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IMMIGRATION

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HEARINGS

BEFORE

SUBCOMMITTEE NO. 1

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

FIRST SESSION

ON

H.R. 1, H.R. 40, H.R. 565, H.R. 763, H.R. 2560, H.R. 2903,
and H.R. 3914

BILLS TO AMEND THE IMMIGRATION AND NATIONALITY
ACT TO PROVIDE FOR THE NATURALIZATION OF PERSONS
THROUGH ACTIVE-DUTY SERVICE IN THE ARMED FORCES
OF THE UNITED STATES

MARCH 1, 1967

Serial No. 1

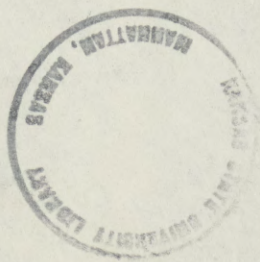
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TO AMEND THE IMMIGRATION AND NATIONALITY ACT

WEDNESDAY, MARCH 1, 1967

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 1 of THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:30 a.m., in room 2237, the Rayburn Building, the Honorable Michael A. Feighan, presiding.

Present: Representatives Feighan, Rodino, and Dowdy.

Staff members present: Garner J. Cline, counsel, and Donald Benn, associate counsel.

Mr. FEIGHAN. The committee will come to order.

The committee is meeting today to receive testimony on pending legislation to amend the Immigration and Nationality Act by making a new category of persons eligible for expeditious naturalization privileges under existing law.

Similar provisions were made available to aliens who served honorably in the U.S. Armed Forces during World War I, World War II, and the Korean hostilities.

The seven bills pending before the committee are not identical. The bill H.R. 3914, by Mr. Donohue, of Massachusetts, provides expeditious naturalization privileges for aliens who have served after January 1, 1964, in an active duty status in the U.S. Armed Forces in the Vietnam combat area.

H.R. 1, by Mr. Rooney of New York; H.R. 40, by Mr. Ryan, of New York; H.R. 763, by Mrs. Kelly, of New York; and H.R. 2560, by Mr. Matsunaga, of Hawaii, are identical and provide the same expeditious naturalization benefits for aliens who have served honorably in the U.S. Armed Forces after January 1, 1963.

H.R. 565, by Mr. Feighan, and H.R. 2903, by Mr. Rodino, are similar to the preceding four bills; however, both bills provide that the naturalization benefits be available to those aliens who have served after February 28, 1961, the date recommended by the Department of Defense.

We must, therefore, analyze the testimony with these issues in mind:

On what date should the naturalization benefits start to accrue?

Should the naturalization benefits be limited to those aliens who have served in the combat zone of Vietnam?

Should the benefits be available to all aliens who are now serving in the U.S. Military Forces?

Should there be a period of military service before the benefits begin to accrue?

What position should the committee adopt relative to the approximate 14,000 Filipinos presently serving in the U.S. Navy and Coast Guard, pursuant to the military bases agreement?

Should there be a termination date?

There is every indication that legislation of this nature has widespread support in addition to the strong recommendation from the executive branch of the Government.

(The bills referred to are as follows:)

[Identical bills: H.R. 1, Mr. Rooney of New York; H.R. 40, by Mr. Ryan, of New York; H.R. 763, by Mrs. Kelly, of New York; H.R. 2560, by Mr. Matsunaga, of Hawaii]

A BILL To amend the Immigration and Nationality Act and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101(d)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101), is hereby amended by inserting immediately after "July 1, 1955," the following: "or after January 1, 1963,".

(b) Section 101(d)(2) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101), is hereby amended (1) by striking out "and (D)" and inserting in lieu thereof "(D)", and (2) by inserting immediately after "July 1, 1955" the following: "; and (E) the Vietnam hostilities relates to the period subsequent to January 1, 1963".

(c) Section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440) is amended by inserting after "July 1, 1955," the following: "or during a period beginning January 1, 1963,".

(d) Section 329(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1440) is hereby amended by inserting after "July 1, 1955," the following: "or during a period beginning January 1, 1963,".

[Identical bills: H.R. 565, by Mr. Feighan, of Ohio; H.R. 2903, by Mr. Rodino, of New Jersey]

A BILL To amend the Immigration and Nationality Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101(d)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101), is hereby amended by inserting immediately after "July 1, 1955," the following: "or after February 28, 1961,".

(b) Section 101(d)(2) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101), is hereby amended (1) by striking out "and (D)" and inserting in lieu thereof "(D)", and (2) by inserting immediately after "July 1, 1955" the following: "; and (E) the Vietnam hostilities relates to the period subsequent to February 28, 1961".

(c) Section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440) is amended by inserting after "July 1, 1955," the following: "or during a period beginning February 28, 1961,".

(d) Section 329(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1440) is hereby amended by inserting after "July 1, 1955," the following: "or during a period beginning February 28, 1961,".

H.R. 3914, by Mr. Donohue, of Massachusetts

A BILL To amend section 329 of the Immigration and Nationality Act to provide for the naturalization of persons through active-duty service in the Armed Forces of the United States in Vietnam during combatant activities in Vietnam

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of subsection (a) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended to read as follows: "Any person who, while an alien or a noncitizen national of the United States—

"(1) has served honorably in an active-duty status in the Armed Forces of the United States during World War I or during a period beginning September 1, 1939, and ending December 31, 1946, or during a period beginning June 25, 1950, and ending July 1, 1955; or

"(2) has served honorably in an active-duty status in the Armed Forces of the United States in the combat zone of Vietnam and waters adjacent thereto (as so designated by Executive Order Numbered 11216, dated April 24, 1965) during the period beginning January 1, 1964, and ending not later than the date designated by the President by Executive order as of the date of the termination of combatant activities in such combat zone;

and who, if separated from such service, was separated under honorable conditions, may be naturalized as provided in this section if (A) at the time of enlistment or induction such person shall have been in the United States, the Canal Zone, America Samoa, or Swains Island, whether or not he has been lawfully admitted to the United States for permanent residence, or (B) at any time subsequent to enlistment or induction such person shall have been lawfully admitted to the United States for permanent residence."

(b) Paragraph (4) of subsection (b) of section 329 of such Act is amended to read as follows:

"(4) service in the Armed Forces of the United States shall be proved by a duly authenticated certification from the executive department under which the petitioner served or is serving, which shall state whether the petitioner served honorably in an active-duty status during any period referred to in paragraphs (1) and (2) of subsection (a) of this section, whether (in the case of paragraph (2)) the petitioner served in the combat zone of Vietnam, and, if separated from such service, was separated under honorable conditions; and".

(c) The section heading of section 329 of such Act is amended to read as follows:

"NATURALIZATION THROUGH ACTIVE-DUTY SERVICE IN THE ARMED FORCES DURING WORLD WAR I, WORLD WAR II, THE KOREAN HOSTILITIES, OR IN VIETNAM".

(d) That portion of the table of contents contained in the first section of the Immigration and Nationality Act which appears under the heading "TITLE III—NATIONALITY AND NATURALIZATION" is amended by changing the designation of section 329 to read as follows:

"Sec. 329. Naturalization through active-duty service in the Armed Forces during World War I, World War II, the Korean hostilities, or in Vietnam".

Mr. FEIGHAN. I trust that the members of the committee will agree with me that the legislation before us is meritorious and deserving of prompt action.

We will first hear from Members of Congress who have introduced this legislation and then we will hear from representatives of the executive branch of the Government. For our first witness, we are pleased to have our very able and distinguished colleague from New York, Mr. Rooney, who was the first to introduce this type of legislation during the last Congress and who introduced H.R. 1, the first bill introduced in the 90th Congress.

We are very happy to have you with us, Mr. Rooney. You may proceed.

STATEMENT OF HON. JOHN J. ROONEY, REPRESENTATIVE TO CONGRESS FROM THE STATE OF NEW YORK

Mr. ROONEY. Thank you very much Mr. Chairman, and distinguished members of the committee.

Mr. Chairman, on March 9, 1966, I introduced a bill known then as H.R. 13436 which is exactly the same as H.R. 1 now before this subcommittee, favorable consideration of which I now urge.

My original bill H.R. 13436 was introduced in the 89th Congress scarcely a week following the approval by President Johnson of the cold war GI bill granting benefits to veterans who served after 1955 similar to those benefits which were earlier granted to World War II and Korean veterans. My present bill H.R. 1 is precisely in accord with the spirit of that legislation.

This bill of mine, as the distinguished chairman, Mr. Feighan, said, the first introduced on this subject, would grant to aliens serving in the U.S. Armed Forces during the period of the Vietnam hostilities special exemptions from the normal naturalization requirements and process.

It does not waive any of the basic requirements of the Immigration and Nationality Act pertaining to character, loyalty, or understanding of the English language.

It confers no benefit upon aliens who are separated from service in the Armed Forces on account of alienage, or who are conscientious objectors and did not perform any duty or refused to wear the uniform.

Under H.R. 1, the special naturalization exemptions are authorized for an alien who, at the time of enlistment or induction, was in the United States, the Canal Zone, American Samoa, or Swains Island whether or not he was lawfully admitted to the United States for permanent residence.

The benefits are also made available to any person who subsequent to enlistment or induction shall have been lawfully admitted to the United States for permanent residence.

An eligible alien could be naturalized under this bill regardless of age; no specific period of residence within the United States or any particular State will be required; the petition may be filed in any naturalization court regardless of the residence of the petitioner, and he may be naturalized immediately under certain circumstances relating to his appearance with his witnesses before a representative of the Immigration and Naturalization Service.

In short, this bill merely extends to aliens serving during the Vietnam hostilities the same naturalization benefits which are available under existing law to persons who served in the Armed Forces during World War I, World War II, and the Korean hostilities.

Historically, the United States has been known for its generosity, and even more so, its recognition of its obligations, in granting special naturalization benefits to aliens serving in the Armed Forces during the periods of war or open hostilities.

For example, such a law was enacted July 19, 1919, (41 Stat. 222). Special naturalization provisions were also included in the Nationality Act of 1940 (54 Stat. 1137), for persons who served during World War I and certain previous hostilities.

During World War II the basic Nationality Act was amended by the Act of March 27, 1942 (56 Stat. 182), and was subsequently amended on various occasions. That amendment added significant provisions formerly known as sections 701 and 702 of the Nationality Act of 1940, providing for special naturalization benefits in behalf of persons serving in the Armed Forces during the time of war.

By the act of June 30, 1953, there was enacted special exemptions from the ordinary naturalization requirements on behalf of persons

who served honorably in the Armed Forces of the United States for at least 90 days during the Korean hostilities, (67 Stat. 108).

The Immigration and Nationality Act, enacted in 1952, gave special naturalization benefits for persons who served during World War I and II and, during peacetime.

By the Act of September 26, 1961, (75 Stat. 654) the basic law was amended to incorporate the provisions of the Act of June 30, 1953, thus making permanent the special naturalization benefits for persons who had served during the Korean hostilities.

Mr. Chairman, it is my view, and I am sure that it is the view of every member of this subcommittee, that the special naturalization benefits which would be authorized by my bill H.R. 1 are little enough in the form of a reward for those valorous aliens who are serving during this terrible strife.

They are prepared to make the greatest sacrifice, and many have already done so. Those who are serving during the Vietnam hostilities are indeed the front line in the defense of the United States. Let us show our gratitude, in this small measure, by promptly enacting my bill, the first introduced. I urge its speedy approval.

Mr. Chairman, I should here like to state that the date which is in my bill H.R. 1, January 1, 1963, is purely an arbitrary date. If this committee should see fit to change that date to a 1962 date or whatever date they should please to change it to, is is perfectly agreeable, because we picked that date out of the air you might say.

It may be that the Armed Forces, who have witnesses present here, may express some opinion with regard to what they think might be a better date than the one set forth in H.R. 1.

Finally, Mr. Chairman, and members of the committee, I should say that this legislation has been endorsed by the American Legion, the Veterans of Foreign Wars, the Jewish War Veterans and the Catholic War Veterans, among others.

I respectfully request the approval of the bill by this distinguished committee.

Thank you, Mr. Chairman.

Mr. FEIGHAN. Thank you, Mr. Rooney.

Mr. Rodino of our subcommittee has also introduced H.R. 2903. Do you care to make some brief statement?

Mr. RODINO. Mr. Chairman, I merely would like to state that the proposed legislation designed to offer expeditious naturalization to aliens serving in the Armed Forces is certainly timely and appropriate, and its objectives are in keeping with our country's time-honored history and tradition of giving due recognition to those who have served honorably in our country's Armed Forces.

I would like to have your consent, Mr. Chairman, to introduce the rest of my statement into the record, so that I don't take up the committee's time.

I would like to add this comment about our distinguished colleague, Mr. Rooney, who has appeared here this morning.

I know how he has labored over the years to champion the causes of his constituents. He has discussed this legislation with me on a number of occasions. He has a very deep interest in it, and I commend him for his timeliness in thinking of a matter as important as this.

I was pleased to hear his comments and remarks concerning the date of qualification, because some of us have other ideas regarding dates which I think might be more appropriate.

I did want to make this observation, Mr. Rooney, and I want again to compliment you. I am sure your bill will get the appropriate support it deserves.

Mr. ROONEY. Please accept my thanks.

Mr. FEIGHAN. Your statement, without objection, will be placed in the record, Mr. Rodino.

(The statement referred to is as follows:)

Mr. Chairman, the proposed legislation designed to offer expeditious naturalization to aliens serving in the Armed Forces is timely and appropriate. Its objectives are in keeping with our Country's time-honored history and tradition of giving due recognition to those who served honorably in the United States Armed Forces.

I consider it a privilege to appear before this deliberative and distinguished Committee to support and recommend legislation which will offer expeditious naturalization to aliens serving in the Armed Forces of the United States. The pending bills are of recent origin, but their genesis is over a century old. The Congress has, on many past occasions, found it proper to enact legislation to grant naturalization benefits to aliens who had faithfully served their adopted country.

The benefits thus enacted were a reward to the alien in one sense and an understanding of the problems attendant to the alien in another.

It is only right that the Congress extend to an alien serving the United States the chance to gain time toward his naturalization. Naturalization of such aliens is expedited under the pending bills mainly by the elimination of the requirements of specific periods of residence or physical presence in the United States. Also, the petition for naturalization may be filed in any Court having jurisdiction over naturalization regardless of the residence of the petitioner. This legislation does not propose any waiver of the basic requirements for naturalization under the Immigration and Nationality Act, such as a showing of good moral character, attachment to the principles of the Constitution, understanding of the English language, history, and form of Government, and no prohibition upon the naturalization of subversives is waived under this legislation.

I call your attention to H.R. 2903, which I introduced on January 18, 1967. This bill is similar to the bill that I introduced in the last Congress with the exception of the eligibility date. Many dates have been suggested; however, I urge adoption of February 28, 1961, because this date is the date chosen by the Department of Defense to establish eligibility for the award of combat badges. This seems to me to be the fairest and most reasonable approach.

A person under military orders is certainly a mobile person and, as such, can be dispatched from one corner of the world to meet acts of aggression in another. Some of our military units have been developed for just such purpose. Each airman, soldier, marine, and sailor has a part to play in maintaining our military posture whether that part is played in an area of conflict or an area of comparative safety.

I stress the purport of my bill, H.R. 2903. This legislation conforms with previous enactments which have benefited veterans of the Korean conflict, World War II, and World War I. This gives no less and no more.

Mr. FEIGHAN. At this point in the record I wish to insert the statement which was to be presented by our colleague, Hon. Harold D. Donohue from Massachusetts. Mr. Donohue is unable to be with us today due to a death in his family. Our sympathy is with him.

(The statement follows:)

STATEMENT OF HON. HAROLD D. DONOHUE, OF MASSACHUSETTS, BEFORE THE IMMIGRATION AND NATIONALITY SUBCOMMITTEE NO. 1 OF THE HOUSE COMMITTEE ON THE JUDICIARY IN SUPPORT OF H.R. 3914 AND SIMILAR AND RELATED BILLS

Mr. Chairman and Members of the Subcommittee: I am most appreciative of the opportunity to submit this testimony to your distinguished Committee in connection with my Bill, H.R. 3914, and similar and related measures.

I would like to congratulate the Chairman and Committee members for this demonstration of your concern for those non-citizens of the United States who have and are honorably and effectively serving in our military forces in protection of the security of this nation and the preservation of liberty throughout the world.

In substance, my bill, H.R. 3914, is a one section bill amending the Immigration and Nationality Act to provide for the naturalization of persons through active-duty service in the Armed Forces of the United States in Vietnam during combatant activities in Vietnam.

Subsection (a) revises the first section of section 329(a) of the Immigration and Nationality Act, retaining the provisions of existing law providing for the naturalization of persons who have served honorably in an active-duty status in the Armed Forces of the United States during World War I, World War II, and the Korean hostilities, and adding a new paragraph (2) to provide for the naturalization of persons who have served honorably in an active-duty status in the Armed Forces of the United States in the combat zone of Vietnam and water adjacent thereto. Executive Order Numbered 11216, dated April 24, 1965, designated Vietnam and waters adjacent thereto as a combat zone for the purposes of section 112 of the Internal Revenue Code of 1954. This Executive Order defined the geographic area of the combat zone and further designated the date of the commencing of combatant activities in such area as January 1, 1964.

Subsections (b), (c), and (d) are technical amendments necessary to conform existing law to the substantive change made by subsection (a). In short, these technical amendments assure that the same conditions with respect to such things as proof of honorable service in an active-duty status will apply to persons serving in Vietnam in the same manner as they apply to veterans of World War I, World War II, and the Korean hostilities.

The period during which eligible persons must have served in Vietnam is defined in the bill as the period beginning January 1, 1964, and ending on the date designated by the President by a future Executive Order as the date of termination of combatant activities in Vietnam.

Mr. Chairman, I have no intention of intruding upon the time of this Committee at any great length because I know your distinguished Committee members are thoroughly familiar with the legislative problem and objective that is being reviewed here and also because of the other witnesses who are here to testify before you.

While I have spoken to you on behalf of my own particular Bill, H.R. 3914, may I say I am not merely concerned with authority; on the contrary, my primary concern is that the people in our Armed Services, not yet citizens of the United States, are granted the customary privilege, under specific requirements, of being made citizens of the United States which I think all of us agree is right and just.

Any measure to achieve this good objective would be certainly meritorious and I urge you, Mr. Chairman and Committee members, to expedite your action and recommendations in whatever final form you feel, in your judgment, will best accomplish the ends we are commonly seeking.

May I, again, thank you Mr. Chairman and Committee members for your courtesy.

Mr. FEIGHAN. We next have our very able colleague, Mrs. Kelly.

STATEMENT OF HON. EDNA F. KELLY, REPRESENTATIVE TO CONGRESS FROM THE STATE OF NEW YORK

Mrs. KELLY. Thank you so much, Mr. Chairman, for permitting me to be a witness here this morning. I regret that I was not here on time to hear my colleague from Brooklyn testify on a bill which may be identical with mine, or mine identical with his, which are the bills under consideration.

I do want to say, Mr. Chairman, my reason for appearing here today—and for introducing this bill—was simply to add my strength, if possible, to the bill introduced by our worthy colleague, Congressman Rodino, and to hope that you will report favorably his bill as soon as possible.

Mr. FEIGHAN. Are you speaking—

Mrs. KELLY. I am speaking of H.R. 763.

Mr. FEIGHAN. In other words, you are repudiating your bill?

Mrs. KELLY. I am, Mr. Chairman, because my bill is almost identical with Mr. Rooney's and with Mr. Rodino's; the exception is the 1963 date. After I reviewed some of the background for this date and as a result of being a member of the Foreign Affairs Committee, I feel that the 1961 date is much more favorable than the 1963 date.

I have mentioned in my statement to the committee many reasons for making the change to 1961. It was in 1961 that President Kennedy declared that consideration should be given to the use of U.S. forces to help South Vietnam resist Communist aggression, and then in November, U.S. combat forces were sent to South Vietnam. I have enumerated several of the dates which show the escalation of our troops to that area.

Mr. Chairman, without taking further time for this bill, may I hope that you will accept my few remarks at this point for the record, and I have said in those remarks that I favor completely the bill of our colleague, Mr. Rodino. I hope that bill will be reported.

STATEMENT ON H.R. 763 BEFORE THE HOUSE COMMITTEE ON JUDICIARY, SUBCOMMITTEE No. 1, WEDNESDAY

Mr. Chairman and distinguished Members of the Committee: In early 1966, after realizing that many aliens were risking their lives in the defense of freedom, by their service in the Armed Forces of the United States, I introduced H.R. 763 (H.R. 15100, 89th Congress, 2d Session) to amend the Immigration and Nationality Act. This bill would grant United States citizenship to aliens who serve in the Armed Forces of the United States for at least 90 days during the Vietnam hostilities and who are then honorably discharged from the Armed Services.

This bill is almost identical to the one introduced by our able colleague, Mr. Rodino. I have introduced this bill in an endeavor to seek a favorable action on this subject and I also have hopes that my sponsorship might encourage its consideration. The difference between my bill and that introduced by Mr. Rodino is in the date marking the United States' combat involvement in the Vietnam conflict. The date 1961 is without doubt the factual date for consideration of this bill.

On May 5, 1961, President Kennedy declared that consideration was being given to the use of U.S. forces to help South Vietnam resist Communist pressures.

On November 16, 1961, President Kennedy decided to bolster South Vietnam's military strength, but not to commit U.S. combat forces at that time.

On February 7, 1962, two U.S. Army air support companies totaling 300 men arrived in Saigon, increasing the total of U.S. military personnel in South Vietnam to 4,000.

During World War II and the Korean hostilities, Congress enacted similar legislation granting United States citizenship to aliens who served in our Armed Forces during those conflicts. The reasons which moved Congress to act then are present today.

The Immigration and Nationality Act presently provides for the granting of United States citizenship to aliens who serve in our Armed Forces for a period of at least 3 years and are then honorably discharged, provided they entered the country legally. However, this law, which is embodied in Title VIII, Section 1439, U.S. Code, makes no exceptions as to the requirement for 3 years' military service.

At once, it becomes obvious that present law does not provide for situations where alien servicemen are honorably discharged from the Armed Services before serving for 3 years. Thus, an alien may serve in the Armed Forces, be wounded and maimed in battle, discharged honorably, but still not be eligible for United States citizenship. There is no justification for denying citizenship to these individuals who are perhaps the most deserving.

I believe the privileges of citizenship should be extended to aliens who are drafted or who enlist in our Armed Services, serve for at least 90 days, may be

sent to Vietnam, risk their lives in a real war, and who are honorably discharged. It should be axiomatic that those who risk their lives in the defense of freedom are entitled to all of the benefits and privileges we can bestow upon them.

I therefore respectfully urge that H.R. 763 or any of the other bills containing similar provisions be favorably reported and enacted into law.

Mr. FEIGHAN. Thank you, Mrs. Kelly.

I might say that with reference to the date, February 28, 1961, contained in H.R. 565, by Mr. Feighan, and H.R. 2903, by Mr. Rodino, is the date established in Public Law 89-257 for acceptance of foreign awards for service in Vietnam.

This was the approximate date on which American military advisers began to accompany their Vietnamese counterparts in military operations.

This date was also selected by the Department of the Army for the awards of Combat Infantryman's Badge and Combat Metal Badge.

Additionally, on January 31, 1961, the U.S. military advisers were authorized to be detailed to Vietnam Army infantry posts, and on May 5, 1961, U.S. personnel was authorized to accompany the Government of Vietnam forces on combat operations.

As to the date of January 1 1963, contained in the bills introduced by Mr. Rooney, Mr. Ryan, you, and Mr. Matsunaga, this is the approximate date of the U.S. military buildup in Vietnam.

In the bill introduced by Mr. Donohue, the date of January 1, 1964, was selected as coinciding with the commencing date of combat activities in Vietnam for purposes of certain considerations under the Internal Revenue Code.

The date of August 5, 1964 was used in Public Law 89-55 which amended the act incorporating the American Legion so as to redefine eligibility for membership therein.

In S. 16, the Vietnam Era Veterans' Readjustment Assistance Act is contained the commencing date of August 5, 1964, the date of the Gulf of Tonkin incident. February 12, 1955, was the date the first American military assistance group was sent to Vietnam, just giving this as background.

Mrs. KELLY. Mr. Chairman, could I ask you the last date you mentioned when the first combat troops were sent? I have it, according to background information relating to southeast Asia and Vietnam, and I am turning now to page 8 of that report, which I will submit, that May 5 the late President Kennedy declared at a press conference that consideration was being given to the use of U.S. forces, if necessary, to help South Vietnam resist Communist pressures. He declared that this will be one of the subjects discussed during the forthcoming visit of the then Vice President Johnson in South Vietnam.

Then, on November 16, 1961, with the approval of the National Security Council, we decided to bolster South Vietnam's military strength, and combat forces were sent there at that time.

Mr. DOWDY. What is that last date?

Mrs. KELLY. I have it here—November 16, 1961. I have it in this book, "Background Information Relating To Southeast Asia and Vietnam." In 1962, on February 7, two U.S. Army air support companies, totaling 300 men, arrived in Saigon, increasing, according to the statistics, U.S. personnel in South Vietnam to 4,000.

That was my reason, primarily, for reversing my position on 1963 to 1961. I also checked back and found that the first U.S. casualty in

Vietnam, was killed in 1961; in 1962 there were 13 enlisted men, and 18 officers; in 1963, 28 enlisted men and 48 officers; 1964, 48 and 78; and 1965, 112 as against 245 officers.

For that reason, Mr. Chairman, I have changed my position and hope this date will be accepted.

Mr. FEIGHAN. In the report of the 90th Congress, first session, Calendar No. 11, Report No. 7, from the Senate, we have the tabulation of certain dates as to the operations in Vietnam.

Thank you very much.

Mrs. KELLY. I leave it to your wisdom, and I will agree with you on whatever bill you come out with, so long as we have it.

Mr. FEIGHAN. We are very pleased to have as our next witness Mr. Edward Rudnick, Assistant Commissioner of Naturalization, Immigration and Naturalization Service.

You may proceed, Mr. Rudnick.

**STATEMENT OF EDWARD RUDNICK, ASSISTANT COMMISSIONER
OF NATURALIZATION, IMMIGRATION AND NATURALIZATION
SERVICE**

Mr. RUDNICK. Mr. Chairman and members of the subcommittee, I appreciate the opportunity to submit a statement to your subcommittee expressing the views of the Department of Justice, and to participate in this hearing in connection with the various bills pending before your subcommittee to amend those provisions of the Immigration and Nationality Act relating to the naturalization of members and veterans of the U.S. Armed Forces.

Legislation providing for the expeditious naturalization of non-citizens who have rendered honorable service in the Armed Forces of this country covers a span of more than 100 years of American history.

On occasion, the beneficence has been bestowed also upon alien residents whose military service was rendered in the Armed Forces of a nation allied with the United States, rather than in our own Armed Forces.

The rewards embodied in these congressional enactments consistently have been in the form of relief from compliance with some of the general requirements for naturalization applicable to civilians.

Exemptions granted wartime servicemen and veterans have been more liberal than those given for services rendered during peacetime.

Beginning in 1862, and continuing intermittently until the latter part of 1940, with short time lapses between dates of expiration and reenactment, many and varied congressional enactments extended recognition for the contributions and sacrifices of our noncitizen servicemen, and paved the way for their expeditious acquisition of citizenship.

With the passage of the Nationality Act of 1940, effective January 13, 1941, and continuing to the present, there has never been a time when our naturalization laws have not conferred special largess upon our men in uniform.

A brief review of the principal conditions that the civilian candidate for citizenship must fulfill will be helpful in understanding the extent to which servicemen have been relieved from the general naturalization requirements.

A petitioner for naturalization must have been lawfully admitted to the United States for permanent residence. An immigration status less than that will not suffice, nor will residence and physical presence in the United States, however long, accumulated before such an admission, count.

Quota restrictions often make this requirement difficult or impossible of achievement.

Once permanent residence is established, the applicant must reside here for at least 5 years, with limited privilege to be absent for prescribed periods. He is then ready to proceed toward naturalization, but may apply only in the court exercising jurisdiction over the place of his residence, and only after he has lived in that State for at least 6 months.

A waiting period of at least 30 days must elapse between the date of filing his petition and his admission to citizenship.

If a general election is scheduled to be held within the State, citizenship cannot be conferred during the immediately preceding 60 days.

The civilian petitioner must meet literacy and educational requirements, pay a filing fee, and be at least 18 years of age.

An order of deportation against him will preclude his naturalization.

Under earlier naturalization statutes, racial restrictions were applicable, and a declaration of intention and a certificate of arrival were required to support a petition for naturalization.

The special naturalization rights made available to alien servicemen in the naturalization statutes, past and present, have been selected from among these basic requirements, in varying combinations.

Relief from some of the general requirements has not, however, included exemption from the establishment of good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States.

Legislation incorporated in the Nationality Act of 1940, as originally enacted, made no distinction between peacetime and wartime service for naturalization purposes.

Honorable military service at any time for an aggregate period of 3 years was substituted for the required United States and State residence, and no admission for permanent residence, declaration of intention, certificate of arrival, residence within the jurisdiction of the court, or waiting period was necessary for naturalization.

The involvement of this country in World War II led to the passage of the Section War Powers Act of 1942 which added to the Nationality Act of 1940 provisions for the expeditious naturalization of our military personnel engaged in that war.

Exemptions from the general naturalization requirements under that legislation exceeded any that have since been conferred.

Practically all of the general naturalization requirements previously outlined were waived, and residence in the United States, its territories or possessions after a lawful admission, not necessarily for permanent residence, qualified the serviceman for naturalization.

Even this prerequisite was later eliminated in the cases of servicemen who served beyond the continental limits of the United States.

More than 143,000 members of our Armed Forces were granted naturalization under this legislation which expired on December 31, 1946.

Again in 1942, temporary legislation relaxing some of the naturalization requirements was passed for veterans who had served during certain periods of the Spanish-American War, World War I, and on the Mexican border.

In 1948, permanent legislation was included in the Nationality Act of 1940 in recognition of service performed during World War I and World War II.

This legislation permitted waiver of the requirement of an admission for permanent residence when induction or enlistment occurred in the United States.

It also granted exception from United States and State residence, physical presence, residence within the jurisdiction of the naturalization court, and any waiting period before naturalization.

The policies reflected in these earlier enactments have been continued in the Immigration and Nationality Act. That Act, from the beginning, has drawn a distinction between naturalization benefits accorded wartime veterans and benefits available to those who served during times of peace. The provisions relating to wartime service covered veterans of World War I and World War II.

The provisions of the Immigration and Nationality Act relating to service during wartime were not broad enough to include the Korean hostilities.

Temporary legislation to meet this need was passed in 1953, covering the period from June 25, 1950, to July 1, 1955, and granting exemptions similar to those available to World War I and World War II veterans.

However, eligibility was conditioned upon service of no less than 90 days. Admission for permanent residence was also required; otherwise, physical presence in the United States for 1 year following a lawful admission had to be shown.

When, in 1961, Korean veterans were extended benefits identical with those of veterans of World War I and World War II under the Immigration and Nationality Act, the requirements of service for 90 days and physical presence of 1 year were eliminated.

The provisions of the Immigration and Nationality Act dealing with peacetime military service followed substantially those of the Nationality Act of 1940, requiring 3 years of military service, except that no exemption was granted from the requirement of an admission for permanent residence.

The several bills presently pending before your subcommittee have the common purpose of adding to the categories of persons now eligible for special naturalization benefits on the basis of wartime service, those who served or are serving in the Vietnam conflict.

Section 329 of the Immigration and Nationality Act governing wartime service permits an alien or noncitizen national who has served honorably in the Armed Forces of the United States during the prescribed periods of conflict to be naturalized without regard to age, residence, physical presence, court jurisdiction, or a waiting period, if entry into military service occurred in the United States or, in the alternative, if an admission for permanent residence is made.

The Department of Justice favors the objectives and purposes of the pending bills. To insure achievement of those objectives and purposes, consideration should be given to three basic matters affecting the form which the amendments should take:

1. The fixing of an appropriate date from which benefits thereunder begin to accrue;
2. The selection of a terminal date or provision for determining such a date at a later point in time;
3. Whether military service should be rendered within a defined zone of combat, in addition to service during the prescribed period.

As to the first, of the seven bills now under consideration, four fix the starting date of the Vietnam conflict as of January 1, 1963. To these can be added other dates appearing in bills, Executive orders, and legislation unrelated to naturalization, as the commencement of the Vietnam conflict.

The important thing in this connection is that a date should be selected which is fair and which has reasonable relevance to the period of substantial combat.

The Department of Justice defers to the Department of State and Defense and to legislative judgment as to an appropriate date.

Except for H.R. 3914, none of the pending bills make provision for termination of the benefits thereunder. Your subcommittee might wish to consider whether a terminal date should be added, or whether the fixing of such date should be left to subsequent legislation or Presidential action.

Contrasted with the other six bills, H.R. 3914 is the only one that would limit its benefits to those who performed services in the combat zone of Vietnam or its adjacent waters.

This restriction is not consistent with the existing provisions of section 329, Immigration and Nationality Act, which it proposes to amend and which is not so circumscribed.

That condition also represents a departure from the long legislative history on this subject, which has made service during prescribed periods the sole criterion for eligibility, without regard to the areas in which the services may have been performed.

Recognizing that a serviceman's liability for assignment to a combat zone is ever present, and that the Vietnam servicemen are no less deserving of special consideration than those who served during our earlier conflicts, it would appear to be desirable to remove this limitation and extend the benefits to members of the Armed Forces, whether or not they actually served in Vietnam.

Enactment of this legislation would affect and benefit substantial numbers of aliens presently serving in the Armed Forces of the United States.

The latest figures available indicate that there are now 14,197 Filipino aliens serving in the U.S. Navy who do not have the status of permanent residents.

An additional 1,897 who have been admitted for permanent residence are also serving. The Navy has 300 more aliens other than Filipinos whose immigration status is undetermined.

Most of these Filipinos were recruited abroad pursuant to the Military Bases Agreement between the United States and the Republic of the Philippines and, except for those who are immigrants, would qualify for the benefits of the proposed amendments only if they reenlist in the United States or enter the United States as immigrants.

An additional 732, recruited under that agreement in the Philippines, are serving in the U.S. Coast Guard.

As of the beginning of the current year, 1,409 aliens were members of the U.S. Army. Of this number, 204 were serving in Vietnam. An additional 3,043 aliens are now serving in the U.S. Air Force. The U.S. Marine Corps has 2,389 alien enlistees.

Enactment of this legislation would extend to these servicemen our traditional policy of accelerating their naturalization.

Thank you.

Mr. FEIGHAN. May I ask in what way would the Filipinos serving in the U.S. Navy pursuant to the Military Bases Agreement be affected by this legislation?

Mr. RUDNICK. As I indicated, Mr. Chairman, the overwhelming majority of those, other than immigrants, entered the Navy overseas rather than in the United States, and you will recall that section 329, which these bills would amend, requires either a lawful admission for permanent residence, which this group normally would not possess, or induction within the United States.

Now, these people were inducted abroad; however, a few years ago in the case of Villarin in the Ninth Circuit, the court took the position that the qualifying period of service need not necessarily be connected with the particular induction in the United States.

The court had before it the case of a Navy man who had been inducted in the United States in 1928 or rather had enlisted in 1928. That was not and is not a qualifying period under section 329.

However, he reenlisted in the Navy overseas and served, pursuant to that enlistment, during a qualifying period between 1939 and 1946, let's say. The court held that the 1928 enlistment in the United States met the requirement of the statute for induction in the United States, even though the qualifying period of service under the statute was not related to that earlier induction. Under that theory if any of these servicemen reenlist outside the United States at this time with this legislation on the books, they would qualify for the benefits if ever previously in the United States.

Another court, in the District of Columbia, took a similar position with respect to a subsequent reenlistment in the United States unconnected with a qualifying period, so that the earlier case took care of an enlistment prior to a qualifying period, and the second case took care of an enlistment subsequent to a qualifying period. Either way these men could qualify if, as, and when they are ever reenlisted.

Mr. FEIGHAN. Are there any other provisions in title III of the Immigration and Nationality Act which will be affected by the proposed legislation?

Mr. RUDNICK. Well, there is an area in the loss of citizenship-expatriation sections relating to dual nationality at birth, section 350. Although the Supreme Court has held section 352, relating to loss of nationality as a result of residence abroad unconstitutional, there is still an operating provision relating to that section on the lawbooks which is not affected by that decision, and that is 350.

Section 350 provides for the loss of U.S. nationality by a dual national at birth who seeks or claims the benefit of his foreign nationality after reaching the age of 22 years and who resides in the foreign country for as much as 3 years.

The exception from loss under that provision requires that an oath of allegiance to the United States be taken prior to the expiration

of the 3-year period under that statute, and he must be a person who falls within one of the exceptions in the statute related to the ordinary naturalized person who loses citizenship by residence abroad.

The persons affected by the Schneider decision—one of those exceptions still operative today—is section 354(1). That exempts from loss of citizenship this dual national at birth if he has performed military service during prescribed periods, and it includes the same periods, substantially, as now appear in section 329.

If this legislation becomes law, there would be some need to consider whether or not an additional amendment should be made to section 354(1) to permit a Vietnam veteran to retain his citizenship just as the law does today for a Korean, World War I, and World War II veteran.

There is need to extend, if it is going to be done in this area, the same privileges to the U.S. citizen.

Mr. FEIGHAN. Thank you, Mr. Rudnick.

How do the current nationalization requirements and benefits for wartime service differ from those applicable during peacetime?

Mr. RUDNICK. Well, the important basic difference is between sections 328 and 329. In the first place, the peacetime serviceman must have an extended period of service, a minimum of 3 years, which the wartime serviceman does not require at all.

Second, the peacetime serviceman needs a lawful admission for permanent residence with no alternative conditions to be met.

The wartime serviceman can substitute for the lack of a lawful admission for permanent residence his induction in the United States or its possessions. Those are the basic distinctions.

There is a further condition attached to the peacetime serviceman that does not attach to the wartime serviceman, in that the peacetime serviceman must take advantage of his service for naturalization purposes within 6 months after termination of military service, whereas, the wartime serviceman has no limitations. Those would be the basic distinctions between the two provisions.

Mr. RODINO. Mr. Rudnick, would servicemen who are amenable to deportation be eligible for naturalization under this mandatory legislation?

Mr. RUDNICK. Well, as the statute is now drawn, it would appear that a deportable Vietnam veteran would not be eligible for naturalization, but I think that that result flows from an error that crept into this act when it was enacted in 1952, and was inadvertent.

The general naturalization laws decree that a person who is subject to deportation and in whose case there is a final finding of deportability is precluded from being naturalized.

However, the section which so provides states that except as provided in sections 327 and 328 shall this rule apply. It does not mention 329, which is the section we have under consideration now.

There is nothing on the books to exempt the section 329 veteran from the penalty of being a deportable alien. Section 328, of course, refers to veterans, but section 327 relates to former citizens of the United States who were expatriated by service in an allied army, allied military service.

The legislative history shows clearly that when these matters were under consideration before the various committees, they were not

thinking of the former U.S. citizen who lost citizenship. They were concerned solely with veterans.

However, in the various bills that were under consideration and in the conferences, an earlier bill did refer in sections 327 and 328 to veterans. But, in other bills, 327 did not relate to veterans. It related at one time to women who had lost citizenship.

So, there was a transposition. There was an error in inserting in section 318, sections 327 and 328 when what was meant was sections 328 and 329. So, as the law now reads, literally, this man will be penalized if a deportation order is entered against him.

Now, we have to some degree tried to alleviate that situation, and we have a case now pending before the U.S. District Court in San Francisco urging the court, at least in the type of case in which the serviceman is deportable because he was an immigrant at the time of the entry and had no visa, to declare section 318 inapplicable because he is being penalized on a ground from which he is exempted under section 329 of the Immigration and Nationality Act.

So, there is an inconsistency, and we are urging the court to hold that the section 329 veteran applying for naturalization who is under an order of deportation which is based upon a no-visa charge is nevertheless not debarred from naturalization by virtue of section 318.

Mr. RODINO. You are urging that, but presently the construction or interpretation would be that a deportable alien wouldn't be eligible for naturalization?

Mr. RUDNICK. Correct.

Mr. RODINO. What would be the effect of a dishonorable discharge given to a serviceman who had been naturalized under this legislation?

Mr. RUDNICK. There is a safeguard in the existing law which this amendment would not affect, and that is that if a serviceman receives a discharge other than honorable, the ordinary revocation proceedings under section 340 may be invoked to revoke his citizenship on that basis.

I might say that that is a discretionary matter on the part of the court. It doesn't use mandatory language—it uses "may." Some courts have in some instances held they would not enter an order of cancellation even though there was technical grounds for doing so.

Mr. RODINO. When would the serviceman first be eligible or qualified to petition the courts for naturalization? Would it be immediately upon his entry into the service, the first day of his entry into the service—

Mr. RUDNICK (interposing). Following such a cancellation?

Mr. RODINO. No. I am talking about the serviceman who is eligible; not about any preconditions.

Mr. RUDNICK. There are no times or periods prescribed.

Mr. RODINO. He is an alien serviceman and inducted or enlisted—

Mr. RUDNICK (interposing). Active duty gives him the benefits.

Mr. RODINO. Active duty?

Mr. RUDNICK. Yes.

Mr. RODINO. You don't make any distinction, or no distinction is suggested between the enlisted serviceman alien or the volunteer?

Mr. RUDNICK. No.

Mr. RODINO. Or the draftee, let's say.

Mr. RUDNICK. No. Public Law 86, the 1953 legislation, required 90 days service. That is for Koreans.

Mr. RODINO. Right.

Mr. RUDNICK. I might also say that the 1953 legislation apparently recognized the difficulty experienced by the deportable alien because in that legislation they excepted 318 as applicable to the Korean veteran, but when it became part of our permanent legislation, that was not carried over.

Mr. RODINO. Mr. Rudnick, you talk about three basic matters affecting the form which the amendments should take which you feel the committee should seriously consider when you talk about the fixing of an appropriate date, and yet, you have no suggestion or you make no recommendation but defer to the Department of State and Department of Defense as to the time?

Mr. RUDNICK. Yes, sir.

Mr. RODINO. But any date—

Mr. RUDNICK (interposing). Any date would be agreeable, certainly.

Mr. RODINO. There is no objection to any of the dates?

Mr. RUDNICK. No.

Mr. RODINO. And, No. 2, you talk about the selection of a terminal date. Wouldn't it be difficult under present conditions—hopefully, we would like to see this conflict end quickly, so that we might be able to set a terminal date—but don't you think that that would be rather difficult for this committee to wrestle with and set a terminal date?

Mr. RUDNICK. Mr. Rodino, that could be done without setting a date if it would trigger—if a formula for triggering an end—for example, a statement by the President or Congress that hostilities or the conflict had ceased, that would cut it.

Mr. RODINO. That is your alternative suggestion?

Mr. RUDNICK. Yes. That would be the other method without setting a fixed date. Although, again, in the 1953 legislation, relating to Korea, they set a 1955 date ahead. I don't think that that is necessary, but I think it would be desirable so that it would be unnecessary to have the committee again make a determination as to when to cut it off and have legislation passed, whereas, this would be an automatic method of accomplishing the purpose.

Mr. RODINO. My question was merely directed to the setting of that terminal date.

Mr. RUDNICK. That would be difficult.

Mr. RODINO. I think your alternate suggestion is better. Thank you very much.

Mr. FEIGHAN. Your alternative to a fixed date, Mr. Rudnick, would then be a termination date as of a declaration or proclamation by the President?

Mr. RUDNICK. Yes. So there would be no need for further legislation to terminate these benefits.

Mr. FEIGHAN. How can we be assured the President would be making such a declaration or proclamation?

Mr. RUDNICK. There is no assurance of that.

Mr. FEIGHAN. What other alternative would there be, in other words, to set forth the date which will arrive contingent upon certain other events?

Mr. RUDNICK. If the President or the Congress issues such a statement or declaration, of course, it would still require additional legislation to terminate this, and, as Mr. Rodino points out, it is extremely

difficult to fix a calendar date at this point. If, however, the President did not issue a declaration, of course, it would be necessary to pass some legislation to put an end to these benefits.

Mr. FEIGHAN. I just wondered if you had in mind some specific formula that we could incorporate?

Mr. RUDNICK. No, nothing, other than a declaration of termination of hostilities.

Mr. FEIGHAN. Thank you, Mr. Rudnick.

Mr. Dowdy?

Mr. DOWDY. I have been trying follow this. I wasn't on the committee last year when this was under consideration, and it is new to me.

We are talking about combat service here, as I take it. I am wondering why a bill couldn't be written just as—at least just as definite as we are talking about a termination here that would apply in any event where men—where our servicemen are sent into combat service, whether it is in Vietnam or some other place, because the way things go, it is quite possible that by the time—or after the Vietnam situation is over, we will be involved somewhere else.

Why would it be necessary for us to come back here and make special legislation for every one of these—I guess you call them non-wars we find ourselves fighting?

Mr. RUDNICK. Well, except that 329 and all of the predecessor acts just took up the situation as it happened in our history and had the same problem, I assume, as we are having now, where do we start and where do we end, to see whether or not it would be equitable to incorporate and include within the benefits members of the Armed Forces who perhaps served at a date that appeared to be a little too early for benefits as broad as these.

Mr. DOWDY. I don't know that it would be hard to determine when we have men in combat, whether you call it war or something else. Do I understand that there is some provision in the present law where an alien enlists or is inducted into the service that if he serves a certain limit of time, whether we are in a fight or not, that he has special—some special privileges?

Mr. RUDNICK. Yes, under any circumstances, service for 3 years.

Mr. DOWDY. Three years?

Mr. RUDNICK. Three years.

Mr. DOWDY. A man in that circumstance, where he served 3 years, he is an alien, and enlisted in the U.S. Army, is it necessary that he should have been lawfully admitted to the United States for permanent residence?

Mr. RUDNICK. Yes.

Mr. DOWDY. Or at the time of the enlistment he was in the United States.

Mr. RUDNICK. That is not sufficient for him.

Mr. DOWDY. That is not sufficient?

Mr. RUDNICK. No.

Mr. DOWDY. Do you know the reason for that, or was there a reason?

Mr. RUDNICK. Here, too, I am not quite certain that this was done intentionally in passing this Act. The 1940 Nationality Act contained identical provisions, almost identical with what is now in the peacetime provisions of the current Act, section 328.

One of the exceptions under the 1940 Act was from a certificate of arrival—a certificate of arrival was required in the case of a civilian to establish a lawful admission for permanent residence.

This peacetime veteran or serviceman was exempted from a certificate of arrival under the 1940 Act. That was interpreted as meaning he was exempted from a lawful admission for permanent residence, otherwise the exemption from a certificate of arrival would have no significance.

When the Immigration and Nationality Act came into existence a certificate of arrival had disappeared from the law, and it was no longer being used. There is no reference to it in the current Act. It wasn't necessary therefore in reenacting into the current legislation the provisions of the 1940 Act to mention an exemption from a certificate of arrival. It was nonexistent.

However, in doing so, the Congress did not go on and use a substitute for it and did not provide that a person who has 3 years of military service need not have a lawful admission for permanent residence. It was overlooked.

By dropping the certificate of arrival, they, in effect, restored the requirement of lawful admission for permanent residence. That is how it happens to be in the law today.

Up until then, this man was exempt from that requirement; now he is not.

Mr. DOWDY. Do you know—maybe you don't—do we have any, or is there any way that a citizen of Mexico or Switzerland, living in those countries, either one of those countries, or any other country—just take those out of the air—could enlist in the U.S. Army?

Mr. RUDNICK. I don't believe we have it any more. We had these Lodge Act enlistees who are eligible for the benefits of the section we are discussing now, 329, even though they didn't serve during relevant periods mentioned in the section. These are overseas enlisted alien military men, and we have a provision in the current law that allows them to be naturalized.

I think that program has terminated.

Mr. DOWDY. They would have to be lawfully admitted to the United States for permanent residence?

Mr. RUDNICK. No, sir. They were enlisted for 5 years, and when they enter the United States during their military service, and at the expiration of 5 years, the law regards them as having been lawfully admitted for permanent residence for the purposes of section 329.

Mr. DOWDY. That is no longer the law?

Mr. RUDNICK. That is still the law, except I do not believe that the military is enlisting these men into the Army overseas as they have in the past. We still have people who served under that program and who from time to time apply for citizenship under section 329, basing their lawful admission on 5 years of military service.

Mr. DOWDY. That might be. It seems to me it might be a good thing to have in the law at the present. I was curious about that. I know we can't draft and induct citizens of another country who are not in the United States.

You think that any law or bill we pass or enact should apply to members that are in service, whether they serve in combat zones or not?

Mr. RUDNICK. Yes, sir, that is our position.

Mr. DOWDY. You wouldn't require them to have, I believe, the present 3 years of service?

Mr. RUDNICK. That is correct, sir.

Mr. DOWDY. I believe that is all.

Mr. FEIGHAN. Thank you. We are very grateful to you, Mr. Rudnick.

Our next witness will be Capt. E. R. Fickenscher of the Department of the Navy. We are very happy to have you with us, Captain.

Am I correct in understanding that you have with you Commander Jek and Dr. Watson, Department of the Navy, Internal Law Division?

Captain FICKENSCHER. Yes, sir.

Chairman FEIGHAN. Welcome, Dr. Watson, Commander Jek.

Captain FICKENSCHER. I also have present, sir, Lieutenant Colonel Conderberg from the Army, and Colonel Barry from the Air Force, and also Captain Burke from the Coast Guard, if you have any questions in those areas.

Mr. FEIGHAN. Welcome to all you gentlemen.

STATEMENT OF CAPT. E. R. FICKENSCHER, U.S. NAVY, DEPUTY ASSISTANT CHIEF FOR PLANS AND PROGRAMS, BUREAU OF NAVAL PERSONNEL

Captain FICKENSCHER. Mr. Chairman and members of the committee, I am Capt. E. R. Fickenscher, U.S. Navy, Deputy Assistant Chief for Plans and Programs, Bureau of Naval Personnel.

I have the honor to appear before this committee in behalf of the Department of Defense in connection with the committee's consideration of the several bills to amend the Immigration and Nationality Act to provide for the naturalization of persons through active-duty service in the Armed Forces of the United States.

The Immigration and Nationality Act as amended already provides for certain exemptions from the normal process of naturalization for members of the Armed Forces of the United States who served on active duty during the Spanish-American War, World War I, World War II, or the Korean hostilities.

The bills under consideration would, in general, add to these periods the period of Vietnam combat activities. We believe that the same policy considerations which were applicable in World Wars I and II and in Korea are also applicable in the present situation.

Although each of these bills in general provides for exemptions to the naturalization process for Vietnam service, there are minor differences. H.R. 565 and H.R. 2903 provide for these exemptions beginning February 28, 1961.

H.R. 1, H.R. 40, H.R. 763, and H.R. 2560 all provide the same exemptions but beginning January 1, 1963. H.R. 3914 provides the exemption beginning January 1, 1964, but limits the exemption geographically to those having served in the actual combat zone.

As indicated last year in our report on H.R. 15432 before the 89th Congress, the Department of Defense considered February 28, 1961, the date most appropriate since it coincides in general with the initial authorization on January 31, 1961, for assignment of U.S. advisers to Republic of Vietnam Army battalions, and the follow-on authorization for these advisers to accompany battalion and company sized units on combat operations.

Further, the February 28, 1961, date coincides with the date established in Public Law 89-257 for the acceptance of foreign awards for service in Vietnam. This is also the date selected by the Department of the Army for the award of the Combat Infantry Man's Badge and the Combat Medical Badge.

The Department of Defense does not believe that the amendment to the Immigration and Nationality Act should have any geographical limitations as to eligibility, but rather that it should apply equally to all foreign nationals who served in an active duty status during the period approved by Congress.

It is our belief that the amendment in this area should be based on the criterion of faithful service to the United States during a specified period and that limitation to any particular area is not desirable.

In view of the foregoing, the Department of Defense favors H.R. 565 or H.R. 2903 in preference to the other bills presently under consideration by the committee.

In hearings held before this committee in 1963, the numbers of Philippine Nationals serving in the Navy and Coast Guard were examined in detail. The numbers are much the same today—we have 14,584 Filipinos in the Navy and 732 in the Coast Guard.

In addition to this particular group of foreign nationals who would be affected by the proposed legislation, there are in the Armed Forces 9,100 men who could benefit from it.

This includes 1,400 in the Army, 3,000 in the Air Force, 2,400 in the Marines, and 2,300 in the Navy. We cannot estimate how many of these individuals would take advantage of the provisions of this amendment to the Immigration and Nationality Act.

We believe the number would be relatively low among the Filipinos since every indication is that most of them prefer to return to the Philippines for discharge or retirement.

The Department of Defense believes that foreign nationals who serve honorably in the Armed Forces of the United States should be given the special consideration proposed by H.R. 565 or H.R. 2903, a consideration already given to those who served in previous periods of hostilities in which the United States was involved.

I thank you for allowing me to appear before the committee today, and I will be happy to attempt to answer any questions you might have on this subject.

Mr. FEIGHAN. Thank you very much, Captain Fickenschier.

The subcommittee has had before it, as you know, the question of enlistment of these Filipino aliens in the Philippines. I would like your comment whether these Filipino aliens should also be given an opportunity for expeditious naturalization.

Captain FICKENSCHIER. Yes, sir, we certainly do believe so. They are, as you know, all enlisted in the Philippines, both Navy and Coast Guard are enlisted by the Navy for both services—all enlisted in the Philippines for their initial enlistment.

We have been enlisting Filipino nationals in the Navy since the Spanish-American War. They have made very fine sailors for us. In some cases we have families with several generations of Filipinos who have served in the Armed Forces, and we feel they deserve the same benefits any foreign national should get.

Mr. FEIGHAN. Captain, what is the policy of the Navy now with reference to these Filipino enlistees? Do they enlist them in the United States or in the Philippines?

Captain FICKENSCHER. No, sir, all initial enlistments are made in the Philippines at Sangley Point.

Mr. FEIGHAN. What about reenlistments?

Captain FICKENSCHER. They are reenlisted wherever they happen to be stationed at the time their subsequent enlistment expires. If they are in the United States, they would be enlisted in the United States. If they are on a ship or overseas, they would be enlisted there, sir.

Mr. FEIGHAN. Under the present law, these Filipinos who are enlisted in the Philippines are given no privileges with reference to immigration or naturalization, is that correct?

Captain FICKENSCHER. That is right, sir, unless they receive an exemption under the sixth preference quota later on or unless they qualify for or are admitted for permanent residence at some later date, there is no way in effect for them to become U.S. citizens under the present law.

Mr. FEIGHAN. Mr. Rodino?

Mr. RODINO. Captain Fickenschcr, first of all, may I compliment you for a very studied statement which was very informative and certainly helpful to this committee's deliberations.

I would like to ask just one question. When you talk about the active duty status of the foreign national, who serves in the U.S. Armed Forces, you don't suggest combat duty—you don't make any distinction between combat zone and—you merely state that a serviceman, no matter where he serves, is eligible for the benefits of this proposed legislation?

Captain FICKENSCHER. Yes, sir. We feel that it is the most fair thing to do. Assignment to duty in the combat area and especially in the very limited situation we have today is purely a matter of chance.

We may have two sailors serving within several hundred miles of one another, one in the combat area on a ship and one just outside the combat area on a ship, and this is merely a matter of chance; we feel that the criterion really should be the fact he is giving us faithful and honorable service in the armed services and is willing to enter into combat if he is sent there.

Mr. RODINO. Thank you very much, Captain.

Chairman FEIGHAN. Mr. Dowdy?

Mr. DOWDY. Mr. Chairman, I think you hit a little on a question I just incidentally asked the Immigration and Naturalization Service witness about these aliens, as the Filipinos who serve, some of them probably for a good long time and, yet, they would still have to have been lawfully admitted to the United States for permanent residence before they could become citizens.

It seems to me that we should relax that, and, as I indicated a while ago, I am under the impression, and maybe I am wrong, the U.S. citizen is under penalty of some kind if he enlists in the armed services of another country—am I right about that?

Captain FICKENSCHER. I believe so, sir, but I am not sure.

Mr. DOWDY. I think that is right. Are there other countries that have that same provision about their citizens; forbidding their enlistment in the armed services of another state or nation?

Captain FICKENSCHER. Our agreement with the Philippines is a special agreement which we made in 1937.

Mr. DOWDY. I am talking about other countries. I am pretty sure some have the same sort of provisions about their citizens enlisting in the armed services of another country.

Now, if such a person were to enlist in the armed services of the United States, the citizen of another country, his country has a penalty against him for doing that. Shouldn't we, if we accept him, have some sort of provision where he could become a citizen of the United States after a certain amount of service—say 3 years or 5 years, or whatever, or in combat or time of combat?

Captain FICKENSCHER. I think the general position that we have always taken is that anyone who serves in our Armed Forces honorably and faithfully and is available for combat duty, we would support his expeditious naturalization.

Mr. DOWDY. Whether we are actually in time of combat or not?

Captain FICKENSCHER. Yes, sir. I would like to point out just one thing further. There was some questioning about the rapidity with which a man could gain citizenship.

I think it is important to remember in the case of a Filipino, he is initially enlisted in the Philippines, so he cannot, under exemption which you have under consideration, obtain his citizenship until he has reached a point where he is ready to reenlist, which would take about 4 years. In that time, we have had time to observe him and determine that he is a reliable person, and if he is found out not to be reliable, or we did not think his service was of an honorable character, we would refuse to enlist him at that time.

Mr. DOWDY. If you did reenlist him at that time, to give him the benefit of this special privilege, you would have to let him be in the United States when he reenlisted?

Captain FICKENSCHER. He would have to be in the United States when he reenlisted, yes, sir. We would not make a special effort to get him here to do that.

Mr. DOWDY. The point of my questions to you and the gentleman from the Immigration and Nationalization Service was whether or not the law should be changed in that respect, which requires, in addition to the service in the U.S. armed services, that he be lawfully admitted to the United States for permanent residence?

Captain FICKENSCHER. I would be in favor of that, yes, sir.

Mr. DOWDY. Thank you, sir.

Mr. FEIGHAN. Are there any further questions?

We express our appreciation to you, Captain Fickenschler, and also to the gentlemen who have accompanied you. It has been very helpful to us in the consideration of these bills.

Captain FICKENSCHER. Thank you for allowing me to appear, sir.

Mr. FEIGHAN. Mr. Ryan. Our next witness will be our very able colleague from New York, Mr. Ryan, who has also introduced H.R. 40. We are very happy to have you with us.

STATEMENT OF HON. WILLIAM F. RYAN, REPRESENTATIVE TO
CONGRESS FROM THE STATE OF NEW YORK

MR. RYAN. Mr. Chairman and members of the committee :

I thank you very much for this opportunity to appear before this distinguished subcommittee in support of my bill H.R. 40, which would give aliens serving honorably with the U.S. Armed Forces during the period of the Vietnam conflict the opportunity to become citizens at an early date.

This bill, as has been testified previously this morning, does not embody a new concept. Under section 329 of the Immigration and Nationality Act, any alien who served honorably with the Armed Forces during World Wars I and II or the Korean war and who was separated from the service under honorable conditions may be naturalized regardless of age, length of residence or physical presence in the United States. Lawful residence in the United States is not required under present law if the alien member of the Armed Forces was in the United States prior to his induction. If he was not, he must have been lawfully admitted for permanent residence in the United States subsequent to his induction.

H.R. 40 does not change the substance of present law, but it does make it applicable to those serving in the Armed Forces during the Vietnam situation.

Those who are on active duty during the Vietnam war are in a position where they may well be asked—and many are—to risk their lives for the United States, just as were those who served during the prior conflicts covered under existing law.

They should be eligible for citizenship, just as were those who fought for our country in past wars. In fact, we owe a deep debt of gratitude to those aliens, who, although not citizens, are making great sacrifices for the United States.

Surely they will make fine citizens; we should welcome them to citizenship and do everything we can to expedite the procedures for them to obtain citizenship.

According to the latest information available to me, there are some 9,038 aliens on active duty who under this bill would be immediately eligible for citizenship.

This includes 1,409 in the U.S. Army, 3,043 in the Air Force, 2,389 in the Marines, 300 in the Navy—in addition, 1,897 Filipinos who are permanent residents would be eligible under this bill. There are at least 781 aliens now serving in Vietnam, 204 in the Army. The Air Force and Marine figures were not wholly available.

The courageous aliens who are risking their lives for America, without enjoying the benefits of American citizenship, come from many lands. Among them are a number of fine young Irishmen about whom J. Frank O'Connor has written with deep understanding in the Irish Echo, which is published in New York City.

Mr. O'Connor has been instrumental in the effort to pass legislation which would recognize the contribution of aliens now serving in the Armed Forces by allowing them to become citizens.

I should point out that this bill does not waive the basic requirements of the Immigration and Naturalization Act relating to good moral character, attachment to the principles of the Constitution, and understanding of the English language.

War is never kind to those who fight. But we in Congress have tried to see that our country is kind to those who fight under our flag.

We have in the past passed legislation allowing aliens to become citizens when they have fought for our country.

Once again aliens are fighting for this Nation. America should, once again, be prepared to give its greatest benefits to those who are prepared to make the greatest sacrifice for America.

Mr. Chairman, I urge passage of this legislation and I ask permission to include extraneous matter with my statement.

Mr. FEIGHAN. We will be glad to accept that, if you will just give it to the reporter. Thank you very much, Mr. Ryan.

Mr. RODINO. May I ask one question, Mr. Chairman?

Mr. FEIGHAN. Mr. Rodino?

Mr. RODINO. Congressman, your bill provides for January 1, 1963, as the beginning date for the accrual of benefits.

In view of the testimony which you have heard this morning by the Department of Defense regarding the date of 1961 being more consistent with the time our advisers went to Vietnam and fixing the date when certain awards were granted by the Department of Defense, would you have any objection to fixing of the date as 1961?

Mr. RYAN. No. I think, Mr. Rodino, that would make a great deal of sense. I chose this date as a rather arbitrary figure, a time when it seemed to me our involvement was beyond that of a mere advisory capacity, but I welcome an earlier date.

Mr. RODINO. Thank you very much.

Mr. FEIGHAN. Mr. Dowdy?

Mr. DOWDY. I have no questions.

Mr. FEIGHAN. Thanks again.

Mr. RYAN. Thank you very much, Mr. Chairman.

Mr. FEIGHAN. That will conclude our hearings.

We will leave the record open for 5 days for any additional statements.

(Whereupon, at 11:45 a.m., the subcommittee hearing was concluded.)

STATEMENTS

STATEMENT OF HONORABLE ELIGIO DE LA GARZA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Your Subcommittee has under consideration several proposals to extend to our fighting men engaged in serving this country during our involvement in Vietnam the same naturalization benefits available to veterans of World War I, World War II, and the Korean hostilities.

I am aware that the basic differences between the various bills that have been introduced on the subject during the present Congress center around the selection of a date from which the Vietnam conflict should be regarded as having commenced.

Our naturalization laws today, and during the many years since World War II, pay special honor to those of our alien residents who have served their adopted land in the Armed Forces of the United States. Those who were engaged in the earlier conflicts of this country have been rewarded by the grant of relief from many of the ordinary requirements for naturalization which they might otherwise find difficult to meet. This relief includes exemption from the requirement of entry into the United States as an immigrant, when induction or enlistment takes place in the United States. It also relieves servicemen from the residence and physical presence requirements of the naturalization laws.

The only real question before this Subcommittee in its consideration of the several proposals now pending before you is whether we are prepared to extend to the brave and loyal aliens who have not shirked their responsibilities and have joined with United States citizens in the defense of our country the same benefits as are now available to other servicemen and veterans. Certainly, we sacrifice little when we do no more than grant the serviceman the opportunity of joining the citizenry of the United States, unencumbered by conditions applicable to aliens in civilian life. I do not believe that anyone could seriously question the fact that the alien servicemen engaged in the Vietnam conflict are deserving of the gratitude of this country, and that our appreciation through removal of some of the obstacles to their naturalization is now in order.

In fixing a date from which service in our Armed Forces would qualify the serviceman for the special benefits of section 329 of the Immigration and Nationality Act, I am mindful of the various dates that have been suggested as suitable and which have been found acceptable in other connections. They vary from as early as December 12, 1955, when the first military advisory assistance group was sent to Vietnam, to as recently as July 3, 1965, which fixed eligibility for awarding the Vietnam Service Medal. I have pondered this aspect of the matter long and carefully and am of the opinion that the date selected should have some relationship to a period when our forces began to participate in actual fighting in Vietnam. I believe that the date February 28, 1961, meets that test. That date is established in Public Law 89-257, because it was the approximate date on which American military advisers began to accompany their Vietnamese counterparts in military operations.

I, therefore, urge your Subcommittee to give favorable consideration to the pending proposal in H.R. 1, introduced by the distinguished gentleman from New York, the Honorable John J. Rooney, who, in his testimony before your Subcommittee on March 1, 1967, expressed agreement to any date earlier than January 1, 1963, which your Subcommittee may select.

This legislation is of special significance to the loyal Spanish-speaking people in the Southwest whose contributions to this country have been the subject of my remarks on numerous occasions. Their sons and daughters have, throughout our history, made the supreme sacrifice to protect and defend our freedoms and security. They have been the recipients of the highest awards that our country can offer for military service and their sacrifices have been reflected in the Purple Hearts that have adorned their chests. They continue to fulfill their obligations to our country, and to serve with honor and distinction in the various branches of our Armed Forces. Included among these are many aliens who, for varying

reasons, have not attained the status of United States citizens. It is for men such as these that this legislation will offer renewed hope and opportunity to speedily acquire the United States citizenship which they so earnestly cherish. I urge speedy enactment of this legislation.

STATEMENT OF SPARK M. MATSUNAGA, MEMBER OF CONGRESS FROM HAWAII, IN SUPPORT OF H.R. 1 AND H.R. 2560, BEFORE SUBCOMMITTEE No. 1, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES

Mr. Chairman, I speak in support of H.R. 1, introduced by the gentleman from New York, Mr. Rooney, and H.R. 2560, an identical bill introduced by me on January 17, 1967. The bill would provide that aliens who fight in the United States Armed Forces during the Vietnam conflict and who apply for citizenship by naturalization will be entitled to the benefit of specific exceptions regarding their petition. These exceptions are: (1) they may be naturalized regardless of age; (2) no period of residence or specified period of residence in the United States will be required; (3) the petition may be filed in any court having naturalization jurisdiction regardless of the petitioner's domicile; and (4) finally, the petitioner may be naturalized immediately after his examination by a representative of the Immigration and Naturalization Service. If the alien fighting man has been in the United States at the time of enlistment he may avail himself of the exceptions even if he had not entered the United States for permanent residence.

The bills further provide that conscientious objectors performing no military, air or naval duty, or who refuse to wear the military uniform would not be regarded as having served honorably. The alien's petition must state that he served honorably, and such fact must be proved by certification from the executive department under which the petitioner served. He may petition while he is still in the military service. If citizenship is granted pursuant to these exceptions and if subsequent to naturalization he is separated from the armed forces under other than honorable conditions, citizenship may be revoked.

The alien service man would have to meet all standards concerning moral character, loyalty and understanding of the English language which are required of all others who petition for citizenship.

The benefit of these very same exceptions just specified has been available to all aliens fighting under the United States flag since the First World War. H.R. 1 and H.R. 2560 do not change or add to them. They simply make existing legislation applicable to Vietnam veterans. As it was done for Korean veterans, this is accomplished by the addition of the appropriate date. The date which I ask to be inserted is July 1, 1963.

Surely, no one can deny that the valor displayed by the volunteers who fight alongside United States servicemen today is just as great as that displayed by volunteer fighting men of the previous wars of this century. The same magnanimity and gratitude which compelled our nation to extend these exceptions in 1942 and 1953 compel us now. In formulating my affirmative argument, I have been unable to think of any legitimate argument against passage of the bill. Any argument against passage would have to be founded on the supposition that today America is less grateful to those who are giving their blood and lives for freedom's cause.

Mr. Chairman, I urge a favorable report on H.R. 1 and H.R. 2560.

VETERANS OF FOREIGN WARS,
Washington, D.C., February 21, 1967.

HON. MICHAEL A. FEIGHAN,
Chairman, Subcommittee No. 1
Committee on the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. FEIGHAN: This is in response to your invitation of February 10 to present the position of the Veterans of Foreign Wars of the United States with respect to bills which provide for the expeditious naturalization of aliens serving in the United States Armed Forces.

The legislative position of the Veterans of Foreign Wars is determined by the mandates approved by the delegates to our annual National Conventions.

At our most recent National Convention, which was held in New York City last August, the delegates, representing 1,350,000 members, approved, among others, a resolution identified as No. 218 entitled "Naturalization Privileges Alien Veterans," which reads as follows:

"Whereas, the Congress of the United States in its wisdom recognized aliens serving in the United States Armed Forces during World War I, World War II, and the Korean Conflict; and

"Whereas, honorable service of such alien soldiers, sailors, marines and air force personnel were granted naturalization rights by public law; and

"Whereas, such alien serving in the Armed Forces during any other period are required to serve three (3) years of honorable active duty and file for citizenship papers while in the service or within six (6) months thereafter; and

"Whereas, the alien serving in the so-called peacetime service should receive the same naturalization privileges without the stigma of awaiting three years as noted above inasmuch as the subject aliens are exposed to hazardous duty all over the world, especially in Viet Nam: Now, therefore, be it

Resolved by the 67th National Convention of the Veterans of Foreign Wars of the United States, That the National Organization sponsor a concurrent bill of emergency for introduction in the U.S. Senate and the U.S. House of Representatives granting the same naturalization privileges to alien veterans seeking citizenship papers for service subsequent to January 31, 1955 as those who had served in World War I, World War II and the Korean Conflict."

Please note that Resolution No. 218 calls for the granting of the same naturalization privileges to alien veterans who have served since the official ending of the Korean Conflict, which was January 31, 1955, as was previously provided to alien servicemen seeking citizenship who served during the official dates of the Korean Conflict, World War II, and World War I.

Consequently, it is the strong recommendation of the Veterans of Foreign Wars that the bills now pending before your Subcommittee be broadened to include all alien veterans who have served honorably in the Armed Forces since January 31, 1955 and to continue until the official ending of the Vietnamese Conflict and also to continue so long as we have compulsory military training. This would make the immigration law the same as the Veterans Readjustment Assistance Act of 1966 or as it is popularly called the Cold War GI Bill. This Act has swept into the definition of a veteran for entitlement to the benefits provided in this law—all those who have served since the end of the Korean Conflict or January 31, 1955.

To present this argument in another way—the failure to include all alien veterans since the end of the Korean Conflict may create more problems than it will resolve. If the date is other than January 31, 1955, it will have the tendency of making fish of some veterans and fowl of others. The basic criterion so far as the Veterans of Foreign Wars is concerned is that the veteran did serve honorably and by so doing has demonstrated his right to be a citizen of this Nation and that such honorable military service satisfactorily meets the waiting periods which would otherwise be applicable before he could apply for citizenship.

While there are no reliable figures or estimates available, there is probably only a small percentage of veterans who would benefit by the provisions of the legislation under consideration by your Subcommittee.

The Veterans of Foreign Wars of the United States, therefore, recommends approval of legislation making veterans of the Vietnamese Conflict eligible for naturalization in the same manner as is presently applicable to veterans of previous conflicts and wars. Our recommendation is that the date for the start of the Vietnamese Conflict should be January 31, 1955, which will make this provision uniform with the recently approved Cold War GI Bill of last year (Public Law 89-358).

It will be deeply appreciated if you will make this letter a part of the hearing record.

Hoping that your Subcommittee and the full Committee will favorably consider the resolution and recommendations of the Veterans of Foreign Wars, I am

Sincerely,

FRANCIS W. STOVER,

Director, National Legislative Service.

STATEMENT OF MAURICE T. WEBB, DIRECTOR, NATIONAL AMERICANISM COMMISSION, THE AMERICAN LEGION, BEFORE SUBCOMMITTEE NO. 1, HOUSE COMMITTEE ON THE JUDICIARY, ON H.R. 565 AND RELATED BILLS

Mr. Chairman and members of the subcommittee, the American Legion appreciates the opportunity to present to this Subcommittee our position for the expeditious naturalization of aliens serving in the U.S. Armed Forces. Historically, The American Legion has supported this type of legislation—the most recent during the Korean War. At the Forty-Eighth National Convention of The American Legion, Resolution No. 553 was adopted again placing the organization on record supporting such legislation. Attached to this statement is a copy of Resolution No. 553.

The members of this distinguished Committee are well aware of the fact that we have numerous aliens who have volunteered for service in the United States Armed Forces. Legislation was introduced and adopted on three previous occasions to provide for the expeditious naturalization of aliens serving in World War I, World War II, and the Korean War. We have examined the bills now pending on this particular subject and have concluded that H.R. 565, introduced by the distinguished Chairman of this Subcommittee, complies with The American Legion Resolution No. 553. H.R. 565 provides that aliens serving in the U.S. Armed Forces since January 1, 1963 shall be permitted expeditious naturalization as heretofore provided to individuals who served in the Armed Forces of the United States during World War I, World War II and the Korean War.

These aliens are serving the United States and many of them are seeing action today in Vietnam. The American Legion strongly urges this Subcommittee to report favorably on H.R. 565.

FORTY-EIGHTH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION, WASHINGTON, D.C., AUGUST 30, 31—SEPTEMBER 1, 1966

Resolution No. 553 (Illinois).

Committee: Americanism.

Subject: Enact legislation providing to aliens serving in the U.S. Armed Forces the same exemptions from normal naturalization process as heretofore extended to veterans of prior wars.

Whereas, The cold war G.I. Bill extends benefits similar to those granted to World War II and Korean veterans, to veterans who have served after 1955; in keeping with this spirit, legislation should be enacted which would grant to aliens serving in the U.S. Armed Forces exemptions from the normal naturalization process; Now, therefore, be it

Resolved by the American Legion in National Convention assembled in Washington, D.C., August 30, 31—September 1, 1966, That the American Legion support, sponsor and endorse legislation in the Congress of the United States providing to aliens serving in the U.S. Armed Forces the same exemptions from the normal naturalization process as heretofore extended to veterans of World War I, World War II, and the Korean War.

STATEMENT OF JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA ON THE EXPEDITIOUS NATURALIZATION FOR ALIENS SERVING IN THE ARMED FORCES OF THE UNITED STATES, SUBMITTED BY FELIX M. PUTTERMAN, NATIONAL LEGISLATIVE DIRECTOR

Consistent with the long standing tradition of over a century, the Jewish War Veterans of the United States of America, the country's oldest active war veterans organization, supports the affirmative and favorable consideration of proposed legislation for the expeditious naturalization of aliens serving in the Armed Forces of the United States during the Vietnam conflict.

Not only would the proposed legislation continue a long standing tradition, but it would as well provide for the more liberal exemptions and waivers from the general requirements for naturalization applicable to civilians that have characterized legislation enacted specifically for wartime servicemen and veterans. In our view, those serving during the Vietnam conflict are as deserving of this consideration as their predecessors who benefitted from the special legis-

lation enacted to cover the periods of World War I, World War II and the Korean hostilities.

With regard to questions raised concerning the effective tenure of the proposed benefits and the nature of service to be benefitted, the Jewish War Veterans has a long standing policy with regard to the latter. Since any member of the Armed Forces, under orders, is subject to duty anywhere in the world where the demands of the national security of the United States commit him and since the complex nature of military support operations may require performance of necessary functions outside the clearly defined limits of an area of conflict, it is our strong belief that no differentiation be made between the area or quality of service rendered in order to establish eligibility for benefits under the proposed legislation.

The date for benefits to accrue, in our judgment, should be established by the Congress to conform with those established by the Department of Defense as authorized for the assignment of United States personnel to participate in Vietnam combat operations.

Insofar as the date of termination is concerned, we feel that it be left open-ended so that the Congress can at a given time use the effective termination date of hostilities as established by the President.

On August 26, 1966, the following resolution was adopted at the 71st National Convention of the Jewish War Veterans of the United States of America:

UNITED STATES CITIZENSHIP FOR ALIEN MILITARY PERSONNEL

In the defense of the United States and the Free World, the highest sacrifices are required from the men and women of our Armed Forces. Each of these individuals, who wears a United States military uniform, should have the opportunity of becoming an American citizen through as simple a procedure as possible.

Legislation to permit such an action was previously enacted during the World War II in 1942. A similar law was written approximately ten years later to cover those aliens serving in the United States' forces during the Korean Conflict.

As an act of mutual benefit to both an appreciative nation and the deserving individual, with established precedent, the Jewish War Veterans of the United States of America considers the United States citizenship an equitable entitlement for risking one's life on behalf of our country.

Accordingly, the Jewish War Veterans recognizes and supports the efforts of the Honorable John J. Rooney and others in the Congress to enact new legislation that would open wider and make more easily available an opportunity for American citizenship to aliens in the Armed Forces of the United States as a generous act wholly consistent with American democratic traditions.

STATEMENT OF NICHOLAS RAIMO, COMMANDER, ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES

(on)

Legislation authorizing expeditious naturalization of aliens serving in the Armed Forces of the United States

The Italian American War Veterans of the United States is profoundly proud to present views on pending legislation designed to offer expeditious naturalization opportunities to aliens serving in the United States Armed Forces.

There are several bills pending before the Committee this morning, each with the same objective, but differing minutely in conditions for qualification. The Italian American War Veterans firmly support the purpose of these pending proposals.

Since our organization was incorporated in 1939, we have in our membership many veterans who have benefitted from similar legislation enacted for aliens who served in World War I, World War II, and the Korean conflict. The present hostilities in Vietnam are no less brutal and no less demanding than any previous conflict. Whatever we can do, as a veterans' organization, and whatever this Committee can do as part of the legislature, we must do. Some legislation benefitting members of the Armed Forces who are now serving during this period of hostilities has already been enacted and other measures are under consideration. We support all such legislation. However, we wish to emphasize that the risk a boy takes in Vietnam today his most precious possession—his life, deserves, in turn, the most precious award the United States can give—the chance to embrace United States citizenship.

The Italian American War Veterans of the United States has searchingly reviewed each bill relating to expeditious naturalization now pending before the Committee and hereby recommends that the Committee approve H.R. 2903, by Mr. Rodino, and a similar bill, H.R. 565, by Mr. Feighan.

It is the position of our organization that every member of the Armed Forces is eligible to be sent to any foreign area, friendly or hostile, at any time and can thus be put in danger of his life and limb as a protector of the United States. Therefore, we recommend that the expeditious naturalization privileges be extended to all members of the military forces, wherever they are serving.

It is also the position of our organization that the date of qualification as contained in the Rodino and Feighan bills is the most acceptable, fair, and reasonable date, because it is the same date selected by the Army for the Combat Infantryman's Badge and the Combat Medical Badge. It most closely approximates the time that American servicemen accompanied South Vietnamese forces into actual combat. As a Veteran's organization, and as veterans, we strongly recommend that this legislation be promptly approved and enacted.

STATEMENT OF THE AMERICAN VETERANS COMMITTEE BEFORE THE HOUSE JUDICIARY COMMITTEE ON LEGISLATION TO LIBERALIZE THE NATURALIZATION PROCEDURE FOR SERVICEMEN WHO SERVED IN THE VIETNAM CONFLICT

The American Veterans Committee is an organization of veterans of World Wars I, II, The Korean Conflict, and the present Vietnam Conflict.

We wish to give our support to the legislation that has been introduced that would give the same liberalized naturalization benefits to servicemen who served during the Vietnam conflict that had previously been given to servicemen who served during World Wars I and II and the Korean conflict.

Our preference is for HR 565 and HR 2903, since these bills base the start of the Vietnam conflict on the February 28, 1961, date rather than January 1, 1963, date as in the other legislation. We recommend against the provision of HR 3914 which would give the liberalized naturalization benefits only to those servicemen who served in the combat zone of Vietnam. We would point out that this requirement of service in the combat zone was not imposed with regard to World Wars I and II and Korean servicemen. Further, the serviceman does not have a free choice as to where he would serve, and any serviceman has the continuous risk that he would be assigned to the combat zone. For this reason we believe that military service in the Armed Forces alone during the time of the Vietnam conflict should be sufficient to merit the liberalized naturalization benefits.

Respectfully submitted.

CHESTER SHORE,
Legislative Chairman, American Veterans Committee.

STATEMENT OF THE PARALYZED VETERANS OF AMERICA ON THE EXPEDITIOUS NATURALIZATION OF ALIENS SERVING IN THE UNITED STATES ARMED FORCES

The Paralyzed Veterans of America is in favor of the most liberal legislation to expedite naturalization of aliens who serve honorably in the United States Armed Forces. Birth in the United States of America does not necessarily evoke loyalty. Aliens who serve in the Armed Forces take a loyalty oath and serve this country better than native-born citizens who burn their draft cards.

Because we find the Vietnamese Conflict to be of equal importance to World War I, World War II, and the Korean Conflict, we strongly support the inclusion of aliens serving in this conflict in the Immigration and Nationality Act.

We will rely on the greater wisdom of the Committee to report favorably the most liberal legislation that will accomplish the most expeditious naturalization of our alien brothers in arms.

LESLIE P. BURGHOFF, Jr., *President.*

The Indian American War Veterans of the United States has repeatedly requested each bill relating to expatriation a certificate not being before the Committee and hereby recommends that the Committee approve H.R. 2903 by Mr. Hobbs and a similar bill, H.R. 2904 by Mr. K. Quinn.

It is the position of our organization that every member of the Armed Forces is entitled to be sent to any foreign army, friendly or hostile, at any time and in any place in the world, and that as a member of the United States, therefore, we recommend that the expatriation act be amended so as to extend to all members of the United States Army and Navy, and to all members of our organization, the right of expatriation. This is the most important right, and one which is essential to the maintenance of the United States as a free and independent nation. It is the position of our organization that the right of expatriation should be extended to all members of the United States Army and Navy, and to all members of our organization, and that the United States should recognize this right as a fundamental right of its citizens. It is the position of our organization that the United States should recognize this right as a fundamental right of its citizens, and that the United States should recognize this right as a fundamental right of its citizens.