned at 5:30 p. m.)

APPENDIX

EXHIBIT NO. 8 OF THE INVESTIGATION REGARDING THE ADMINISTRATION OF OUR DISPLACED PERSONS PROGRAM IN EUROPE

AMERICAN CONSULATE GENERAL,
Munich, Germany, September 9, 1949.

No. 305.
Unclassified.
Subject: Possibility of fraud in connection with visas obtained by displaced persons in Amberg, Germany.

The honorable the SECRETARY OF STATE,
Washington.

SIR: I have the honor to report that it has come to the attention of the Amberg Sub-Office of the Consulate General that ten visas were issued between December 29, 1948, and June 16, 1949, to displaced persons who are apparently ineligible under Public Law 774 for admission into the United States. It is understood that these persons are either now en route to or are already in the United States. These persons have all made statements under oath in their visa applications which subsequent documentary evidence had shown to be probably false, and in each case the eligibility of the person concerned was dependent upon the truth of the statements. The specific point in question is the date upon which these applicants arrived in Germany. In order to be eligible under Public Law 774, these applicants must have arrived in Germany before December 22, 1945. The recently discovered documentation indicates that these applicants all arrived subsequent to this date.

The matter was called to the attention of the Consulate General by the Military Government Officer responsible for the town of Schwandorf, Bavaria, who is at present investigating charges of bribery of a member of the city government of Schwandorf by a prospective visa applicant. The accused is said to have paid 50 marks through the wife of the president of the Jewish Committee of the town, in an effort to have the city records which show residence in Schwandorf adjusted so as to make him eligible under Public Law 774. This investigation has shown that a number of displaced persons who had already departed for the United States had previously caused their police records in Schwandorf to be changed, and further that upon their presentation for a visa, the statements which they made under oath did not correspond with records in Schwandorf. After examining the Schwandorf police records in these cases, the records of the International Refugee Organization in Amberg (IRO Area IV Headquarters) were also consulted. It was shown that these records agree with the Schwandorf records and do not support the statements made by the applicants in their application.

The ten cases in question are as follows:

1. Boltuch, Lea, was issued Polish Quota Visa 3227/50 on December 29, 1948. Miss Boltuch stated under oath that she has resided in Munich from November 1945 until 1946. The Schwandorf records in this case consisted of two documents, one a questionnaire which Miss Boltuch prepared in order to obtain a German Identification Card. On the identification card questionnaire, she stated that she arrived directly in Schwandorf from Poland in the summer of 1946. On her police registration card, a notice as to her residence in Munich has been added, obviously subsequent to her original registration. In the files of IRO in Amberg, two documents were consulted in this case, the questionnaire prepared by Miss Boltuch for the Army which states that she arrived in Germany in July 1946 from Poland, and the IRO Card and Maintenance Questionnaire

(CM–1 form) which indicates that she resided in Munich during the time stated on her application.

2 and 3. The documents in connection with Miss Boltuch's sister and brother-in-law, Simon and Taube Haber (Polish Quota Visas 6028/50 and 6029/50, issued February 3, 1949) also follow the same pattern of discrepancy, i. e., the residence in Munich is added later on Police Registration Card, the identification card questionnaire shows no residence in Munich, the Army questionnaire shows arrival in Germany in 1946, and the CM–1 form shows residence in Munich between October 1945 and August 1946. It is noted that in both the Boltuch and Haber cases the CM–1 form was prepared on May 26, 1948, at which time it was generally known that in order to qualify under the President's Directive of December 22, 1945, concerning the immigration of displaced persons, the applicant must have been in Germany prior to the date of the Directive.

4 and 5. Brafman, Daniel and Anna, were issued Polish Quota Visas 3593/50 and 3594/50 on February 2, 1949. Brafman stated in his application that he came to Germany in November 1945 and resided in the neighborhood of Schwandorf from that date on. On his Schwandorf identification card questionnaire he states that he arrived in Schwandorf in July 1946. However, there is an entry in pencil (possibly in Brafman's own handwriting) between his statements as to residence in Piotrkow, Poland, in 1945 and Lodz, Poland, in 1946, stating that he lived in Schwandorf between November and December 1945. Brafman's CM–1 form shows residence in Lodz, Poland, uninterruptedly from June 1945 until June 1946, where he was employed as a tailor.

6, 7, and 8. Henryk, Mela and Fedor Badrian were issued German Quotas Visa 6945, Polish Quota Visa 5601/53, and German Quota Visa 6946, respectively, on April 21, 1949. Badrian based his eligibility on arrival in Schwandorf in September 1945 from Kattowice, Poland. This statement is substantiated by the idetnification card questionnaire in Schwandorf. However, the IRO CM–1 form shows Badrian to have been residing uninterruptedly in Kattowice from January 1945 until September 1946, and the IRO DP reigstration card (DP–2 card) shows the same information.

9 and 10. Israel and Irena Dreier were issued Polish Quota Visas 5415/56 and 5416/56 on June 16, 1949. Dreier claims to have been in Schwandorf between September and December 1945. There is no record in the Schwandorf police records of this trip to Schwandorf from Poland. Furthermore, there is attached to the police records a Polish certificate of residence showing Dreier to be living in Krakow from March 1945 until March 1946. The CM–1 form does not show residence for Dreier in Schwandorf before September 1946.

The investigation of these cases and other similar cases in which visas have not yet been issued is being continued by the local Displaced Persons Commission Team, the International Refugee Organization, and Military Government, CIC, and this office, and if any other cases are discovered in which it is believed that visas have been issued to persons not eligible under Public Law 774, the Department will be informed immediately.

Information in the records in question indicates that the following persons may have made false statements in their visa applications believing that these statements were necessary in order to establish their eligibility under Public Law 774:

Albert, Solomon (Polish Quota Visa 5453/56 issued June 30, 1949).

Apfelbaum, Juda and Pérla (Polish Quota Visas 5626/53 and 5627/53 issued April 22, 1949).

Taffel, Leib and Estera (Polish Quota Visas 6202/52 and 6203/52 issued March 29, 1949).

The information in the documents, however, shows that these persons were already eligible from the point of view of entry into Germany prior to December 22, 1945. These persons had been in concentration camps in Germany during the war, then returned to Poland, and apparently falsified the dates of their reentry into Germany.

The Schwandorf documents disclosed above are in the Archives of the Burgermeister of Schwandorf, and the IRO CM–1 forms and DP–2 cards are in possession of the IRO Area IV Headquarters, Amberg, Germany.

Respectfully yours,

SAM E. WOODS, *American Consul General.*

JULY 28, 1949.

Mr. Donald W. Main, Senior Officer, Area 6.
Alex E. Squadrilli, Coordinator.
E. C. No. 5864—Kohn, Josef.

The above-captioned file is returned herewith for reprocessing as directed below.

As far as the Commission is concerned, rejections under Section 10 of the Act in document and perjury cases must be based upon proof—either the record of a court conviction, or a confession in writing, or a signed Consular statement to the effect that the applicant committed perjury, or was previously denied a visa because of the submission of false documents.

If the applicant is otherwise acceptable, you will, therefore, write a favorable report with appropriate reference therein to the allegations of record and the Commission's findings in the premises.

Please withdraw from the file all previous Commission reports and notifications before forwarding same to the Consul. This letter may be incorporated in the file in support of the directed action.

ALEX E. SQUADRILLI, *Coordinator.*

UNITED STATES DISPLACED PERSONS COMMISSION,

Area 6

MUNICH, GERMANY

APO 407. U. S. Army

Date: August 11, 1949.

To: Mr. Alex E. Squadrilli, U. S. D. P. Commission, Frankfurt,
From: Mr. Donald W. Main, Senior Officer.
Subject: E. C. No. 5864—Kohn, Josef.

In compliance with instructions contained in DPC Hdqts'. letter of July 28, 1949, and verbal instructions outlined Staff Meeting at Hdqts., July 30th, we are transmitting herewith for appropriate disposition, under separate cover, all original rejection notices dated February 3, 1949, and memo covering ineligibility to IRO dated February 3rd, in above-captioned case.

A favorable report has been written as directed and has gone forward to the Consul this date.

DONALD W. MAIN, *Senior Officer.*

UNITED STATES DISPLACED PERSONS COMMISSION

Area 6

MUNICH, GERMANY

FEBRUARY 3, 1949.

To: Donald W. Main, Senior Officer.
From: Blair Taylor, Selector and Acting Analyst.
Subject: E. C. No. 5864—Kohn, Josef, Principal Applicant; Agnes, his wife.

(1) CIC report and security investigation of the above named, dated February 1, 1949, discloses an attempt by Applicants in June 1948 to obtain visas from the American Consulate General at Munich, Germany, by use of false birth and marriage certificates.

(2) In view of this fact, the subject's application for immigration into the United States under the provisions of the Displaced Persons Act of 1948 is rejected.

BLAIR TAYLOR.

FEBRUARY 3, 1949.

Rejection approved and entire file forwarded to Headquarters, Frankfurt. Hdq. Frankfurt.

DONALD W. MAIN, *Senior Officer.*

UNITED STATES DISPLACED PERSONS COMMISSION

Area 6

MUNICH, GERMANY

FEBRUARY 3, 1949.

To: Director, Resettlement Center, Funk Kaserne. (Attention of Miss Hayes.)
From: Donald W. Main, Senior Officer.
Subject: E. C. No. 5864—Kohn, Josef.

This is to advise you that the above-named applicant has been found ineligible for emigration to the United States under the provisions of the Displaced Persons Act of 1948. The case therefore has been closed and the entire file forwarded to the Headquarters of the Commission in Frankfurt.

MEMORANDUM

UNITED STATES DISPLACED PERSONS COMMISSION

Area 6

MUNICH, GERMANY

Date: August 11, 1949

To: Mr. Alex E. Squadrilli,
United States Displaced Persons Commission, Frankfurt.
From: Mr. Donald W. Main, Senior Officer.
Subject: E. C. 59729—Kybartas, Juozas.

In compliance with verbal instructions outlined Staff Meeting at Hdqts, July 30th, we are transmitting herewith for appropriate disposition, under separate cover, rejection reports dated May 31, 1949, June 23, 1949, and June 30, 1949, also, form letters "Statement of Irregularity" dated June 1, 1949, in the above-captioned case.

A favorable report has been written and has gone forward to the Consul this date.

DONALD W. MAIN, *Senior Officer.*

EXCERPTS FROM THE TESTIMONY OF RUTH FISCHER BEFORE THE SPECIAL SUBCOMMITTEE TO INVESTIGATE IMMIGRATION AND NATURALIZATION

The CHAIRMAN. Do you solemnly swear that the testimony you are about to give before the committee of the Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. FISCHER. I do.

Mr. ARENS. Will you kindly identify yourself?

Mrs. FISCHER. My name is Ruth Fischer. I am a writer living in New York.

The CHAIRMAN. How long have you lived in New York City?

Mrs. FISCHER. Since 1941.

The CHAIRMAN. Of what country are you a native?

Mrs. FISCHER. I am a native of Germany.

The CHAIRMAN. How long have you been in this country?

Mrs. FISCHER. Since April 1941.

The CHAIRMAN. Are you a citizen of this country?

Mrs. FISCHER. Yes.

The CHAIRMAN. Are you married or single?

Mrs. FISCHER. I am a widow.

The CHAIRMAN. What is your line of business at the present time, if any?

Mrs. FISCHER. I have written a large study, Stalin and German Communism, published by the Harvard University Press, and I am working under the auspices of Widener Library of Harvard University on a second study on European communism.

The CHAIRMAN. Have you ever been to Moscow?

Mrs. FISCHER. I have been in Moscow 14 times.

The CHAIRMAN. Were you ever indoctrinated or trained in Moscow?

Mrs. FISCHER. I was a German Communist, and an Austrian Communist from the very beginning.

The CHAIRMAN. When did you become a Communist?

Mrs. FISCHER. In 1917.

The CHAIRMAN. As a Communist, were you taken to or did you go to Moscow?

Mrs. FISCHER. I was a member of the central committee of the German Communist Party and general secretary of the Communist organization of Berlin, and I went there as an elected delegate of my Communist organization to represent this organization at Comintern meetings.

The CHAIRMAN. What year was that, what date?

Mrs. FISCHER. Between 1922 and 1926.

The CHAIRMAN. You were an accredited delegate from the Communist Party in Germany to the meeting, the Comintern at Moscow?

Mrs. FISCHER. Yes; and I was elected delegate to the Fourth and Fifth Congress of the Communist International in Moscow, in 1922 and 1924. In this capacity, I was elected to the executive committee of the Communist International and to its presidium, in which function I served until I was expelled from the Communist Party.

The CHAIRMAN. On your many visits to Moscow, what was done in the way of training you or indoctrinating you in communism?

Mrs. FISCHER. In these years I was personally not easy to indoctrinate because I was an oppositionist Communist, so what was done with me personally was cooperation in the style of the first 10 years of the Russian Revolution, consultations with the leading Russian Communists. I saw Stalin quite a number of times in the closed sessions of the Comintern. I had the privilege of meeting Lenin in 1922, and I met Trotsky and all of the big leaders of the first generation during the formative years of the Comintern. As I stayed there for 10 months in one stretch, I had, of course, ample opportunity to get some inside knowledge as a leading Communist about the various techniques of Communist organization.

The CHAIRMAN. Madam, you realize that you are under oath now?

Mrs. FISCHER. Yes; I realize that.

The CHAIRMAN. You fully realize the nature of an oath?

Mrs. FISCHER. Yes.

The CHAIRMAN. When did you first come to the United States?

Mrs. FISCHER. I came to the United States in April 1941.

The CHAIRMAN. Why did you come to the United States?

Mrs. FISCHER. Because I was persecuted by both the secret police of Russia and Germany, by the GPU and by the Gestapo. I had been a member of the German Reichstag from 1924 to 1928 and was put on the first list of people to be exterminated by the Nazi Government in August 1933. In addition, I was on the extermination list of the NKVD or the GPU. I was in danger of my life and could only save my life by getting out of Europe. I was in constant opposition to both totalitarian groups, against Stalin's and Hitler's.

* * * * * * *

The United States has been a subject of major interest of the Russian Communist Party for decades. The economic achievements of this country and also, to a large extent, the social achievements have been the envy of Russian Communists. As a result, the information services concentrated a good deal of their attention here, particularly on industry and technology. After Hitler came to power in the period preceding the Second World War, this surveillance was heightened. Any evaluation of the techniques of the Russian secret services in this country, therefore, must be based on the fact that for at least 20 years the Russian Communist Party has had an uninterrupted chain of agents here. As one of his principal jobs, each agent sent back information that would improve the training of his successors; and, increasingly, the more important agents have been good American types who could fit anywhere in this society.

Despite the rather small membership of the American Communist Party, because of its strategic position it has always been regarded as high in the Comintern hierarchy. Not only is the United States of prime importance in itself, but this is an excellent coordinating point for work in Latin America and the colonies. For example, the American Communist Party was given the specific task—which it carried out very well—of spreading propaganda on the "agrarian reformist" character of the Chinese Communists.

To an even higher degree than elsewhere, the personnel of the various Soviet delegations, Embassy, consulates, Amtorg,[1] Tass,[2] and so forth, in this country have

[1] Russian Trading Corporation, incorporated under the laws of the State of New York.
[2] Official Soviet news agency.

been composed in part of Soviet intelligence agents. Hidden in each of these bureaus, ostensibly performing some routine function, are MVD men whose real job is to report on various phases of American society to Moscow headquarters. Recently, this corps has been reinforced by the UN delegations of Russia and her satellites. A small group of these MVD agents; say three to five men, directs the work of the whole network in this part of the world; it filters the information that comes in and, making use of the diplomatic pouches, passes on what is new and useful to Moscow.

The enormous growth of Communist parties abroad, plus the large number and variety of Communist fronts in this country, has made possible a system by which agents chosen for their suitability and ease of cover can be sent in through any one of several channels. For really dangerous and important jobs, such as sabotage in war time, the Moscow agent is the antithesis of the popular conception of the Communist. He is selected from among British or Swedish or Canadian—if not native-born Americans—and he is carefully insulated from open contact with the party or any of its front organizations. His job is to get into a strategic place and wait until he is needed.

Security measures against Communists can be effective only if they are based on a thorough knowledge, continuously renewed, of the principles of Communist organization and the details of Communist history. In contrast to Soviet methods, by which a detailed record is kept over the years of all persons—not to say organizations and parties—of importance to the regime, the immigration officers of the United States are in general reduced to judging each case on its apparent merits, based on hearsay evidence collected only in this country at the moment it is needed. Over a period of several weeks, the same officer is called upon to pass on the applications of a Frenchman, a Chinese student, an Italian a Czech. He does not, and he cannot, know the languages of all these people, or anything of their culture, or specifically anything of the Communist parties and their fronts in the countries involved; and there is no central advisory committee of experts to which he can apply for information. In general, so far as I know, there is not even the practice of allowing the officers to specialize in applicants from one country, so that in the course of their work they might pick up at least a rudimentary familiarity with the facts they are called upon to judge.

The result of this system has been that during the past decades, some thousands of persons, many of them well known as Communists to informed persons in their native countries, have been freely admitted to the United States, honored, given fat jobs, and freely allowed to depart when they were finished with their assignments. On the other hand, some hundreds of others, ex-Communists or non-Communist Socialists, have been banned from admittance even though an American officer competent to judge on their cases would have passed them. In my view, the immigration law should have two aspects: every effort should be made to keep out—and if they slip in, to deport—the actual agents of a foreign power, or those closely and knowingly associated with them over a period; contrariwise, ex-Communists and their like, once they have demonstrated fully that they have broken completely and definitely, should be given the possibility of entering this country. I say this not for sentimental reasons, or because the lives of these people may be in danger, or for any other reason connected only with them, but because in my view the United States needs such people badly. No matter what happens in the world, it is certain that a sound American policy must be based on an accurate and detailed knowledge of Communist parties and organizations, and on friendly cooperation with those who have learned from their personal experience that Stalinism is the most reactionary power in the world and want to fight it. To summarize:

(1) The United States is a prime point of interest for Soviet Russia, and many of the best Moscow agents are concentrated here.

(2) A change of procedure is certainly required to make it more difficult for agents to get into this country, but a mere change of procedure cannot of itself work wonders; it has to be supplemented by an organized means of furnishing the immigration officers with accurate, detailed information on the Communist movement all over the world.

(3) In my view, the optimum immigration policy should be flexible enough to make allowance for innocent dupes of Communist fronts, and particularly for ex-Communists and anti-Communist Socialists.

EXCERPTS FROM THE TESTIMONY OF BOGDAN RADISTA, FORMER CHIEF OF THE FOREIGN PRESS DEPARTMENT IN THE INFORMATION MINISTRY OF YUGOSLAVIA, BEFORE THE SPECIAL SUBCOMMITTEE TO INVESTIGATE IMMIGRATION AND NATURALIZATION

The CHAIRMAN. Mr. Raditsa, will you kindly stand and be sworn.

Do you solemnly swear that the testimony you are about to give before this committee of the Senate will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. RADITSA. I do.

The CHAIRMAN. You understand the nature of an oath?

Mr. RADITSA. That is right.

Mr. ARENS. Will you kindly identify yourself?

Mr. RADITSA. I am Bogdan Raditsa from Yugoslavia. I was born in Yugoslavia. I was chief of the foreign press department in the Tito Ministry of Information in Belgrade in 1945.

* * * * * * *

One thing I must stress is that when we came to Belgrade in the beginning of 1945, we met the first Russians who came there, Russian officers of the Red Army and others of the different political departments in Moscow who came there to supervise the formation of the Communist state. I was terribly impressed by their statements that war with the United States must come very soon, that America must be destroyed, and that the Red Army and the so-called new peoples' democracy are the vanguard of the world revolution which must destroy America. I was so impressed, Mr. Senator, because I had just left America where the popularity of the Russian people was, as you remember, unlimited and great, when nobody in America, nobody responsible, spoke about any possibility of war with the Soviet Union. Those were people coming directly from Moscow; I mean they had not been mixed up with any western contacts.

So my opinion, and the opinion of many of us who were there—I cannot mention their names—was that we were very afraid to hear from the Russians coming from Russia that the first thing which they must do is destroy America as the greatest enemy of the so-called people's democracy.

The CHAIRMAN. What I wanted to get was the background upon which you are basing your statement. I think you have stated it sufficiently. You may proceed with your statement.

Mr. RADITSA. Communist diplomacy is nothing but legalized espionage and a subversive network spread all over the free world. To be a diplomatic representative of a Communist state, means to accomplish any kind of work which the Communist Party and the Cominform assign. There is no person holding an important or even a secondary position in connection with the economic, cultural, political, or military department of any Communist government, be it of the Soviet Union or any other satellite, who, when sent to the United States or to any other free country, does not have a special assignment as to the collection of secret data, information, and facts.

Each employee who is sent to a foreign country is first closely examined by the department which sends him, and he must also be approved by the secret police, which has the last word on the reliability of the man. In a Communist state, as was told to me in Belgrade by the Communist commissars, to be a spy is not derogatory, but the greatest sign of confidence and trust which can be awarded by the people's democracy to its best servants. As one of the Communist commissars put it in his instructions, as far back as 1945, to the diplomats sent abroad from Yugoslavia, the term "spy" is a sign of the greatest loyalty bestowed on any Communist follower by his superior.

But there is something more. I remember having attended one of the conferences in the Foreign Ministry in Belgrade when the Communist instructors and high officials of the party explained the idea upon which the new Soviet type of diplomacy was to be lined up. One of the commissars read a text written by the main Communist brain truster in Yugoslavia, the present foreign minister, Edvard Kardelj. He said:

"International law does not exist in relation with the external world. The new peoples' and socialist democracies are radically opposed to the bourgeois meaning of international law. International law belongs to the past. All our adepts must bear it in mind and not be deceived by the verbiage of the decaying western and Anglo-American conception of international law, which is only used to hamper the people's revolution and to impose upon us the Anglo-

American imperialism. The new Foreign Ministry is being purged of the old diplomatic cadres whose treacherous attitude in serving the Anglo-American imperialists must be eliminated from our new diplomatic staff. The new members of our diplomacy must be trained in the new spirit of our people's democracy under the leadership of our famous Communist Party. It is through its noble and salutory work that our people have received their freedom. We must have in our ranks fighters, convinced civil servants, who will be able to follow the great work of our Socialist revolution, together with the Soviet revolution, and help spread these ideals all over the world.

"For the time being we must use in some historical temporary positions all facilities which international law gives us, but we must be on the alert not to become victims of the western powers who want to deceive us through their conception of international law. For us international law must be only a front through which we must work and fight for the victory of the world revolution everywhere."

To the Communists sent to the United States in 1946, the following instructions were given:

"To fight and act for communism, the Red Army is not enough. To facilitate and make possible the victory of communism, we have to work hard in the non-Communist countries.

"That work is multiform.

"We must incite discontent, uneasiness in the capitalistic and bourgeois states. The greater is the discontent in each capitalist and bourgeois country, the more fertile is the ground for communism. In the United States and in Great Britain we are going to have unemployment. The capitalists will not be able to export. Later on, the industrial power of the Soviet Union and of the other friendly peoples' republics will compete with the industrial production of the capitalist countries. They will be threatened by your industrial production at their own home.

"But we cannot simply wait for that day. Already now, we have to revolutionize the European and Asiatic Continents. Strikes, revolutionary impetus of the trade-unions and labor, weakening of capitalism through the demand for high wages so that they are not able to compete with the Soviet Union, obstruction of different reactionary governments in their anti-Communist policy, the incitement for nationalism everywhere, the hatred against the colonial empires, the uprising of trade-unions against their governments, the various helps to the Communist parties in the capitalist countries, propagandize the hatred against the reactionary in every country, and particularly develop in the United States the impression that the economic depression must be inevitable and try to convince more and more the people of Slavic descent to leave Canada and the United States and return to their countries of origin, bringing with them capital and machinery—this must be our main work in Canada and in the United States.

"Everything is permitted that will bring us toward the victory of communism in the world.

"Two worlds," as Mr. Kardelj said to me, "the Communist and the capitalist, must irrevocably clash. We have to make certain concessions while stalling for time. We must consolidate our position before the external world in order to be ready to pass to the offensive when the hour strikes.

"We cannot today foresee the future. In the postwar world the process of socialization, communization in other words, can develop so fast, that great complications may arise between the Socialist and capitalist worlds. The same process will take place everywhere in Europe and in Asia. We can consider that imperialism is broken and the proletarian revolution is on the march. That revolution is linked with the Soviet Union through agreements of mutual political and economic assistance and is creating, as Stalin says, the union of various focuses of the revolution in one system which will go into a frontal attack against the imperialistic system."

These instructions were sent out from Belgrade, January 1948, before the Cominform was transferred from Belgrade to Bucharest. They concern the activities of Communist agents among the displaced persons, political emigrants, and other refugees. They say:

"Everyone knows what the existence of any organization or a free opposition means in the international political field. The countries of southeastern Europe have their political emigrants all over. We have to do our utmost to destroy their organizations completely, so as to hamper them from becoming any serious factor which could alter our political plans. We must convert the emigrants

into a disorganized mass which nobody could take in consideration in any political combination. We have to send instructions to our Communist cells for action against the whole emigration from our countries.

"The British and American commands continue not to give us back Soviet citizens. It seems to us that that question will never be solved to our satisfaction.

"It is absolutely necessary to intensify all the pressure behind the Allies and to mobilize all possibilities for the full dispersion of the emigrants.

"To arrive at this result, we have to exploit our official relations with the enemy nations (Great Britain and America). For our action, we have to win for us German Communists, the Germans of Russian origin, the Poles, and the Baltic Germans, some black marketeers who can easily cross the borders and those who have their domicile in the allied zones. It is not forbidden to take in consideration even the Nazi who know the Russian or Ukrainian languages and who may be useful to us. It is categorically stressed that all our agents must have their families on our territory or in our zones.

"The basic principle of action is as follows:

"1. To check on and always incite the material and religious disagreements between the refugees. That which we have done so far is not enough. It is necessary to incite more and more the conflict between the west and the east, between the "old" and "young."

"To transform the refugees into an instrument of our higher policy we must incite and inflame the antagonism between the different political groups of the refugees, to bring about a full divergence in their daily life, in their press, and in their action. The masses must be drawn into this struggle.

"We have to paralyze the cultural action among the refugees. For that we must employ people who have no ability and the people devoid of any talent, so that they will annoy the editorial boards of different magazines with valueless articles. In such a way they will disarm the action of the capable and important people who are dangerous to us.

"On the other side, a struggle among the exiles has to be incited constantly, among the capable people particularly, among the politicians and leading personalities, the fight between the talented and the untalented.

"We must work particularly among the people who are not intelligent but who think that they are very intelligent, in such a way to bring about hate, dissatisfaction, and apathy among the refugees.

"2. It is necessary to raise scandals and conflicts among the refugees so that the foreign world will be convinced that the cultural value of the emigrants is equivalent to zero.

"3. To foment the conflict between the Roman Catholic and the Eastern Orthodox Churches and to bring about to an open conflict between the Catholics and Orthodox, not only outside but inside the churches themselves. We have to spread theories among the refugees in such a way as to take under our complete control all the refugees in the camps. We must do our utmost that the leadership of the camps is in our hands. We must have all over in the camps in leading places useful innocents or fools so that we can use them for our cause. It is of the utmost importance to incite dissatisfaction and despair among the refugees. We have to stress with particular attention that the conflicts between the refugees and the allied camps authorities should always be great. Incite particularly British and American policy against the DP's and refugees so that we always have serious conflicts. We have to do our utmost that every refugee hates the Allies, that every refugee considers every ally his enemy.

"4. As far as the emigree press is concerned, we must do everything in our power that the political conflicts should be very frequent. We have to destroy every influence of the emigree press and everything that is published in exile must be made to lose all of its importance. Everyone whom we succeed in bringing back has to be used for the future fight against the western imperialism.

"5. In all working groups, we have to infiltrate people who are capable to incite quarrels, fights, and constantly hamper all harmony. We must then inform the peasants that they should use the refugees for the hardest and most disgusting work. We must incite a deep divergence between the officers and lower ranks and particularly between the officers and soldiers. We must incite conflicts between the refugees and the employers who employ them.

"6. Systematically destroy every influence of the refugee institutions and particularly their leadership. We must find out if some of the leaders are compromised so that the whole organization should be discredited. To do that we have

to infiltrate elements who are capable of accomplishing this demoralization."

The CHAIRMAN. When you deal with the term "refugee," how far does that extend? Is it refugees; or it it those who are displaced?

Mr. RADITSA. Displaced persons; there are a great many of those who are not in the camps of displaced persons, who are living in Paris, Rome, or in German towns.

The CHAIRMAN. I understand your statement to be that one of the instructions given out was to create discontent and discord among the refugees, which included displaced persons.

Mr. RADITSA. Which included displaced persons, and which included the foreign element in this country, too.

EXCERPTS FROM THE TESTIMONY OF ELIZABETH BENTLEY BEFORE THE SPECIAL SUBCOMMITTEE TO INVESTIGATE IMMIGRATION AND NATURALIZATION

The CHAIRMAN. Miss Elizabeth Bentley will come forward.

Remain standing. Raise your right hand. You do solemnly swear that the testimony that you are about to give before the committee of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss BENTLEY. I do.

* * * * * * *

I worked with the Russian secret police from 1938 on.

The CHAIRMAN. Where?

Miss BENTLEY. I actually had contacts with them which I didn't realize at the time until later, long before that.

The CHAIRMAN. Where did you work with them?

Miss BENTLEY. I worked with them first in New York, and then, from 1941 through 1945, I worked with Government employees in the Federal Government who were obtaining information for the Rusisan secret police.

The CHAIRMAN. How did it come about that you went into the employ of the Russian secret police?

Miss BENTLEY. I at that time was a Communist, Senator, and I was sent, what they called, "underground." In other words, I was put in contact with one man who did not say it was espionage but rather gradually led me into it, to the point that when 1941 came along, I was so far in, I suppose, I didn't even think about it then.

* * * * * * *

Mr. ARENS. On the basis of your background and experience, do you have any appraisal to make as to the relative number of persons who are in the active direction of the Communist work in this country who have gained admission into the United States from abroad, as distinguished from persons who are native-born Communists?

Miss BENTLEY. I would say that is almost impossible to answer, unless you are sitting in Moscow. As I said, the only espionage which they trust to Americans is the sort of thing where they cannot use anyone but Americans, in other words, Government employment, for example. But the links beyond that and your higher-ups are all Russian-trained people. They may be from satellite countries, because Russians do not trust Americans. That has been told me over and over again. Back in 1945, I was told that eventually there would be a war between this country and Russia, and I was told by the first secretary of the Russian Embassy again and again that what worried them the most was the fact that they didn't know that they could count on an American Communist, no matter how corrupted or no matter how "steeled," as they called it, in the event of war between the United States and Russia. Therefore, they have tried to limit their dependence on Americans to a minimum.

They have used various means of bringing people in for espionage, of course. I was told every member of the Russian Embassy and consulates is working in espionage of various sorts, whether it is commercial or military or Russian secret police. The same is true of the Russian nationals in Amtorg and in Tass.

The CHAIRMAN. What was the source of your information? You say "I was told."

Miss BENTLEY. I was told this by Mr. Golos, and I was told this by Mr. Anatoli Gromov, the first secretary of the Russian Embassy, whom I mentioned before.

Mr. ARENS. Do you feel the same is true with reference to the satellites?

Miss BENTLEY. I can't give you any direct evidence but I would say very definitely "Yes." They also told me that it was difficult to bring in enough agents officially. Therefore, they have been sending, as I said, the type of Mr. Eckhardt and Mr. Endelmann in, ostensibly as businessmen from their satellite nations.

I also know that during Mr. Golos' lifetime—the Russians were quite farseeing at that time—they were intending to set up a program of bringing their own agents in with war refugees or DP's, because I remember back in those days they had started a scheme to try and let some of these Polish refugees then in the U. S. S. R. free from Russia to come to this country, holding their wives as hostages on the condition that they would come in and act as Russian secret police agents in this country. So, if they have done it that far back, they have certainly gone a lot further along that line.

EXCERPTS FROM THE TESTIMONY OF PAUL CROUCH BEFORE THE SPECIAL SUBCOMMITTEE TO INVESTIGATE IMMIGRATION AND NATURALIZATION

The CHAIRMAN. Mr. Crouch, you do solemnly swear that the tesitmony you are about to give before the committee of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CROUCH. I do.

Mr. ARENS. Will you please state your full name, address, and occupation?

Mr. CROUCH. Paul Crouch, Miami, Fla., journalist.

Mr. ARENS. With what company are you connected?

Mr. CROUCH. I am employed by the Miami Daily News, Miami, Fla.

Mr. ARENS. How long have you been employed by the Miami Daily News?

Mr. CROUCH. I have been employed by the Miami Daily News since January of this year.

Mr. ARENS. In what capacity are you employed?

Mr. CROUCH. I am employed in a supervisory capacity.

Mr. ARENS. Have you in the course of the last several years had any connection with the Communist Party in the United States?

Mr. CROUCH. I had connection with the Communist Party as a member of the party, as a member of many of its leading committees, and as representative of the Communist organizations to Moscow for approximately 17 years, from 1925 until 1942.

* * * * * * *

The vast majority of those persons who direct the United States branch of the Communist International are foreign-born persons who are not naturalized citizens of this country. Men like J. Peters, William Weiner, Jack Stachel, John Williamson, Bill Gebert—the latter now a high official of the Polish Government—are the men who really have run the Communist Party in this country in the past. Native-born and naturalized American Communists, in the main, are nominal party officials and are used mostly to head the various party fronts.

A stricter enforcement of existing immigration regulations would do something toward easing the present situation. I know of one instance where two displaced persons were admitted to this country under the sponsorship of a known Communist, Mrs. Celia Greenberg, of Miami Beach. Along with stricter enforcement, in my opinion, is the need for stricter immigration regulations.

The CHAIRMAN. When was that incident that you speak of?

Mr. CROUCH. During the past 2 months.

Senator FERGUSON. Do you know the name of the displaced persons that came in under the sponsorship of this woman?

Mr. CROUCH. I don't recall; they were published in the Miami Daily News.

Senator FERGUSON. Will you get them for the record and insert them?

Mr. CROUCH. I will.

(The information follows:)

"The displaced persons admitted under the sponsorship of Mrs. Charles (Celia) Greenberg were Joaquin Taub, age 27, and David Taub, age 24. Pictures of the two displaced persons and Mrs. Greenberg were published in the Miami Daily

News, March 16, 1949. The address of Mrs. Charles (Celia) Greenberg is 645 West Avenue, Miami Beach, Fla."

Mr. CROUCH. It is my carefully considered opinion, based on 17 years' experience as a ranking Communist Party leader in this country, that this legislation is needed to curb the influx of alien Communists into the United States.

If alien Communists were prevented from entering this country and those alien Communists in this country were deported, then, gentlemen, the Communist Party in the United States would be seriously crippled.

Going into specific fields within the scope of the subcommittee's jurisdiction, I wish to speak on the basis of my 17 years of activities in the Communist Party.

Senator FERGUSON. May I just ask him there, because I may miss it later, you are of the opinion, then, as I understand it, that the great difficulty is with alien Communists, that if it was left to the Communists such as you had been——

Mr. CROUCH. Yes.

Senator FERGUSON. Who are native-born Americans, that this Communist Party would not amount to much.

Mr. CROUCH. It would not be half as powerful as it is today.

Senator FERGUSON. It would not have the subversive elements in it?

Mr. CROUCH. It would not have half as many.

STATEMENT OF MRS. WILLIAM P. MACCRACKEN, WASHINGTON, D. C.

Reading in the public press the debate now in progress in the Senate on pending displaced persons legislation, I, as an American citizen, am vitally interested in the security of our country. I would like to relate my experience with a DP family that I have had in my employment as domestics.

About October 9, I went to the Displaced Persons Bureau and interviewed a Hungarian couple, Mr. and Mrs. Julius Hajdu. He had been a forester and was a highly educated man from Budapest, Hungary. They fled Budapest, not because of the Germans but because of the Soviets. Their sponsor in New York, after a short time, put them on the train and sent them down here to Washington, where they had a son employed at Hecht's store, as a stock boy.

I realized after a few days of employment, that Mr. Hajdu was an ill man. I notified the Displaced Persons Bureau that I could not not pay him the salary, because he was unable to work. I said that if they cared to stay, I would give them their room and board, and pay his wife's salary, which I did. He had a very bad cough which I was disturbed over and he went to see a Hungarian doctor, whom he called. The doctor said the cough was caused from the heart, and he had "wet asthma." I had tried to persuade him to go to my physician and made several appointments for him, but he refused to keep these appointments, and so he went to this Hungarian doctor.

Between Christmas and New Year's, his wife came to me and said her husband was very ill—had not been able to retain food for over 3 days. I called George Washington University Hospital to make an appointment at the clinic, and they could not take him before the 12th of January and advised me to call the National Health Council, which I did. I explained to the National Health Council the situation and asked if there wasn't some hospital in town for an emergency case where I could have this man attended to at once. They suggested taking him that morning to Georgetown University Hospital, which they called for me, and they said that I could bring this DP there.

He was in the clinic from 11 a. m. until about 3 p. m. The next morning, the hospital called and said to bring him at once as they had one bed vacant. He entered the hospital, and for 2 weeks he was prepared for an operation for cancer of the stomach. He was given blood transfusions and intravenous feedings. The latter part of January he was operated on for cancer of the stomach and spleen. Part of the stomach and spleen were removed. He lived for 5 days following the operation.

The day of the operation I called the State Department and informed them that I thought he would die and I wanted to know who was going to bury him, as I didn't feel that I could be responsible for his funeral expenses, as long as our Government had allowed him to come to our country in this physical condition. They got in touch with St. Vincent de Paul Society, who took charge of the arrangements and funeral expenses.

The son of the deceased resigned his position at Hecht's and desired to take his father's position in my home and occupy his accommodations. He was of a very nervous, high-strung nature, and I thought it unusual when he said that he knew all there was to know about merchandising, having learned it in the 4 months he had been at Hecht's.

His mother was very upset over his condition. She stated the cause of his nervousness was that his half brother by his father's first wife was a leading Communist in the Soviet zone of Germany.

Due to this young man's mental condition we took him to a psychiatrist to see if it was safe to take him into our home. The psychiatrist's examination took 4 hours and his advice to us was under no circumstances to permit him to live with us.

Mrs. Hajdu, the mother of this boy (both of whom were DP's) is not at present employed in my household as she chose to leave and work for Mr. Edward S. Acheson, so she could have her son with her at their place in the country.

I relate my experience with DP's because I am of the opinion that this very vital piece of legislation, now before the Congress, should be explored from every angle as to the method of screening and selection of the type of people who enter the United States. Because of some recent events every precaution should be taken for the security and the public welfare of our country, and I deemed it my duty to relate my experiences to the proper authorities on immigration.

LUCILE MACKCRACKEN.

DE VOL FUNERAL HOME,
Washington, D. C., March 6, 1950.

Hon. Senator PAT MCCARRAN,
Room 449, Senate Office Building, Washington, D. C.
(Attention: Mr. F. W. Schroder.)

DEAR SIR: As requested by you in our telephone conversation of this afternoon I am sending you as much information as I have available on the cases of two persons we have buried within the last few months.

The first case was that of a young Polish fellow, Nicholas Klebicki, age 34. Some people called Mr. Klebicki a displaced person which I guess he was, but he was not sent to this country to work for any particular person or company. However he was sickly as I have been told ever since he first arrived here. For your information there is enclosed a short newspaper item concerning him. Please return this to me after you have taken whatever information you might need from it. Mr. Klebicki died of bronchial pneumonia and pericarditis metastatic sarcoma—hip joint—left, TB pulmonary were constributing causes. We were told that he had become ill while in concentration camps in Europe. His friends here took care of his burial and paid all the expenses. I do not know who paid for his hospital care at Georgetown University Hospital.

The second case was that of Mr. Julius B. Hajdu, Hungarian DP who lived at the home of Mr. McCracken of 2933 Benton Place NW., with his wife and son. As we were told Mr. Hajdu came to this country in October 1949 and was admitted to Georgetown University Hospital in Georgetown, D. C., in December 1949 and died on January 31, 1950. Inasmuch as Mr. Hajdu and his family were not financially able to pay for his funeral expenses the St. Vincent de Paul Society of Washington, D. C., furnished a grave and paid for his funeral expenses as well as arranged to have mass said for him at St. Thomas the Apostle Catholic Church. Mr. Hajdu died of a heart condition.

For your information I have secured photostatic copies of the official death certificate on both of these cases and you may keep them for your files.

Sincerely,

H. DON DE VOL, *Owner-Director.*

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151X

DISTRICT OF COLUMBIA HEALTH DEPARTMENT
BUREAU OF VITAL STATISTICS
CERTIFICATE OF DEATH

File No. 495435

1. PLACE OF DEATH
a. STREET ADDRESS: 3400 Reservoir Road
b. FULL NAME OF HOSPITAL OR INSTITUTION: Georgetown Univ. Hosp
c. LENGTH OF STAY IN D. C.:

2. USUAL RESIDENCE (Where deceased lived. If institution: residence before admission).
a. STATE: District Columbia
b. COUNTY:
c. CITY OR TOWN (If outside corporate limits, write RURAL and give township): Washington
d. STREET ADDRESS (If rural, give location): 2933 Benton Pl NW

3. NAME OF DECEASED (Type or Print): a. (First) Julius b. (Middle) B c. (Last) Hajdu

4. DATE OF DEATH: (Month) 1 (Day) 31 (Year) 50

5. SEX: m
6. COLOR OR RACE: White
7. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify): Married
8. DATE OF BIRTH: 4/17/1884
9. AGE (In years last birthday): 65
If Under 1 Year: Months / Days
If Under 24 Hrs.: Hours / Min.

10a. USUAL OCCUPATION (Give kind of work done during most of working life, even if retired): ENGINEER
10b. KIND OF BUSINESS OR INDUSTRY:
11a. BIRTHPLACE (State or foreign country): Hungary

11b. CITIZEN OF WHAT COUNTRY? HUNGARY
12. NAME OF SURVIVING SPOUSE: Elizabeth

13. FATHER'S NAME: UNKNOWN
14. MOTHER'S MAIDEN NAME: UNKNOWN

15. WAS DECEASED EVER IN U. S. ARMED FORCES? (Yes, no, or unknown): No (If yes, give war or dates of service)
16. SOCIAL SECURITY No.:
17a. INFORMANT: MRS. HAJDU
17b. RELATED TO DECEDENT AS: WIFE

18. CAUSE OF DEATH
Enter only one cause per line for (a), (b), and (c)

*This does not mean the mode of dying, such as heart failure, asthenia, etc. It means the disease, injury, or complication which caused death.

MEDICAL CERTIFICATION

I. DISEASE OR CONDITION DIRECTLY LEADING TO DEATH* (a) Myocardial disease

ANTECEDENT CAUSES
Morbid conditions, if any, giving rise to the above cause (a) stating the underlying cause last.
DUE TO (b)
DUE TO (c)

II. OTHER SIGNIFICANT CONDITIONS
Conditions contributing to the death but not related to the disease or condition causing death.
(Include report of pregnancy within 3 months of death)

INTERVAL BETWEEN ONSET AND DEATH

19a. DATE OF OPERATION: 1-26-50
19b. MAJOR FINDINGS OF OPERATION: Large Carcinoma of Sigmoid Colon
20a. AUTOPSY? YES ☑ NO ☐
20b. AUTOPSY FINDINGS: Infarction of Liver, Last Empyema

21a. ACCIDENT SUICIDE HOMICIDE (Specify): —
21b. PLACE OF INJURY (e.g., in or about home, farm, factory, street, office bldg., etc.): —
21c. (CITY, TOWN, OR TOWNSHIP) (County) (State)

21d. TIME OF INJURY (Month) (Day) (Year) (Hour) m.: —
21e. INJURY OCCURRED While at work ☐ Not while at work ☐
21f. HOW DID INJURY OCCUR?

22. I hereby certify that I attended, the deceased from 1-17, 1950, to 1/31, 1950, and last saw him alive on 1/31, 1950, and that death occurred at 11 of p. m., from the causes and on the date stated above.

23a. SIGNATURE: Joseph F. Graceffo, M. D.
23b. ADDRESS: Georgetown Univ. Hosp.
23c. DATE SIGNED: 2/1/50

24a. BURIAL, CREMATION, REMOVAL (Specify)
24b. DATE: Feb. 4, 1950
24c. NAME OF CEMETERY OR CREMATORY: Mt. Olivet Cemetery
24d. LOCATION (City, town, or county) (State): Washington DC

D. C. Funeral Director's or Embalmer's License Number: #74
25. FUNERAL DIRECTOR: A. Don. DeVol
ADDRESS: 2224-Wis. Ave

13471

MAR 7 1950

This is to certify that the above is a true and correct reproduction of the original on file in the Bureau of Vital Statistics, Health Department, Washington, D.C.

Daniel L. Seckinger, M.D.
Health Officer, Dist. of Columbia

Chief, Bureau of Vital Statistics

63475 O - 50 (Face p. 1238) No. 1

II 055-5

HEALTH DEPT. D.C.
PERMIT OFFICE

DISTRICT OF COLUMBIA HEALTH DEPARTMENT
BUREAU OF VITAL STATISTICS
CERTIFICATE OF DEATH

File No. 196.X 493670

1949 NOV 22 PM 5 41

1. PLACE OF DEATH a. STREET ADDRESS 3800 Reservoir Rd, N.W.	2. USUAL RESIDENCE (Where deceased lived. If institution: residence before admission). a. STATE b. COUNTY
b. FULL NAME OF HOSPITAL OR INSTITUTION Georgetown University Hospital	c. CITY (If outside corporate limits, write RURAL and give township) OR TOWN Washington, D.C.
c. LENGTH OF STAY IN D. C. May 1947 –	d. STREET ADDRESS (If rural, give location) 1401 Columbia Rd N.W. Apt 418

3. NAME OF DECEASED (Type or Print) a. (First) Nicholas	b. (Middle)	c. (Last) Klebicki	4. DATE OF DEATH (Month) Nov. (Day) 20 (Year) 1949	
5. SEX Male	6. COLOR OR RACE White	7. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) Never Married	8. DATE OF BIRTH Nov. 5, 1915	9. AGE (In years last birthday) 34 — If Under 1 Year: Months, Days; If Under 24 Hrs.: Hours, Min.
10a. USUAL OCCUPATION (Give kind of work done during most of working life, even if retired) Unemployed	10b. KIND OF BUSINESS OR INDUSTRY —		11a. BIRTHPLACE (State or foreign country) Poland	
11b. CITIZEN OF WHAT COUNTRY? 1st Papers - U.S.A.			12. NAME OF SURVIVING SPOUSE —	
13. FATHER'S NAME Franciscan Klebicki			14. MOTHER'S MAIDEN NAME Unknown	
15. WAS DECEASED EVER IN U. S. ARMED FORCES? (Yes, no, or unknown) —	(If yes, give war or dates of service) —	16. SOCIAL SECURITY No.	17a. INFORMANT Mr. Lutyk	17b. RELATED TO DECEDENT AS Friend

MEDICAL CERTIFICATION

Enter only one cause per line for (a), (b), and (c)

		INTERVAL BETWEEN ONSET AND DEATH
18. I. DISEASE OR CONDITION DIRECTLY LEADING TO DEATH (a)	Bronchopneumonia	1 wk
ANTECEDENT CAUSES *Morbid conditions, if any, giving rise to the above cause (a) stating the underlying cause last.* DUE TO (b)	Pericarditis - Metastatic	3 mon.
DUE TO (c)	~~Peridon~~ Sarcoma, hip joint, left	9 mon.
II. OTHER SIGNIFICANT CONDITIONS *Conditions contributing to the death but not related to the disease or condition causing death.* (Include report of pregnancy within 3 months of death)	Tuberculosis, Pulmonary, ? active	years

19a. DATE OF OPERATION	19b. MAJOR FINDINGS OF OPERATION	20a. AUTOPSY? YES ☐ NO ☑	20b. AUTOPSY FINDINGS
21a. ACCIDENT SUICIDE HOMICIDE (Specify)	21b. PLACE OF INJURY (e.g., in or about home, farm, factory, street, office bldg., etc.)	21c. (CITY, TOWN, OR TOWNSHIP) (County) (State)	
21d. TIME OF INJURY (Month) (Day) (Year) (Hour) m.	21e. INJURY OCCURRED While at work ☐ Not while at work ☐	21f. HOW DID INJURY OCCUR?	

22. *I hereby certify that I attended, the deceased from* Oct 31, 1949, *to* Nov. 20, 1949, *and last saw him alive on* Nov 20, 1949, *and that death occurred at* 5:50 A.m., *from the causes and on the date stated above.*

23a. SIGNATURE Elbert T. Phelps M. D.	23b. ADDRESS D.C. Hospital		23c. DATE SIGNED 11/20/49
24a. BURIAL ☑ CREMATION ☐ REMOVAL ☐	24b. DATE 11-23-49	24c. NAME OF CEMETERY OR CREMATORY Washington Natl. Cem.	24d. LOCATION (City, town, or county) (State) Suitland Rd. Md.
D. C. Funeral Director's or Embalmer's License Number #74	25. FUNERAL DIRECTOR H. Don. Gt. Vol	ADDRESS 2224 Wis. Ave.	

13472

MAR 7 1950

This is to certify that the above is a true and correct reproduction of the original on file in the Bureau of Vital Statistics, Health Department, Washington, D.C.

Daniel L. Seckinger, M.D.
Health Officer, Dist. of Columbia

Chief, Bureau of Vital Statistics

63475 O - 50 (Face p. 1238) No. 2


OAMP-26832