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NATURALIZATION

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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. 2138

TO AMEND SECTION 319 OF THE IMMIGRATION AND NATIONALITY ACT TO PERMIT NATURALIZATION FOR CERTAIN EMPLOYEES OF UNITED STATES NONPROFIT ORGANIZATIONS ENGAGED IN DISSEMINATING INFORMATION WHICH SIGNIFICANTLY PROMOTES UNITED STATES INTERESTS, AND FOR OTHER PURPOSES

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NATURALIZATION

THURSDAY, JULY 27, 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, Rayburn House Office Building, Hon. Michael A. Feighan (Chairman of the subcommittee) presiding.

Present: Representatives Feighan, Rodino, Donohue, Dowdy, Moore, MacGregor, and Cahill.

Also present: Garner J. Cline, counsel; and Donald G. Benn, associate counsel.

(H.R. 2138 follows:)

[H.R. 2138, 90th Cong., first sess.]

A BILL To amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of United States nonprofit organizations engaged in disseminating information which significantly promotes United States interest, 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 319 of the Immigration and Nationality Act (66 Stat. 244) is amended by adding a new subsection (c) to read as follows:

"(c) Any person who (1) is employed by a bona fide United States incorporated nonprofit organization which is principally engaged in conducting abroad through communications media the dissemination of information which significantly promotes United States interests abroad and which is recognized as such by the Attorney General, and (2) has been so employed continuously for a period of not less than five years after a lawful admission for permanent residence, and (3) who files his petition for naturalization while so employed or within six months following the termination thereof, and (4) who is in the United States at the time of naturalization, and (5) who declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon termination of such employment, may be naturalized upon compliance with all the requirements of this Act, except that no prior residence or specified period of physical presence within the United States or any State or within the jurisdiction of the court, or proof thereof, shall be required."

(b) The title preceding section 319 is amended to read as follows: "MARRIED PERSONS AND EMPLOYEES OF CERTAIN NONPROFIT ORGANIZATIONS".

(c) The table of contents (Title III—Nationality and Naturalization, ch. 2) of the Immigration and Nationality Act is amended by changing the designation of section 319 to read as follows:

"Sec. 319. Married persons and employees of certain nonprofit organizations."

MR. FEIGHAN. The subcommittee will come to order.

This morning we will consider H.R. 2138, introduced by our very able and distinguished colleague, Mr. Rodino, which provides that any person who is employed by a bona fide U.S. incorporated nonprofit organization which is principally engaged in conducting abroad

through communications media the dissemination of information which significantly promotes U.S. interests abroad and which is recognized as such by the Attorney General, and has been so employed continuously for a period of not less than 5 years after a lawful admission for permanent residence, and who files his petition for naturalization while so employed or within 6 months following the termination thereof, and who is in the United States at the time of naturalization, and who declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon termination of such employment, may be naturalized upon compliance with all the requirements proposed by Mr. Rodino's bill, except that no prior residence or specified period of physical presence within the United States or any State or within the jurisdiction of the court, or proof thereof, shall be required.

Mr. Rodino.

Mr. RODINO. Mr. Chairman, I wish to thank you for scheduling this hearing on my bill, H.R. 2138, a bill designed to permit persons who have fully demonstrated their loyalty and dedication to the United States to apply for naturalization. U.S. citizenship has been a goal for the limited number of employees of Radio Liberty and Radio Free Europe who, by virtue of their employment overseas, are unable to satisfy the physical presence requirements necessary for naturalization.

I first introduced this legislation in January 1965, after I had visited the facilities of Radio Free Europe and Radio Liberty in Munich, Germany, in 1964. At that time, Mr. Chairman, I had an opportunity to talk with employees of both organizations as well as an opportunity to evaluate their contributions to the interests of the United States. With this first-hand, on-the-scene appraisal of what was being accomplished, I became firmly convinced that legislation which would consider overseas employment with these organizations as constructive residence for physical presence in the United States would certainly be worth while and would be in the spirit of recognizing their service to the United States abroad and in the interest of the United States.

Since the introduction of my first bill in 1965, I have introduced successor bills designed to accomplish the same purpose but with minor changes designed to meet certain points that were brought to my attention. The bill before us today has been carefully reviewed and analyzed by the appropriate Government agencies and no objection has been presented.

I might add that I have been in close contact with employees of both Radio Free Europe and Radio Liberty since my official visit to Munich in 1964. The people who would be beneficiaries of this legislation have held important positions in Government and in industry. They are people who were formerly diplomats, lawyers, economists, writers, and editors in their homelands. After escaping from Communist rule these people directed their skills toward anti-Communist endeavors.

I feel that the need for this legislation has been well expressed by Gen C. Rodney Smith, vice president of Free Europe, Inc., and I would like to include in the record at this time a letter written to me by General Smith on April 6, 1967.

Mr. FEIGHAN. Without objection that letter will be made a part of the record at this point.

Mr. RODINO. Thank you, Mr. Chairman.
(The letter referred to follows:)

APRIL 6, 1967.

HON. PETER W. RODINO, JR.,
House of Representatives,
Washington, D.C.

DEAR MR. RODINO: We in Free Europe, Inc., and Radio Free Europe are most appreciative of your continued interest and efforts in behalf of your bill to enable certain long-standing employees of RFE serving abroad to obtain U.S. citizenship.

Speaking in behalf of the senior management and executive staff of Free Europe, Inc., as well as the key employees concerned, we are anxious to do anything we can that might be appropriate to assist in furthering the progress of your proposed bill. Its passage means a great deal to continued operational effectiveness of RFE by helping to ensure the retention of these key employees who are exiles from their east European homelands.

We feel that passage of your bill this year is important. Because of their strong motivation, many of the highly deserving employees concerned have continued at RFE's request their employment overseas despite the urgency of their wishes to become U.S. citizens. Meanwhile they are deprived of the benefits U.S. citizenship would bring, especially critical for their children. Year after year our people have clung to the hope that legislative action would solve their dilemma by finding a way for them to count the years spent at RFE in Munich in completing their residence requirements for U.S. citizenship. But as the years go by they continue to remain stateless, and family pressures to leave RFE and return to the U.S. grow more severe each year.

If any further information is needed, we will gladly furnish it. If anyone on our management staff, or any of our employees for whom we are seeking citizenship, could be of any assistance by coming to Washington to meet with any members of the Committee, we stand ready and willing to do so.

Once again, permit me to express our great thanks and appreciation to you for the work you are doing in behalf of these outstanding people who are devoted to America and have so fully demonstrated it over the years. With kindest personal regards and high respect,

Sincerely,

C. RODNEY SMITH,
Vice-President,
Major General, U.S. Army (Retired).

Mr. FEIGHAN. We are very happy to have on this occasion as our first witness Mr. John Richardson, Jr., who is the president of Free Europe, Inc., which operates Radio Free Europe. We welcome you, Mr. Richardson. We have your prepared statement which we will include in the record at this point, and we would like to have you summarize your remarks and then we will have questions.

(The prepared statement follows:)

STATEMENT BY JOHN RICHARDSON, JR., PRESIDENT OF FREE EUROPE, INC.

The exiles from East Europe who serve on the RFE staff as broadcasters, writers, editors, newsmen, researchers, linguists, actors, announcers and executives constitute a unique group of highly talented and highly dedicated people who are serving the causes of freedom and democracy, and the common interests of the United States and the people of their countries of origin in a most extraordinary way.

These exile employees of Radio Free Europe are anti-communist exiles from countries now under communist rule. They left their countries, many barely escaping with their lives, because they had stood against the communists who took over their countries and because they stood for freedom of and in their countries. Many of these people held positions of prominence and stature in their countries. All are well educated, talented and cultured. Among them are a former ambassador and other diplomats, parliamentarians, men who held important

positions in government and industry, lawyers and other professional people, economists, writers, editors, and business men. They are people of proven ability who have made and are continuing to make a notable contribution to society.

These men and women wish to become American citizens. At some time in the past, after leaving their homeland, they came to the United States and took first steps to establish residence. A number lived here for some time. Employment with RFE gave them an opportunity to enlist in the cause for freedom of their fellow countrymen behind the Iron Curtain. Radio Free Europe asked them to work in Munich, Germany where the bulk of the RFE operation broadcast in their native languages, but the framework in which their work is done and their guidance is American and in the English language. Their children attend American schools in Munich and speak unaccented, colloquial English, or "American-ese" if you will, and their parents are proud of it. These people want very strongly to become American citizens, and they would fit quickly and smoothly into any American community.

I would like to cite a few examples of the kind of person who would be enabled by this bill to become a U.S. citizen.

Istvan Bede, RFE's Director of Hungarian Broadcasting, was the first Hungarian Ambassador to Great Britain immediately after World War II. He resigned in 1948 in protest against Hungary's subversion into a satellite of the Soviet Union. Earlier in his diplomatic career Mr. Bede had been head of the Hungarian Foreign Ministry's Press Department. He also served in important assignments in the Political Department of the Foreign Ministry. He is a superbly well educated and widely read man, a poised and polished public speaker. His wife is a daughter of an Ambassador, a lovely and cultured woman. They, like their associates in RFE, will make very desirable American citizens.

Preda Bunescu, recently transferred to New York as Chief of the Rumanian Desk, was educated as a lawyer. After leaving Rumania when that country was overtaken by communism, he first worked in Paris for the Credit Lyonnais Bank. He also did writing and studied economics at the University of Strasbourg. Like so many of his colleagues at RFE he would fit perfectly into American life and contribute materially to it.

Tadeusz Nowakowski is a well known Polish writer, author of several excellent books. One of his "best-sellers" received a leading German literary award a few years ago. He is a brilliant and accomplished writer on the political and cultural scene.

Laslo Feketekuty, Chief of RFE's Hungarian News Desk, was Assistant Professor in Government at the University of Budapest. He is a solid citizen with an attractive family, the kind of people anyone would like to have living next door.

I could go on with many more examples, but let me mention only one more. Kazimierz Wierzbianski, Chief of RFE's Polish News Desk, is a good example of how employment with RFE in Munich has prevented an individual for many years from obtaining the U.S. citizenship he would otherwise have attained. Mr. Wierzbianski was admitted to the United States in 1952 as a quota immigrant, joined RFE, was asked to go to Munich, and has remained there since in a key position. Throughout the intervening years, he has had to return to the U.S. every two years to renew and maintain his re-entry permit. His brother who came to the United States at the same time and remained here has long since become a U.S. citizen.

These exiles who are working in RFE are perhaps the best-proven anti-communists anywhere. Many were imprisoned by communist governments, many escaped from their countries at great personal risk. They are called traitors by the communist regimes in their home countries. Their return would for some mean rigged show trials and possible death sentences. They have remained stateless through all these years that they aspire to U.S. citizenship.

Citizenship and holding a U.S. passport would have tremendous morale value to these deserving people, and would have important operational value to the RFE organization. Anyone who has traveled or lived abroad knows the vital importance of a passport. Without it one is without recognized status. The U.S. re-entry permit is not in itself a travel document. Its acceptance at national borders in lieu of a passport is not certain. RFE has many needs for its employees to travel across international borders, as for example to cover important events in Rome, Paris, Vienna, Brussels. The holder of a U.S. passport can, of course, make such trips without hindrance. For stateless people there is always the chance of delay at borders, or even exclusion.

Citizenship achieved under the provisions of the proposed bill would make it more likely that these key exile employees will stay with RFE. As the years pass by and they grow older, and as their children reach high school and college age, they become more and more anxious to acquire citizenship, particularly for the sake of their families. In the past year one of our best exile political writers and broadcasters finally, after much soul searching and with great reluctance, resigned to go to London where he could be assured of continuing employment in anti-communist political work and at the same time acquire citizenship. He wanted to stay at RFE, but family pressures finally became too great.

The exile employees of RFE who would be able to achieve U.S. citizenship under this proposed bill are devoted to the beliefs and ideals which we as Americans hold to be so very important. They are grateful for the opportunity America has given them to work at RFE for the improvement of the hard lot of their fellow countrymen who are under communist domination. RFE's exiles are highly motivated people, dedicated to the cause of their countrymen's eventual freedom from communism. They want to continue this work to which they are so dedicated. They also want to become U.S. citizens. Above all else they want their children, whom they have raised as Americans in an American-oriented atmosphere, to become U.S. citizens. They do not want to have to leave RFE to become U.S. citizens, and only if they felt that they were forced to move to America in order to fulfill residence requirements, would they leave RFE. Within the next few years, however, many may feel it necessary for the sake of their families, to leave RFE and go to the U.S. unless some way is found for them to count the years spent at RFE in meeting residence requirements. Their leaving RFE would be a tremendous and irreparable loss to RFE's effectiveness, for these people represent a large share of the very heart of RFE's operation.

I earnestly hope, and urge, that you may be able to give favorable consideration to this proposed bill. Its passage would be the finest single action that could be taken to recognize the dearest wish of the exiles affected by it, which is to become U.S. citizens and most especially to facilitate their children becoming U.S. citizens.

TESTIMONY OF JOHN RICHARDSON, JR., PRESIDENT, FREE EUROPE, INC.; ACCOMPANIED BY GEN. C. RODNEY SMITH, VICE PRESIDENT; AND KEITH KINYON, DIRECTOR OF ADMINISTRATION, FREE EUROPE, INC.

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

Let me say at the outset that we also, as expressed by Congressman Rodino, are very grateful to you, sir, for permitting us to be heard on this subject, as we are also grateful to Congressman Rodino for his interest in the welfare of the employees of Radio Free Europe.

I think it might be helpful if I took a minute or two at the outset to acquaint the committee with our organization. I think the simplest way would be to hand you a small report which gives a general picture of what our organization does and the people associated with it at the officers' and board of director's level.¹

Mr. FEIGHAN. Thank you. We will be glad to have it.

Mr. RICHARDSON. As you will see from that report, we are a privately organized and incorporated nonprofit organization, Free Europe, Inc., with officers and a board of directors, and an associated organization, Radio Free Europe Fund, Inc., with officers and a board of directors. The officers and board of directors are made up of distinguished and patriotic Americans. The chairman of the board of Free Europe, Inc., is John C. Hughes, a business executive and former U.S. Ambassador to NATO. The chairman of Radio Free Europe Fund, Inc., is Mr. Michael L. Haider, chairman and chief executive officer

¹ A brochure, "Toward a Free Europe," was distributed by Mr. Richardson to members of the committee.

of Standard Oil Co. of New Jersey. We have in our board and membership and in our associated and contributing organizations some of the leading citizens of the country in labor, industry, and in patriotic and civic organizations.

My own job is staff head, full time, of Free Europe, Inc. Prior to occupying this position I was first in the war for 3½ years, World War II, in the paratroops, then attended Harvard Law School, was a lawyer in New York for 6 years, an investment banker in New York for 6 years, and assumed my present responsibility in 1961.

Mr. Chairman, the people who are the exile employees of Free Europe to which this bill addresses itself are a unique group of people. Most of them came from their countries in the forties or early fifties. They come from the countries to which Radio Free Europe directs its broadcasts—Hungary, Czechoslovakia, Poland, Rumania, and Bulgaria. They came from their countries because they could not accept the Communist governments imposed on them after World War II. Many of them escaped at the risk of their lives. So, first, they are characterized as a group by dedication to the freedom of their own countries from the Communist rule imposed on those countries and which still persists so many years later. Secondly, they are characterized by high skills and high motivation. They are people who are essential to the operation of Radio Free Europe. They are people who perform the creative, the artistic, the linguistic, and the many other tasks which go into a highly sophisticated radio operation designed to provide a substitute for the free press which does not exist in these five countries in Eastern Europe. To do that from outside the country is a task which is extremely difficult and requires unique talents.

Let me describe very briefly why we think it is important to these people to be given this special and significant exception from the 2½ years of physical residence in the United States which our naturalization laws ordinarily require.

These people have all the desires of others who pass the requirements of immigration and naturalization laws to become American citizens. They have not been able to fulfill those desires because their employment in Radio Free Europe requires most of them to work in Munich, Germany, and all of them out of this country. About 106 of these people at present work in Radio Free Europe and maintain their residence here in the United States and have permission to continue their U.S. residence, and return here every 2 years at our expense. These people wish to but cannot become American citizens because they cannot physically stay here 5 years. Otherwise they are qualified or would be qualified to be citizens and wish to be citizens. It is important to us to help them become citizens not only because we know them and think well of them as people and as potential citizens of the United States, and not only because of their skills and dedication to freedom, but it is important to their function that they become citizens.

Why? First of all, because they are dedicated people who wish to become American citizens and it complicates their family situation seriously not to be American citizens. Many of those people who came to us 15 years ago now have children of college age and they are increasingly disturbed by the difficulty of their children acquiring an American college education. There is an American high school in Munich and most of their children attend it. Their environment is American

and the children and their parents speak English, but once these children complete that high school they would like to go to an American college and for a stateless young person in Munich it is difficult to get into American higher education institutions under those circumstances. So, from a morale standpoint it is important that these stateless Radio Free Europe employees become American citizens which many of them have wanted to be for 10 or 15 years.

Our interest in making this possible has perhaps made the situation worse because they have been hoping against hope that soon some action would be taken that would permit them to become citizens. Each year that goes by without fruition of this hope makes the situation more difficult for these parents and employees.

I think Congressman Rodino, in his introductory remarks, made many of the basic arguments in my prepared statement, so I would like at this time to rest my testimony and to ask if you would be willing to hear my associate, Gen. C. Rodney Smith.

Mr. FEIGHAN. We will be happy to do so, but first, Mr. Richardson, you are familiar with the letter I wrote to General Smith?

Mr. RICHARDSON. Yes, sir.

Mr. FEIGHAN. Seeking some information in answer to questions which would be very helpful to this committee?

You mentioned that about 106 employees would be affected by this bill. Do you know how many of these people are married and the number of their children?

Mr. RICHARDSON. Yes. The figure I gave you of 106 was incorrect by two. There are 108. I might say that is out of a total staff in all of the countries where we operate, in Portugal and Germany and here, of about 1,600. The number married of the 108 whom we are concerned with here is 83, and those 83 have a total of 97 dependent children. Fourteen of these 108 resident alien employees are married to employees who are also resident aliens, so there is a duplication in effect in the figure of 83.

Mr. FEIGHAN. You could give us later the present salaries of those?

Mr. RICHARDSON. Yes. I would be very happy to supply that. There is a wide variation.

Mr. FEIGHAN. I would like to know how long each person has been employed by Radio Free Europe.

Mr. RICHARDSON. I can supply that in detail, but if I may generalize, 31 percent of the total, or about 33 people, started with us in 1951. Twenty-five percent of the total came in 1952. Ten percent came in 1953. In other words, 65 percent, or almost two-thirds, have been with us as long as 14 years. The rest have come in each year since then, most recently in the last 5 years, 3 percent came in 1962; none in 1963; none in 1964; 2 percent in 1965; 1 percent in 1966; and 1 percent in 1967. In other words, the bulk of the people we have been talking about have been with us for many years.

Mr. MOORE. Mr. Chairman.

Mr. FEIGHAN. Mr. Moore.

Mr. MOORE. Likewise, the intent of the bill is to touch the high percentage. The bill would not have an immediate effect on the last group you mentioned.

Mr. RICHARDSON. That is correct, sir.

Mr. FEIGHAN. Can you tell us in what capacity they now serve?

Mr. RICHARDSON. Yes, sir. The largest group of 42 percent are in what we characterize as editorial work. They are supervising editors, managing editors, editorial writers, editorial commentators, and so on. They are the Joseph Alsops and Walter Lippmanns of our radio stations, as well as news writers and people who help with the output of our radio product. That is by far the largest group. One of them is the director of Hungarian broadcasting. He was a former Hungarian Ambassador to London, is a very distinguished man and a very able man. He has spoken to hundreds of civic groups in this country.

There is a deputy director and two or three assistant directors. There is a news chief in the Polish department. Forty-two percent of them are editorial people.

Eight percent are research people engaged in analytical research. Four percent are in evaluation, which means they report to us what is coming out of the radio and how effective it is, and, of course, that is a very highly skilled job. Seven percent are in monitoring. That is the activity that permits us to follow exactly what every radio station in the Communist bloc is saying about everything, and that is also a very skilled job, as you can see.

Ten percent are in clerical, and I would like to say a word about that. These clerical employees are not clerical in the sense we think of it here. A Bulgarian secretary working in the Bulgarian news department is an irreplaceable person to us. There are not that many Bulgarians perfect in English and Bulgarian and probably in German and French and many other languages. We are all in one building in Munich. We have five basic languages plus another language in Slovak and we are in the business all the time of commenting in many languages. Therefore, the so-called clerical, 10 percent, are highly skilled and are practically irreplaceable.

Mr. MOORE. Of the areas you have mentioned, in what specific area do you have your highest turnover?

Mr. RICHARDSON. May I turn to one of my associates to answer that? Could I suggest they join me at the table?

Mr. FEIGHAN. Yes.

Mr. RICHARDSON. This is Gen. C. Rodney Smith, vice president of Free Europe, Inc.; and this is Mr. Keith Kinyon, our director of administration. General Smith has been the director of Radio Free Europe for the past 5 years.

General SMITH. In this area of this group of people there is a very, very small turnover. I think it would be difficult to single out any given area where there is a significant turnover in this group. We have more turnover in the people who are not concerned, who are not this type of East European who has the kind of dedication to this work Mr. Richardson has been speaking of. We have more turnover among the technical people who are Germans, for example, hired in Germany who handle our technical work, custodial work, the run-of-the-mill work. We have some retirements from the editorial group and a few people have left, which I would like to discuss in connection with this a little more later, but there hasn't been a significant turnover in this group.

Mr. MOORE. In any one specific category?

General SMITH. Yes.

Mr. KINYON. If there was any one group it would probably be the editorial group.

General SMITH. We have more in the editorial group who have left their positions. That is also the largest group.

Mr. FEIGHAN. You can give us a more detailed statement later?

Mr. RICHARDSON. Yes.

(Turnover record follows:)

TURNOVER RECORD: RFE Employees Admitted for Permanent Residence Who Terminated During Past 5 Years (Since Jan. 1, 1962)

Job category:

Editorial.....	6
Monitoring.....	2
Research.....	1
Clerical.....	1
Total number.....	10

NOTE.—All of these people terminated more than 6 months ago and would, therefore, not qualify for naturalization under the proposed bill.

Mr. MOORE. This legislation does confer some benefits on those who have left Radio Free Europe after 5 years' service provided they have met the other provisions of the bill. Without suggesting that this is going to cause any difficulty with us, I think if we could have you submit a personnel chart that would indicate where your editorial people who have left Radio Free Europe are now directing their efforts. We would like to see where these individuals are who would benefit under this legislation and who are not now engaged by or a part of a U.S. incorporated nonprofit organization which is principally engaged in conducting abroad through communications media the dissemination of information which significantly promotes U.S. interests abroad.

Mr. RODINO. Mr. Chairman.

Mr. FEIGHAN. Under the terms of the bill, those who have severed their employment would not be covered.

Mr. MOORE. The bill provides coverage for any person "who files his petition for naturalization while so employed or within 6 months following the termination thereof."

General SMITH. It would be within 6 months.

Mr. RODINO. Six months, yes; not 5 years.

Mr. MOORE. I still think my question would deserve a response.

General SMITH. In the past 6 months would there be anyone?

Mr. MOORE. Is there anyone who falls in this category who for some reason or other in the opinion of Radio Free Europe would not deserve the benefits this bill would confer? This information could be transmitted confidentially.

General SMITH. There probably isn't anyone but we could research it carefully.

Mr. MOORE. Given the past history of your organization, it is probably true that there wouldn't be any, but we have to respond to 435 Members of the House.

General SMITH. It is a fair question with the 6-month period in mind.

Mr. FEIGHAN. Mr. Richardson, you do know what was the employment of these people during roughly a 10-year period prior to their employment with Radio Free Europe?

Mr. RICHARDSON. Yes. Their employment was in a variety of occupations. Most of them came to work for us in the early 1950's im-

mediately following World War II. Most of them were involved in one way or another in World War II, and therefore their backgrounds are very mixed. We would be delighted to supply you individual data on each one, but I can tell you the backgrounds run from accountants, actors, diplomats, professional and business people, teachers, and so on. There is a long list.

Mr. MOORE. We might receive that, Mr. Chairman, for the files.

Mr. FEIGHAN. Send it to us and we will determine whether we will have it printed.

Of course you can readily supply us with the country of birth of these people?

Mr. RICHARDSON. Yes.

Mr. FEIGHAN. And also when they left their country of birth?

(The data requested was later submitted and follows:)

List of occupations in countries of origin for RFE employees admitted for permanent residence in the United States

I. Government employment:	
Ambassadors or ministers	4
Deputies, secretaries, vice consuls and attachés	12
Administrative assistants	8
Clerical workers	2
Professional military service	9
II. Non-Government employment:	
Executives	6
Professionals (doctors, lawyers, etc.)	4
Journalists, editors	22
Actors and producers	6
Teachers	4
Farmers	3
Clerical workers	4
Students	10
Miscellaneous	14

NOTE.—14 individuals had military service in their countries of origin.

NATURALIZATION

11

No. of
Employees:

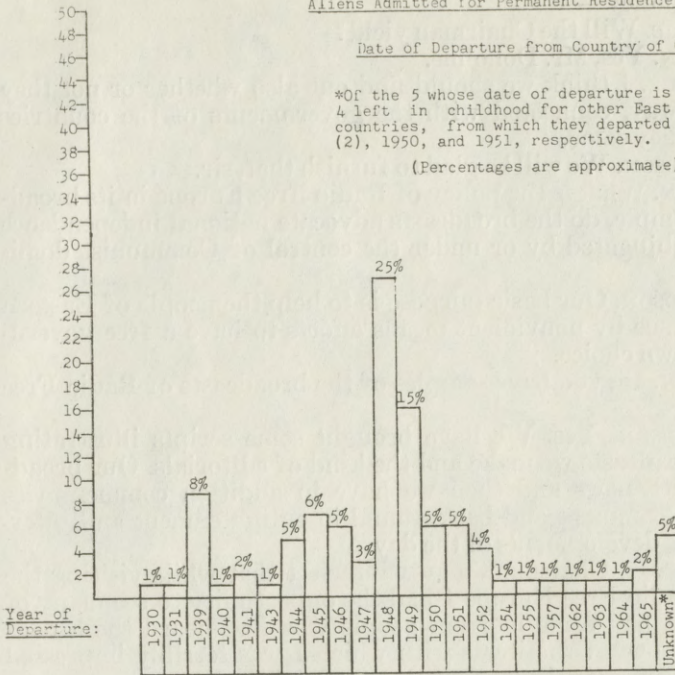
RADIO FREE EUROPE EMPLOYEES

Aliens Admitted for Permanent Residence in the U.S.

Date of Departure from Country of Origin

*Of the 5 whose date of departure is unknown,
4 left in childhood for other East European
countries, from which they departed in 1944
(2), 1950, and 1951, respectively.

(Percentages are approximate)



7/19/67

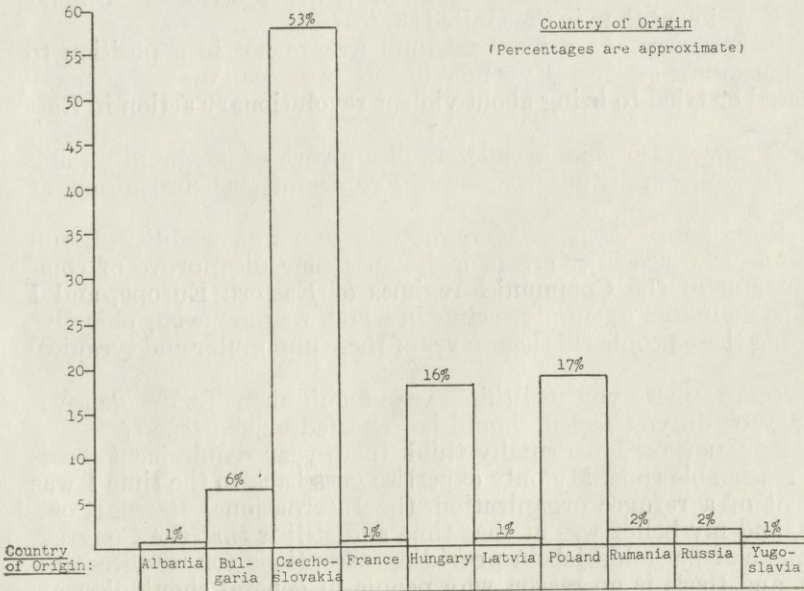
No. of
Employees:

RADIO FREE EUROPE EMPLOYEES

Aliens Admitted for Permanent Residence in the U.S.

Country of Origin

(Percentages are approximate)



7/19/67

Mr. RICHARDSON. Yes, sir.

Mr. FEIGHAN. I am interested, as well as the general public, I think, in what is the policy——

Mr. DONOHUE. Will the Chairman yield?

Mr. FEIGHAN. Yes, Mr. Donohue.

Mr. DONOHUE. I think we should find out also whether or not they were, in any way, connected with the governments of the countries from whence they came.

Mr. RICHARDSON. We will be glad to furnish that, sir.

Mr. FEIGHAN. What is the policy of Radio Free Europe in its broadcasts? For example, do the broadcasts advocate national independence for persons subjugated by or under the control of Communist domination?

Mr. RICHARDSON. Our basic purpose is to help the people of Eastern Europe to pursue by nonviolent means efforts to have a free government of their own choice.

Mr. FEIGHAN. Do you have samples of the broadcasts of Radio Free Europe?

Mr. RICHARDSON. Yes. We have brought some scripts illustrating the kind of broadcasts we make and the kind of editorials. Our broadcasts begin with news and then we have in addition commentaries which provide comment and background in enlightenment and interpretation of the developments of the day.

Mr. RODINO. Mr. Chairman, may I interject that while visiting the facilities of Radio Free Europe I had the opportunity to see many of the letters that had come in from people who had heard the broadcasts; this was one of the items with which I was terribly impressed because they were actual proof of the results. The letters were many and the letters were varied and they came from many areas to which Radio Free Europe is targeted.

Mr. DONOHUE. Mr. Richardson used the word "nonviolent." Should they be less violent than in the United States?

Mr. RICHARDSON. As a mass medium we are not in a position to control people's actions. By "nonviolent" we mean we have never advocated or tried to bring about violent revolutionary action in East Europe.

Mr. FEIGHAN. Do your broadcasts disapprove of communism, and if so, will you supply us with several copies of such broadcasts as examples?

Mr. RICHARDSON. Yes, sir. Our organization was established, and the people who are in it are in it, because they disapprove of communism and of the Communist regimes of Eastern Europe, and I would be delighted to supply scripts in which we pursue our objective of helping these people rid themselves of these unpopular and tyrannical regimes.

Mr. FEIGHAN. Do you feel this 5-year requirement for residence is necessary or do you feel it should be repealed or shortened?

Mr. RICHARDSON. I personally think the 5-year requirement seems like a reasonable time. My only expertise goes back to the time I was president of a refugee organization, the International Rescue Committee, and my belief was at that time and still is that the Congress has done a remarkable job in providing exceptions for refugees and others, and there is no reason why people in general shouldn't wait 5 years.

Mr. MOORE. Mr. Chairman, will you yield?

I should assume from your personnel charts you can tell us which of the employees would be eligible for immediate naturalization, and there would be some upon whom this legislation in its present form would confer that benefit. I think if you furnish us the data on all your employees, a good many of them have already remained in your employment for 5 years and it is reasonable to assume they would move toward finalizing the naturalization process.

Mr. RICHARDSON. We can so indicate in the material we supply, sir. (The following information was later submitted:)

DATES OF ELIGIBILITY FOR NATURALIZATION OF RFE EMPLOYEES AND DEPENDENTS IF H.R. 2138 WERE ENACTED IN 1967

	1967	1968	1969	1970	1971	1972	Total
1. Heads of households.....	82	3	1	3	3	2	94
2. Spouses (includes 14 employees).....	65	-----	1	1	1	-----	68
3. Children under 18.....	71	-----	2	-----	-----	-----	73
Subtotal.....	218	3	4	4	4	2	235
4. Less children (includes No. 3) already holding U.S. passports.....	2	-----	-----	-----	-----	-----	2
Total people affected.....	216	3	4	4	4	2	233

Mr. MOORE. Because in some instances the 5-year requirement does not affect them prospectively because they have already fulfilled that.

Mr. RICHARDSON. Yes, sir.

Mr. FEIGHAN. Is the nature of your broadcasts solely to reflect the way of life in the United States, and if so how do you portray it?

Mr. RICHARDSON. The nature of our broadcasts is not solely to reflect the way of life in the United States. In fact, because of the peculiar nature of our broadcasts we are really more concerned with the direct interests and concerns of the people of Eastern Europe than we are with developments in the United States. As I stated before, we try to provide them with a substitute for the free press they don't have because of the Communist rule. As in any of our own cities, we are all usually more interested in what is happening close to us than what is happening in another country. Therefore, our primary concern is to provide these people with information about the situation they are most concerned with. This means that the United States, which is the country of greatest interest to them—by and large—outside their own, is covered thoroughly but not as thoroughly as places closer to home.

Mr. FEIGHAN. What coverage, if any, did you give to the riots of Watts, and do you have copies of those broadcasts?

Mr. RICHARDSON. Mr. Chairman, we covered the riots in Watts just as we have covered the riots of this week in our news broadcasts, because they are things people in Eastern Europe will learn about anyway from other media, and from Communist media first of all because the Communists make a tremendous story even bigger than it is to us, out of this kind of trouble. Therefore, we provide the basic facts of what is happening currently, and usually ahead of the Communists, to beat them to the story in our broadcasts. We frequently beat them in stories about Eastern Europe as well, because they are so hamstrung in releasing news that we frequently beat them on news even about Eastern Europe.

Unfortunately, these unhappy events in the United States are of interest to people all over the world, so we have to provide news about them. In addition, we provide commentary on the news in two forms, first of all in the form of a selection of editorials from non-Communist press around the world; and secondly, we provide our own commentary, and this is the means by which we put these very serious and unhappy events in the perspective that they deserve. That is, we provide our listeners with an understanding of the background and the development of rapid progress in this country which has at this point brought us to this unhappy stage where these disturbances are taking place. It is in the context of the progress that is taking place, in other words, that we provide the news of these violent disturbances.

Mr. FEIGHAN. You will make available to us the text of these broadcasts?

Mr. RICHARDSON. Yes.

(Samples of broadcasts will be found at the end of the testimony.)

Mr. MacGREGOR. Mr. Chairman, will you yield?

With particular reference to your commentaries on these riots and placing them in perspective, does your station in Munich have information on, for example, the comparative income of the typical person in Watts or on the west side of Detroit in relation to other countries?

Mr. RICHARDSON. Yes. We do have that information not only in Munich but here. We do have the information on comparative economic levels and social advantages and political and civil liberties and so on, and of course we utilize that information so as to offset, in the first place, the Communist propaganda effort to hide and to confuse these basic differences.

Mr. MacGREGOR. I thank you for your answer, and I want to apologize to you and to General Smith because I must leave to attend a meeting of the Rules Committee and with your permission, Mr. Chairman, I will have to leave at this time, but I do not wish to do so before stating that I strongly support H.R. 2138 and will do my best to bring about its passage.

Mr. RICHARDSON. Thank you.

Mr. FEIGHAN. Mr. Richardson, to your knowledge has there been any jamming of your broadcasts?

Mr. RICHARDSON. Yes, sir. When we first began they were jammed regularly all the time. In recent years the jamming has become irregular. That is, in three of the countries to which we broadcast there is essentially no jamming. In two countries there is jamming almost all the time—Czechoslovakia and Bulgaria. We are not jammed in Poland, Hungary, and Rumania. Poland stopped jamming after the upheaval in 1956. One of the striking aspects of the upheaval in Poland was that crowds appearing in the streets in Warsaw and other cities vented their anger at jamming stations and this eventually resulted in the decision by the then very weak Polish Government to stop jamming, and they have never reinstituted it.

Mr. FEIGHAN. The stopping of jamming was not brought about by any change in policy?

Mr. RICHARDSON. No. It was the result of the upheaval which had anti-Soviet overtones. One result was a policy of relaxation toward the public including cessation of jamming.

Mr. RODINO. I would like to reiterate what I stated in my prepared statement about the need for this legislation. I am very pleased with

the manner in which Mr. Richardson has clearly demonstrated how important it is to these individuals who are contributing so much to the interests of the United States and free governments that they be considered in this special category. I am sure that the testimony of Mr. Richardson and that which General Smith is going to give certainly supports this legislation.

Mr. FEIGHAN. Mr. Cahill.

Mr. CAHILL. As I understand it, as of this moment the two organizations that would benefit from this bill, the employees of these organizations, would be Radio Free Europe and Radio Liberty. I am wondering, as I read the bill, what restrictions there would be upon other incorporated nonprofit organizations from qualifying under the bill, or is this an open-end authorization? Do you know of any other organizations that would qualify and benefit if this legislation were adopted?

Mr. RICHARDSON. If the question is addressed to me, no; I don't.

Mr. FEIGHAN. Would you address it to General Smith?

General SMITH. I would give the same answer. I know of no other organizations personally.

Mr. DONOHUE. Are there any other organizations engaged in similar objectives as your organization is engaged in, for the benefit of our country?

Mr. RICHARDSON. As you well know, there are many civic and patriotic organizations concerned with international affairs and many of them are concerned with countries in Eastern Europe in the Communist bloc. I know of no others engaged in the dissemination of information such as we are engaged in in Eastern Europe.

Mr. FEIGHAN. You are talking about the manner in which you are engaged by broadcasting. What about those engaged in communications through newspapers or pamphlets?

Mr. RICHARDSON. I know of no organizations other than our own engaged in any mass sense in the provision of information through any media to Eastern Europe.

Mr. MOORE. If the gentleman will yield, it is conceivable that an editor of Stars and Stripes, for instance, disseminating information in Europe, might very well fall in the category and get the benefits of this bill, because it is a medium of communication.

Mr. RICHARDSON. I think Congressman Rodino is better qualified to answer that than I am, but I don't believe the bill would cover Stars and Stripes.

Mr. MOORE. Why not? It is engaged in the dissemination of information.

Mr. RODINO. The bill says "which is principally engaged in conducting abroad through communications media * * *" I would think this bill restricts itself to those organizations that have been so described. I know of no others. I have inquired, and I think both General Smith and Mr. Richardson have replied in the affirmative and I think they are knowledgeable in this area. When you talk about the Stars and Stripes, I don't think it is principally engaged for this purpose alone, promoting U.S. interests abroad.

Mr. RICHARDSON. I am not sure, but I don't think it is a nonprofit organization.

Mr. MOORE. I don't know about its corporate structure, but conceivably you could have a nonprofit organization with similar ob-

jectives to your organizations that would fit the category established here.

Mr. RICHARDSON. Would it be an appropriate comment to make that the bill does require that the Attorney General make a finding, and therefore I assume if anybody constructed an organization to take advantage of this bill or for any purpose that was not suitable, or if such an organization exists that we don't know about that would not be suitable, the Attorney General would not make such a finding.

Mr. MOORE. That perhaps is one of the weaknesses of the bill. Ordinarily we are very reluctant to give to the executive branch of the Government power to select and power to make findings because pressure can be brought to bear to bring about a different result than we contemplate. While this is a method of estoppel, it does have another edge to the sword.

Mr. FEIGHAN. I might add, Mr. Moore, that on page 2, the first word in line 3, "recognize" might be stronger if it had "approved" in lieu thereof.

Mr. MOORE. I was thinking in terms of a possible amendment in that respect, Mr. Chairman.

May I ask one further question?

Mr. FEIGHAN. Yes, Mr. Moore.

Mr. MOORE. We have heard of your good experiences and all of us who have taken it upon ourselves to inquire and to look into the physical plant of Radio Free Europe and Radio Liberty Committee's functions in Europe and around the world know of your good work and know of the tremendous effect that you have upon the thought processes of people who do not have available to them all the information of what is going on around the world.

Tell us of some of your bad experiences with any of the personnel you have had.

Mr. RICHARDSON. I think the answer to that, first of all, is that we have the same, but a smaller proportion of that kind of experience as any other kind of employer. We have people from time to time who for one reason or another turn out not to be up to the high standards we try to set for our employees in the performance of their various functions.

I would guess, however (I would not be able to prove it because I know of no comparable organization) that our employment experience is much better than that of any commercial organization, that is, in terms of maintaining highly motivated and efficient performance of employees with low turnover.

We do, of course, have the same kinds of experiences other organizations do from time to time.

In addition it is appropriate, I think, to say that we rarely but sometimes do have the problem of the effort to gain employment with us by people who are doing so for purposes not consistent with our purposes. This is very understandable. We do everything we can and we have the cooperation of others to effect our defenses against that kind of infiltration. It does happen from time to time that people try this and I do not think we would be very—well, I would worry about our performance if they didn't try.

Mr. MOORE. I think your answer is a very good one. Not having asked the question specifically for the same reason that your answer was very carefully phrased, I appreciate very much the extent of your answer.

Fully realizing that you are dealing with a type and in an educational base where professional temperament enters into a lot of individual decisions where you would have these changes, have you had any instance in which an individual, that is an employee of Radio Free Europe, who has gone to the extent of adjusting his statutory permanent residence in the United States, subsequently found that that individual who is part of your organization was devoting his best interest to another power, so that subsequently you had to bring about his dismissal?

Mr. RICHARDSON. Obviously I ought to research before giving a flat answer. However, it is my impression that where we have had to take that kind of action it almost invariably has been very shortly after they were employed and in the course of informing ourselves to a greater extent about the individual's background and associations, and things of that kind.

Mr. MOORE. Can you research the matter and advise us whether or not this has occurred in the case of any employee of yours?

Mr. RICHARDSON. Yes, sir.

General SMITH. Probably Mr. Richardson's answer is correct. There is also another point. The kind of case you have spoken about has not occurred very recently.

There had been in the early days of our existence sometimes people who had to be discharged because they were believed not to be loyal to our interests and efforts.

Mr. MOORE. Who had gone—

General SMITH. I do not believe they had been in our organization long enough to have qualified under this but that would require a specific research.

In recent years the organization has shaken down our screening processes. Our organization is able to make sure of our people and over the years testing has occurred so that actually it has been almost negligible.

Mr. RODINO. But in any event, General, where such an individual was found to be inimical to the interests and objectives of the organization he was immediately dismissed?

General SMITH. That is right. Of course, he would not now have any eligibility under this bill.

Mr. RICHARDSON. It might be of some help to us in giving the Committee the answer to the Congressman's question if some limit were put on the time. It occurs to me this is a 16-year-old organization. If we need to research all the way back to the beginning on every individual ever employed this is quite a big task.

Mr. MOORE. I think the only thing you need do—you will have a good weeding out process if you list only those who have requested permanent residence.

Mr. RICHARDSON. All right.

General SMITH. That provides a limitation immediately.

Mr. MOORE. I hope it is specifically understood here, having met and had conferences with the representatives of Radio Free Europe, that my questions are only for the purpose of completing this record and again putting us in the position of being the best informed in support of this legislation when we go to the floor of the House of Representatives.

I feel that the individuals you seek to confer a special benefit upon are individuals of whom we should take special cognizance, with regard to the contributions they have made to this country of ours and the very unique position they have in the very unique organization they serve. That is specifically the purpose of my question and not in any sense of the word to be derogatory of what has been undertaken.

Mr. FEIGHAN. Mr. Donohue?

Mr. DONOHUE. Do you know of any other organizations engaged in similar objectives to yours?

Mr. RICHARDSON. No, sir; no other organization engaged in this kind of work on any scale that I know of. I think we and Radio Liberty are unique.

Mr. DONOHUE. Is Radio Liberty a private organization?

Mr. RICHARDSON. Yes, sir. I believe they have representatives here who will testify this morning.

Mr. FEIGHAN. Are there any organizations similar to yours who are from another country than Germany who are in Munich performing similar functions for their country or their former country as you are for the United States?

Mr. RICHARDSON. No, sir. I know of no other organizations anywhere in Europe which are performing the functions we perform.

Mr. DONOHUE. In other words, Great Britain, France, or Germany are not so engaged?

Mr. RICHARDSON. No, sir. This was a uniquely American creation. I think, of course, and I am prejudiced in a way, it is one of the great contributions America has made to the postwar world, to find a way to provide this kind of vital service to 80 to 90 million people who were enslaved by tyranny from the East and who were provided this benefit through this unique kind of enterprise. I think it is a typical sort of American ingenuity and inventiveness which made this all possible.

Mr. DONOHUE. You say your organization is a private organization. Did you incorporate at the outset within some State?

Mr. RICHARDSON. Yes, sir; Free Europe, Inc., which encompasses Radio Free Europe—that is our principal operating division—is a New York membership corporation, private nonprofit, tax exempt.

Mr. DONOHUE. Is Radio Liberty similarly organized?

Mr. FEIGHAN. We have a representative from that organization here.

Mr. DONOHUE. I thought perhaps this witness might know.

Mr. RICHARDSON. I understand them to be a similarly organized private organization.

I do not think they are organized in New York as we are. They are also a private corporation.

Mr. DONOHUE. Is there some alliance between Radio Free Europe and Radio Liberty so you would not be competing or conflicting with one another?

Mr. RICHARDSON. Informal liaison facilitated by the fact that the principal programming center of Radio Liberty is in Munich as is that of Radio Free Europe.

Mr. DONOHUE. Do you also have liaison between Voice of America and yourselves?

Mr. RICHARDSON. Similarly on an informal basis we keep in touch with the Voice of America, but I must add there that because our purposes are different and our areas of interest are really so disparate, the liaison there does not need to be as close.

Mr. DONOHUE. For my personal benefit, in what way do they differ?

Mr. RICHARDSON. I would describe the Voice of America purpose as being primarily to provide a voice in the world for the United States; that is, from the United States to provide the world, 50 or 60 countries of the world, with basic information about the world but particularly about the United States in an effort, I assume, to provide a constructive picture of what is happening in the United States and what the U.S. place is in the world.

Mr. DONOHUE. Including the countries of Eastern Europe?

Mr. RICHARDSON. Yes. For example, in Poland I believe the Voice of America has a daily broadcast which lasts about an hour and a half a day in Polish, including musical and other programs as well as news.

This is in contrast to the kind of concentrated full substitute for a daily press which we try to provide, which includes about 18 to 19 hours a day of all sorts of programing to Poland.

Mr. DONOHUE. Voice of America is complementing your program or you are complementing them?

Mr. RICHARDSON. We feel they are both complementary. I feel the Voice's programing to our countries is extremely useful and is helpful to those people as it is to the national interest of the United States.

Mr. DONOHUE. In this bill it reads:

Is employed by a bona fide United States, incorporated non-profit organization, which is principally engaged in conducting abroad, through communications media, the dissemination of information which significantly promotes United States interests abroad.

What I am concerned about is an organization which, through communications media, is involved. We have other organizations which are endeavoring to promote the interests of the United States by other media than communications.

I have in mind such organizations as CARE and Hope.

I assume that they employ people from foreign countries to assist them in distributing food and other materials to the people in these foreign countries with the hope that they will be brought into the orbit of American thinking or the thinking of free countries.

Would you think that they should be included in the objectives of this bill?

Mr. RICHARDSON. Let me say first that I know CARE pretty well and I have read a great deal about the Hope project. I think both are extremely beneficial and useful organizations doing a wonderful job for the people they help as well as for the American people.

However, the distinction, it seems to me, between those organizations and ourselves is that we operate through human beings who are primarily stateless people. They are people from Eastern Europe who have been deprived of any citizenship, and the peculiarity of our situation is that our key employees are this type of person. I doubt that would be the case in these other organizations.

Mr. DONOHUE. To your knowledge, referring to the Voice of America, do they employ any stateless people in Europe to carry on their programs?

Mr. RICHARDSON. I would think they would employ a few people in Europe. My impression is that the Voice of America's method of operation brings their primary programing here to the United States, centers it in the United States, so I would suppose most of their people

who came from countries as refugees are probably located in the United States, but I have no firsthand knowledge or statistics on that.

Mr. DONOHUE. They don't have auxiliary stations throughout Europe?

Mr. RICHARDSON. General Smith can speak to that.

General SMITH. They have relay stations but the programing basically comes from the United States.

Mr. RICHARDSON. Probably as in our case those technical facilities, radio bases, and so on, are largely managed by a few Americans at the top and operated by citizens of the country where they are located. We have bases in Germany and Portugal, broadcasting facilities manned by technical personnel who are Germans and Portuguese and not contemplated to be assisted by this legislation.

I suppose the same would be true of the "Voice of America."

Mr. DONOHUE. Thank you very much.

Mr. DOWDY. I have been trying to follow your statement. A question has been asked about other organizations which might be affected by this.

As I followed this, your answers were limited to Eastern Europe. Is there any other portion of the world or any other organization?

Mr. RICHARDSON. I may have been a little careful in the way I answered because I do not really know very much about Southeast Asia, Africa, or somewhere else. I have no knowledge at all of any other organizations which would come within the purview of this bill.

Mr. DOWDY. I do not know, either, except I have a recollection—it may be erroneous—there was a Radio Free Asia which operated out of South Korea with American aid.

Mr. RICHARDSON. I think, sir, there now exists a Radio Free Asia which has transmitters—a transmitter, I believe—in Korea, as you suggest, and which has an American committee which is endeavoring to find support for it. I do not know whether it is an American organization.

Mr. DOWDY. I do not, either.

Mr. RICHARDSON. My impression is that it is a somewhat mixed organization which is trying to raise funds here.

I do not suppose—at least I would doubt—it would be the kind of organization we are. At most they have only a few minutes a week of broadcasting.

Mr. DOWDY. I don't know. I heard of the organization several years ago. I don't know whether it is still operating. That just struck my mind.

There may possibly be others.

Mr. MOORE. On that point, the very basis of operation is interesting to us and the nature of your work is interesting to us.

What we are taking particular cognizance of here is the contribution of the stateless individual within the framework of your organization and what he is producing.

We use the term here "U.S. incorporated nonprofit organization". We have very unique mass communications media in operation in Europe today in the form of Radio Inside the American sector in Berlin, called RIAS.

I know nothing of its corporate structure but I would assume it is not a U.S. nonprofit organization. However, it is American in every way except its personnel are totally German, I understand. Yet they

are making the same type of contribution as your employees are making and they perhaps are in a little different individual character because they are Germans of free West Germany and not in the stateless position that most of your employees are.

Do you know anything about that organization and what its corporate character is, if it has any?

Mr. RICHARDSON. I know only this much—of course, I share your admiration for the work that is done by this organization. I believe that your description of it is an accurate one in the way it operates and with regard to its personnel. I think only one or two people at the top are Americans and the rest Germans.

My impression is that it is a wholly U.S. Government managed and organized operation.

Do you know the legal status, General Smith?

General SMITH. I am not positive, but it is my understanding that it does not have corporate structure and that it is a division of the USIA.

Mr. RICHARDSON. In fact this now comes back to me. Of course it is because their personnel are U.S. Government personnel.

Mr. MOORE. Thank you.

General SMITH. Their personnel come fully under U.S. regulations.

Mr. FEIGHAN. Thank you very much, gentlemen.

Mr. CAHILL. Assume that this legislation were to pass both Houses and be signed into law by the end of this year, in your opinion how many beneficiaries would there be as of January 1 with regard to Radio Free Europe?

Mr. RICHARDSON. It is clearly less than 108. I would have to guess how many people would immediately take advantage of the legislation.

Mr. CAHILL. What would be your guess?

Mr. RICHARDSON. That question was checked by the American Newspaper Guild representative in Munich a while ago, a couple years ago, in the course of endeavoring to find a solution to this problem. At that time something like 90 percent—more than that, over 95 percent of the people concerned—indicated their strong desire to take advantage of such legislation immediately.

I cannot tell you what it would be as of today but my guess would be over 90 percent.

Mr. CAHILL. Would that estimate of 100 include their dependents or merely the employees?

Mr. RICHARDSON. Direct employees.

Mr. CAHILL. How many dependents in your opinion—three or four times that many?

Mr. RODINO. Eighty three are married and there are 97 dependent children. The witness does not know their ages.

Mr. RICHARDSON. Something less than 300 would be about right.

Mr. DOWDY. The reason for my question was that this bill is broadly written and we should know how many organizations might be able to take advantage of this. It could get into a considerable number.

Mr. FEIGHAN. We will listen to all the information we possibly can.

In behalf of the subcommittee we want to express our appreciation for your presentation.

You will, of course, supply us with the requested material. If you will remain we will discuss this matter further.

Mr. RICHARDSON. Thank you very much for the opportunity, sir.

Mr. DONOHUE. This is only to take care of employees of your organizations that are stateless.

Mr. MOORE. No. He does not have to be stateless as I understand it.

Mr. FEIGHAN. He has to have permanent residence in the United States before he can qualify.

Mr. RICHARDSON. The criteria is permanent residence rather than statelessness.

Mr. RODINO. And they would have to meet all the other criteria and requirements under the naturalization laws.

General SMITH. Statelessness is not the condition. The majority are stateless but that is not the stated requirement.

Mr. FEIGHAN. Thank you very much.

We will next hear from Mr. James Critchlow, director of the Information Division, Radio Liberty Committee, Inc.

It is my understanding that you are accompanied by Mr. Kendall Bailes, assistant director.

Mr. RICHARDSON. Mr. Chairman, Mr. Smith has a brief statement he would like to make if there is opportunity. We do not want to crowd the committee at all.

General SMITH. Most of what I would say has been covered.

Mr. FEIGHAN. We have your prepared statement which can be inserted in the record at this point.

(The statement follows:)

STATEMENT BY MAJ. GEN. C. RODNEY SMITH, VICE PRESIDENT OF FREE EUROPE, INC.

I appreciate the opportunity you have afforded me to appear before your Committee this morning in behalf of the proposed Bill, H.R. 2138, and wish to thank you for the courtesies which your Chairman and other members of the Committee also have extended to me previously to discuss this Bill.

For those of the Committee to whom I am a new face, may I introduce myself as Mr. Richardson has done. I am a Vice President of Free Europe, Inc., and for a five-year period from 1961 to 1966, I was the Director of Radio Free Europe at its headquarters in Munich, Germany. I spent thirty-five years as an officer of the Regular Army, retiring in 1957 as a Major General. I was then with the International Telephone and Telegraph Corporation as a Vice President for three years before joining Free Europe in 1960.

My five years in Munich as Director of Radio Free Europe brought me in daily contact with the East European exiles who aspire to become U.S. citizens under this Bill—the executives, editors, producers, newsmen, researchers, analysts, linguists, translators, and writers to whom Mr. Richardson has referred. I have watched these people year after year at work; I have seen them often at formal and informal social occasions; I have had many of them as guests in my house; I have reviewed their broadcast scripts; I have seen how they reacted and produced during emergencies such as the Cuban Crisis; I have discussed their family and personal problems. My years of daily contact with these people have given me an unusual opportunity for knowing and understanding them. Most significantly it has given me detailed insight into the value of their dedicated anti-Communist work for RFE, their contribution to the cause of freedom for the people of their countries, the major benefits accruing to the interests of the United States as a result of their work, and the importance to the United States of retaining these people in the employ of RFE.

Based on my intimate knowledge of RFE, I regard passage of this Bill this year as highly important to the continued effective operation of RFE at the same high level as in past years. As each year goes by, the problems related to the gaining of U.S. citizenship by these talented and sensitive people become more and more acute, especially because of the concern that their children gain citizenship. Years ago they were lawfully admitted to the U.S. for permanent residence, and were qualified for citizenship except for one thing, the completion of actual residence requirements. So long as they continue to work for RFE in Europe they cannot meet this requirement for residence in the United States. This Bill would grant constructive residence credit, the only thing needed to

enable citizenship. Without it the only way they can complete residence requirements for citizenship would be to leave RFE and return to the United States. The pressures on them to do this grow greater each year.

The approximately one hundred RFE employees concerned are highly intelligent, skilled people of wide-ranging abilities, unusually dedicated and devoted. They would, of course, have liked to have been able some day to return to their own countries, if free of Communist dominance. But they recognize that this will not be possible in the coming years as their children reach and pass through high school and college age. They face ultimate retirement from RFE with their families still not citizens of the U.S., read out of their own countries, without social security or the other benefits of citizenship. It is a hard thing to have to continue to face this prospect.

These employees want to continue to carry on their RFE work which requires them to be in Europe. We very much need them there. Replacement of comparable people on a timely basis is not possible. Even with intensive recruitment efforts, the best that is possible is gradual training of younger East Europeans in small numbers, barely sufficient to replace those retiring for age. For this reason and also to assure these employees an opportunity for eventual U.S. citizenship, RFE has elected to absorb considerable costs including transportation in returning these individuals and their families to the U.S. every two years for the renewal of their re-entry permits.

This policy has not been without complications, however. In 1960 and again in 1965, the West German Government refused to honor these permits for a period of several weeks. They were concerned that the U.S. Government might at any time invalidate the permits, thereby placing the responsibility of the individuals involved upon the German Federal Republic. In both cases the situation was rectified when it was clearly outlined that the U.S. Government fully intended to admit all reentry permit holders for citizenship at some future date.

RFE and the individuals affected are very concerned that if conditions change, the West German Government may again elect to alter their policy and deny reentry permit holders free access to West Germany, the effects of which would be tragic.

This fear coupled with the increased family pressure for citizenship, especially for their children, has caused an increase in morale problems. For several years now, the saving grace for these people in this regard has been their hope that some such bill, as is before this Committee, would be passed. As each year goes by without passage of such a bill, the psychological effect upon our employees worsens, and family pressures increase for them to quit RFE. If many decide to do so, the adverse effect upon the quality of RFE's operations would be great.

We have recognized that the Committee is sympathetic to our objectives of aiding this select group to gain U.S. citizenship, but is concerned about appropriate language and limitations which would prevent opening the door to others who might unfairly take advantage of the legislation. Last year in cooperation with Committee members, Counsel, and Immigration liaison personnel, more limiting language was worked out which still fully satisfies our needs, but should preclude unintended admissions. As it now stands, all the Bill actually does is to permit five years of RFE employment to constitute corresponding constructive U.S. residence requirements for persons who have already met lawful requirements for admission to the U.S. for permanent residence. In fact, the requirement for five years' employment with RFE constitutes an additional severe selection and screening process. RFE employs East European exiles only for essential positions, which require special skills and backgrounds, and screens all employments with extreme care. Before five years with RFE is completed, a further weeding out process occurs. The majority of those for whom we seek this legislation have been employed by RFE for more than ten years, many of them for more than fifteen years. They have proven themselves through the constant test of close observation of their work and their conduct in RFE.

To illustrate the kinds of background possessed by the group we are concerned with, following is a partial listing. It includes an ambassador and members of parliament. By no means were all of such level. Some were still very young when they left their home countries. But all were strong people, who took a firm stand against the evils of Communism:

Editors of a variety of different publications.

Teachers.

Writers.

Members of parliament.
 Attaché of country's embassy in Paris.
 In civil service in ministry of schools.
 Head of a division in ministry of finance.
 Ambassador of his country to Great Britain.
 Two legation press attachés.
 Established actors in national theater.
 Several army officers.
 Film and TV producer.
 A purchasing agent.
 Administrative and executive work in a publishing company.
 A radio reporter.
 A number of lawyers.
 A lecturer at a state university and an executive in the ministry of public education.
 A district court judge.
 In civil service of a ministry of justice.
 In civil service of a ministry of social welfare.
 Several well-established journalists.
 In export-import work.
 Independent film producer and writer.
 Executive in prime minister's office for thirteen years.

In RFE these people now work in essential key positions which include a broadcast director, three assistant directors, four news chiefs, eighteen programmers, forty-five editors, nine researchers, four evaluators, eight editorial monitors, translators, reporters, interviewers, multi-lingual secretarial and clerical positions.

Finally to summarize; We urge action to report out and achieve passage of H.R. 2138 because of the essential needs of RFE, the benefits which accrue to United States interests, and the worthy nature of the persons concerned whom I would be proud to have as fellow U.S. citizens.

Thank you.

General SMITH. I might add a point or two if you have time.

Mr. FEIGHAN. Something new, I hope, because time is running out.

General SMITH. Let me limit it simply to the point that may be evident to you. My 5 years in Munich as director of Radio Free Europe brought me in close contact with the people concerned and who will benefit from this bill, so I came to know these people very well by my close contact with them.

I have watched them at work. I have reviewed their work. I have watched them in their social activities, participated with them. I have discussed their family problems and I know pretty well the moods, the basic kinds of people these people are.

I believe wholeheartedly, as a result of my 5 years of observation there, that this bill is an extremely important element in the continued effectiveness and efficiency at the current level of this organization.

These people have been very much concerned because they have not been able to acquire U.S. citizenship. Their families have been very much concerned as their children reach high school and college age. The pressures on these individuals continue, and the morale, psychological effect of hanging in midair, wanting to remain in this work in Radio Free Europe but wanting to become U.S. citizens, with their families pressuring them—"Our son, our daughter, has no citizenship. Why not go back to America and obtain the citizenship which you started many years ago?"

These pressures are mounting and they are serious. They are each year adding to the morale aspects of the personnel of Radio Free Europe so that from both points of view, the point of view of the quality

and type of these people who would make good citizens, who are the kinds of people that we want to have as citizens of the United States, and from the point of view of, first, eliminating these worries, pressures, and concerns on people who have waited so long for citizenship; and, secondly, the very real possibility, the very real likelihood in another year or two of losing key personnel—

Mr. RODINO. General Smith, I want to ask whether or not if you lose a number of these key personnel you could effectively carry on the work of this organization.

General SMITH. It would reduce progressively as we lost each person because it is not possible to immediately replace this kind of person.

We are engaged in a recruiting program. We are developing younger people gradually over the years, but this barely takes care of the retirement of people for age and it would not take care of losing the younger people, so there would be a diminution in our efficiency if we lost these people.

Mr. Feighan. Off the record.

(Discussion held off the record.)

Mr. FEIGHAN. Mr. Critchlow, you have already been introduced in the record.

Will you and your associate, Mr. Bailes, come forward, please?

Mr. CRITCHLOW. I will try to take as little of the committee's time as possible, Mr. Chairman.

Mr. FEIGHAN. We have your prepared statement which we shall insert in the record.

STATEMENT OF JAMES CRITCHLOW, DIRECTOR, INFORMATION DIVISION, RADIO LIBERTY COMMITTEE

Mr. CRITCHLOW. I am here in behalf of the Radio Liberty Committee.

We have prepared material in answer to questions. Our statement itself takes the form of the answer to question No. 12—What is the justification for Congress to exempt employees of Radio Liberty?

I am here in behalf of the Radio Liberty Committee, Mr. Chairman, which operates Radio Liberty for the purpose of broadcasting around the clock to the Soviet Union, principally in Russian, but also in 16 other languages of the country.

The president of the Radio Liberty Committee is Mr. Howland Sargent, former Assistant Secretary of State.

We have on our board of trustees a number of distinguished Americans. I might mention among others Gen. Alfred M. Gruenther, the Honorable Charles Edison, former Governor of New Jersey, and a number of others equally distinguished.

I am very grateful for this valuable opportunity to come here and speak on behalf of this legislation. There is very little that I can add to the very able presentation made by the gentlemen who spoke before me.

I might say that in the case of Radio Liberty the number of employees at the present time involved is relatively low, only nine people. Some of them, however, are in very key areas. Of course, in each and every one of these nine cases to the person concerned this is a matter of great importance.

Mr. FEIGHAN. Under the terms of this bill, Mr. Rodino, it appears to me that any person, even if he be a national of West Germany, would be able to qualify.

Mr. MOORE. Yes, regardless.

Mr. FEIGHAN. In answer to the first question, as to the number employed by Radio Liberty, you say 982 persons employed, nine of whom are aliens who hold valid United States reentry permits.

Mr. CRITCHLOW. Yes, sir.

Mr. FEIGHAN. How many of the 973 others would be eligible or close to being eligible to qualify?

Mr. CRITCHLOW. I haven't a detailed breakdown on that, Mr. Chairman. I believe a substantial number of these people might be eligible but that in actual fact the number who would apply for the benefits to be derived from this legislation would be quite low because only nine persons now on our staff are already in this category.

Mr. RODINO. Would you be able to supply us with that information?

Mr. CRITCHLOW. Yes, sir.

I know your time is limited here, but that really concludes any prepared information in addition to the written material which we have submitted to the subcommittee.

I will certainly be happy to try to respond to any questions which may be asked here.

Mr. RODINO. Mr. Critchlow, you carry on the same kind of operation that Radio Free Europe does, do you not?

Mr. CRITCHLOW. Yes, sir.

Mr. RODINO. I have no other questions.

Mr. FEIGHAN. What I would like to know is how we can present legislation that would confine itself to those persons who are in a position such that they are not easily replaced and are making an exceptional contribution to the work.

As an example, I suppose among your employees you may have a janitor, a typist, or some such person who can be easily replaced.

Mr. CRITCHLOW. I think that if we examine the list of nine people who already have applied and who have reentry permits, eight of these nine are persons in positions of considerable responsibility. One of them is a secretary, but she is a multilingual secretary of considerable skills, beyond the performance of normal secretarial duties.

Mr. FEIGHAN. A person like that would be necessary to the successful operation of the tasks which you perform.

Mr. MOORE. But that question limits itself to those presently eligible. You show in response to question No. 5 the nine employees who would be the immediate beneficiaries.

Do you have any suggestion as to whether we should differentiate between an individual who is making a major policy contribution to the organization as opposed to a janitor, so to speak?

Mr. FEIGHAN. One performing menial tasks.

Mr. CRITCHLOW. I hope I understand your problem. No immediate solution presents itself to my mind in the form of a way in which one might differentiate as between a janitor and a person of considerable responsibility.

Mr. RODINO. How many janitors do you have? How many people in custodial positions do you have? What percentage of the people who perform really nonessential jobs do you have?

Mr. CRITCHLOW. Most of the people in these jobs are people who are nationals of the countries in which the operations are located, those who have strong roots there, who expect in very rare instances would have little inclination to give up their homes and other ties in these countries and come to the United States.

As I understand it, this legislation is directed mainly at those people who have been uprooted by circumstances, who have no permanent home abroad now, and who would qualify for American citizenship.

Mr. MOORE. Or who by the nature of their employment can't go back to where they originally come from.

Mr. CRITCHLOW. Yes, sir.

Mr. MOORE. For fear of reprisal?

Mr. CRITCHLOW. Yes, sir.

Mr. MOORE. This brings up an interesting question in my mind, Mr. Chairman. I would like to propose it to both organizations who are here.

I would assume that the Lord has seen fit to remove from your organization by death individuals who have during their lifetimes made a valuable contribution so that you now have perhaps a widow, or a son or a daughter, who now are labeled as "a traitor who damaged our cause by working with Radio Liberty, or with Radio Free Europe," and the individual now is totally stateless. The mother says to the son "Your Dad gave his whole life to this organization and we have nothing to show for it. We have no place to go except the United States."

Of course, the father is gone. You don't have the vehicle to give his survivors the conduit to citizenship.

I can imagine you have a few problems in situations like this.

My question was precipitated by the suggestion General Smith made.

Another set of facts might be a wife saying to her husband, "John, this is great, but we are living in danger. We have four kids here. We don't know where we are going. I don't know where I am going if anything happens to you. You have to get this citizenship question in the United States straightened out now."

General SMITH. My own reaction is that we cannot do anything about those few who are already in that fix with the father gone. However, it is that fear of the future that hangs like a sword over their heads. This is the reason why in another 2 or 3 years this can become a very critical thing.

Mr. MOORE. I assume these people are getting older and older. Action is now necessary. If we don't want to compound this situation, this is another one of the meritorious suggestions that this legislation carries with it.

Mr. DONOHUE. Do I understand from your observations that you have in mind taking care of these people who have found themselves stateless?

Mr. MOORE. No. I am suggesting that if this is allowed to continue, with age of those who have been in this organization 15 or 16 years moving along, we will have a lot more situations which could cause internal problems within the organization.

General SMITH. That is right.

Mr. MOORE. The legislation itself will provide a partial answer in giving some peace of mind to those who do not now know what will happen to them if dad dies.

Mr. DONOHUE. That is right, but having in mind the statements made by the gentleman who is now on the witness stand, there are some nine that he has in mind that will come within the purview of this legislation and some 900-plus members of your organization over there that could become eligible.

Mr. CRITCHLOW. That is right.

Mr. DONOHUE. What about the balance of them, having in mind that the purpose of this legislation is to remove the requirement of physical presence?

Mr. MOORE. The 982 employees meeting the criteria of the legislation could all eventually, if they made up their minds to it, come into the United States.

Mr. FEIGHAN. The perplexing problem to me, to state it succinctly and as briefly as possible, is that the purpose of this legislation is to reward those who have performed very valuable services to the cause of the United States.

It seems to me we must find some way to cull out from among the entire number of employees those who would fit into that category of having performed such services that we in the United States feel merits the waiver of this residence requirement because of their services.

If we get services that can be readily replaced I don't know whether the Congress would readily approve a carte blanche approval of anyone who entered the employ of your organization in a menial capacity.

Mr. RODINO. The crux of the problem and the target of the legislation that I have introduced is this—it is my interest and the interest of all here to see that these organizations continue. These organizations continue only because they have these people.

If, as an organization, it requires certain types of personnel to keep them operating who may not be doing a kind of essential function but still necessary in order that it continue to operate, then I do not know how you can continue to work this operation and dismember or disassociate. It seems to me this is one of the areas we have to recognize.

In order to continue this organization's fine work we have to then realize that some of the people who may not be as essential as the others may be also enjoying some of the benefits as a result of the vast contribution made by the many.

Mr. DONOHUE. In the legislation you do not differentiate, do you?

Mr. RODINO. No.

Mr. DONOHUE. It states anyone who has been so employed continuously for a period of not less than 5 years.

Mr. RODINO. Off the record.

(Discussion held off the record.)

Mr. FEIGHAN. It might be very well if we can get a record of the turnover of the employees in your organization.

General SMITH. That was asked for and we can provide it.

Our whole purpose is not to encompass at all the German, for example, or the Portuguese employees, our local employees. Some of those are by no means menial. They are technicians, and so on, but they are employed locally, are national citizens of the country in which we

employ them, and by no means have we any desire or intention of encompassing them in this legislation.

As you have said, sir, the legislation could possibly bring a person under it as it is now written, but first is there not a considerable automatic screening which limits this tremendously? These people must have been admitted to the United States. They would have to come in under all of your immigration rules.

Mr. FEIGHAN. This bill as written does not envision a cutoff date as of the time of the enactment of the bill. It would be continuing.

General SMITH. The reason we hoped it would not have a cutoff is because of new recruitment of similar people. As we recruit new people there again will be a situation continued over the years, so we would hope those people could be included.

It seems to me there ought to be some way of imposing the control that would eliminate the local persons whom we have no intention of bringing into this. They would be partially eliminated in that on a mass basis they could not enter the United States and acquire residence here or acquire this valid reentry permit which we speak of in the legislation.

Mr. MOORE. A suggestion comes to me—let benefits be conferred upon an individual who by reason of such service cannot return to his country of origin for fear of physical or political persecution.

Mr. DONOHUE. That is what I had in the back of my mind. Perhaps I didn't make it clear.

Would "stateless" cover it?

Mr. CRITCHLOW. In at least one of the nine cases in point for Radio Liberty, which is the case of a former British subject, or a present British subject who has shown his intention of becoming an American citizen, this provision would not count. This would be a shame because this is a very valuable man who would be a great asset to the United States.

He has a world reputation as a researcher. His inclination would probably then be to seek employment in the United States.

I might suggest for the consideration of the subcommittee such a criterion as this—that the legislation should not include those persons who are natives of the country in which they are employed.

I don't know how my colleagues from Radio Free Europe feel about this.

Mr. MOORE. We can take this under consideration, Mr. Chairman.

What we want to elicit from you is this—the chairman has expressed concern as to whom this legislation touches. We know we want to see that this legislation touches those who have made the greatest contribution and have the greatest personal difficulty. However, we do not want to make it a broad loophole in the immigration law.

I suggest we work with some language which might meet suggestions that have been made here and then perhaps have our staff talk with you about it.

Mr. FEIGHAN. Do you feel you can analyze the status and task of each employee and cull out those who are really essential to the successful operation or would it take too fine a line of demarcation to say that this particular person would come within the purview of the Act and another not?

Mr. MOORE. I think we put these organizations on the spot, Mr. Chairman.

Let us put it in the legislation. Let us make the determination ourselves in the legislation rather than have these witnesses before us saying to an individual "I don't think you merit consideration as a U.S. citizen."

Mr. RODINO. On that point the chairman is perhaps correct. These gentlemen know how they most efficiently can operate this organization, whether it becomes necessary to include these individuals who are nonessential or merely the essential individuals.

I think this is the crux of the whole problem. Frankly I am concerned with this legislation because I want to see this kind of operation continue.

Mr. MOORE. I do, too.

Mr. RODINO. That is why I recognize the worth of these individuals.

Unless these individuals are important to this organization they are not important as far as I am concerned, notwithstanding the fact they may be doing a good job.

Mr. MOORE. If we should change this legislation and make one of the conditions precedent to taking advantage of the legislative benefits conferred, a recommendation must be made from Radio Free Europe or the organization which employs the individual. I don't think we want to do that.

Mr. FEIGHAN. We could not delegate to them the power of naturalization.

Mr. MOORE. No, but the power of selection. That is what Mr. Rodino is talking about.

Mr. FEIGHAN. If we set up some criteria which the applicants must meet—

Mr. RODINO. I saw the operation of the organizations which these gentlemen represent.

They have a good operation which is important to the United States and to the free world. I would like to see it continue.

It appears to me from all the information we have gotten and from the urgency of their pleas that unless something is done to retain this kind of personnel, this operation will not continue.

This is the reason I am interested in this legislation.

Mr. DONOHUE. I would like to have this language clarified.

"Has been so employed continuously for a period of not less than 5 years after a lawful admission for permanent residence."

That would presuppose that at some time before they were employed by these organizations, or while they were so employed, they in some way obtained permanent residence in this country.

Mr. RODINO. The gentleman is correct.

Mr. DONOHUE. How does that come about?

Mr. RODINO. They apply for permanent residence and they meet the requirements.

Mr. DONOHUE. That would probably be because of their peculiar skill?

Mr. RODINO. Not insofar as this is concerned.

Mr. DONOHUE. What are the other requirements? I understand the standard must be that they possess some unusual skills or they must get clearance from the Labor Department unless they come within the quotas.

Mr. FEIGHAN. They could come under any provision of the Act.

Mr. DONOHUE. Let me ask of the witnesses, then, how did these people who would benefit under this legislation obtain a permanent residence in this country?

Mr. RICHARDSON. With the assistance in most cases of our organization. In other words, we facilitated, and in most cases provided, the transportation for them to come to this country and helped them to acquire that residency.

Mr. DONOHUE. They would have to file an application and then you would endorse it?

Mr. RICHARDSON. They would have to come here to do it, which is a great problem.

Mr. DONOHUE. What would be the reason they would assign or you would give which would entitle them to admission as a permanent resident?

Mr. FEIGHAN. The eligibility requirements.

Mr. DONOHUE. I am wondering, Mr. Chairman, what basis they would give for their being admitted as a permanent resident.

I have in mind, with my little knowledge of the Immigration Act, that they would have to come within the quota of the country from whence they had origin, and in these cases these people would be from behind the Iron Curtain countries.

Mr. FEIGHAN. Yes.

Mr. DONOHUE. They would then have to give the reason that they possess unusual skills. That would be one reason.

Off the record.

(Discussion held off the record.)

Mr. MOORE. We have had a number of specific enactments by the Congress which afford benefits to a wide general group through which these individuals have qualified over the years such as the Refugee Act, Displaced Persons Act, and any number of different special acts which have passed the Congress and have given them the benefits.

I suggest the built-in provision of section 243(H) of the Immigration Law enters into it.

Mr. DONOHUE. Are these people that we have in mind to benefit from this legislation being recruited in this country after obtaining permanent residence or do they obtain the permanent residence and then go back to the area of Munich or any other place in Western Europe and then brought into your organization?

Mr. MOORE. Perhaps both ways.

General SMITH. Both ways.

Mr. MOORE. Mr. Richardson indicated in some cases they come to the United States under the total paid sponsorship of his organization.

I would assume in the case of Radio Liberty Committee that would be the same thing.

I would assume that there could be cases where you have recruited here in the United States and then asked them to go abroad.

Mr. RICHARDSON. That is right.

Mr. RODINO. Those are the people hurt most. They have volunteered to go abroad and do not fulfill the rest of the requirements for naturalization.

Mr. DONOHUE. Those people are on strong grounds and should be beneficiaries.

Mr. FEIGHAN. Anything further?

The meeting will be adjourned.

(Adjourned at 12:30 p.m.)

(Samples of Radio Free Europe broadcasts follow:)

RFE BROADCASTS EXPRESSING DISAPPROVAL OF COMMUNISM

The broadcasts demonstrate day by day the abuses and shortcomings of the Communist system, in the listeners' own countries and throughout the Communist world. Communism is so thoroughly discredited in the minds of nearly all East Europeans—both as an ideology and as a practical system—most broadcasts concern themselves with pointing out new problems and, in addition, pointing out new possibilities for specific changes, instead of with wholesale denunciation.

RADIO FREE EUROPE, MUNICH, GERMANY; BULGARIAN BROADCASTING DEPARTMENT

Program Title: Problems of the day No. 885.

For Air: May 11, 1967.

Author: Angelov.

Translator: H. D. R.

ANN. Here, to begin with, is our commentary on Brezhnev's Sofia visit.

VOICE I. Dear listeners, the Sofia press and radio have been competing for days on end, uninterruptedly, and in an increasingly more servile tone, to emphasize the importance of Soviet-Bulgarian relations and of the visit of the Soviet Party-Governmental delegation. As on other similar occasions, the visit of the Soviet delegation in May 1962 headed by Nikita Krushchev, for instance, statesmanlike reasoning has made way for declarations and statements that are beneath the national dignity of the Bulgarian people. The "escalation of exaltation", if one can say so, took such forms which could not by any means fail to disgust the more sober-minded and cool-headed Bulgarian citizens. In fact, it was made to seem as if Soviet-Bulgarian relations rested exclusively on emotional feelings, such as the "eternal recognition and love", the expression again used so often these days that it has lost all of its meaning and content and at the same time also completely depreciated the national purpose of these relations. Things have gone so far, that when appraising economic relations, Bulgaria's imports from the Soviet Union are treated by Sofia propaganda as if they were some special Soviet alms or goodwill, as though the Soviet Union received nothing in exchange for its exports to Bulgaria! And everyone knows that the Soviet Union's trade relations with other Communist countries are based on the principle of "mutual advantage" and that almost 60% of Bulgarian annual exports are northward bound.

But after the arrival of the Soviet delegation, dear listeners, this servility and lack of national self-respect, reflected by propaganda, assumed an entirely official character. As soon as the visitors landed on Bulgarian territory, the Soviet delegation and Brezhnev were showered with such compliments by Zhivkov, that many a Bulgarian heart must have sunk in shame and bitterness. Zhivkov's speech at Sofia airport has been printed by all the newspapers and everyone is free to weigh it up and compare it with the reserved speech of Brezhnev. Moreover, if we compare yesterday's Zhivkov speech with the one which he made in 1962, on the arrival of the Soviet delegation which was headed by Nikita Krushchev, we shall notice an obvious verbal "escalation", just as if nothing had occurred in Bulgaria or in the minds of the Bulgarian people in the past five years! I cannot say whether Brezhnev was bored by the lyrical, school-boy-like, I would call them, declamations of the Bulgarian First Secretary and Prime Minister, who raises to a cult and "law" Soviet-Bulgarian friendship and the "warm affection and attachment the Bulgarian people have for the great Soviet Communist Party." This friendship and cooperation with the Soviet Union, Zhivkov considers "the surest guarantee for the freedom and independence of Bulgaria." Naturally, this incredible exaggeration is hardly going to serve as an inspiring example for the efforts of any patriotic circles in the country, set on lifting up the down-trodden national self-respect, nor will it restore their faith in their own strength and the possibilities of the Bulgarian people.

Further on Zhivkov defined relations between the Soviet Union and Bulgaria as "model relations between two socialist countries, resting on the granite bases of the principles of Marxism-Leninism and socialist internationalism", thoroughly ignoring those most essential principles, ensuring independence and sovereignty, namely—equality and non-interference in internal affairs. When presenting his credentials and referring to Soviet-Bulgarian relations, the new Soviet ambassador also failed to mention these two basic principles in international relations. In his speech at the ceremonial dinner party, Brezhnev referred to this "internationalism", a thing which can be interpreted in many different ways, depending on the circumstances, and which has often constituted interference in the internal affairs of another country. Brezhnev, according to Sofia Radio, "highly appraised the sense of internationalism, which is so strongly developed among the Bulgarian people." He wanted with this, maybe sarcastically, to sum up the verbal exaltations of Zhivkov and Traikov about "devotion and love, eternal and indestructible friendship", which did not find their equal in the rather dry and businesslike speeches of Brezhnev. Without question, the Bulgarian and Soviet statements to date are a clear indication of the existing inequality in relations, of the obvious subordination, underlined with such pains by the Bulgarians. Is such servility expected by the Soviets, or is it still a political habit dating from the days of Stalin, which the Bulgarian leaders find so hard to drop? It is interesting to observe that at the dinner party, the welcoming speech to the Soviet guests was made by Traikov, not by Zhivkov. Could it be that Zhivkov wanted to share with others the responsibility for the so very one-sided development of Soviet-Bulgarian relations?

The purpose of the Soviet delegation, according to Brezhnev, is to sign a new bilateral treaty of friendship and mutual assistance. If this is true, then one cannot help puzzling over its formation. For such a treaty is an important interstate act. But instead of the leader of state who is Prime Minister Kosygin, or Foreign Minister Gromyko, we find it includes persons of whom one might say, with the exception of Brezhnev, that they belong among the lesser ornaments. True, the draft of this treaty is already ready, since it was worked out in advance, and discussions are hardly going to take place over it. Nevertheless, a solemn interstate treaty ought to be signed by the Soviet Prime Minister, together with his Bulgarian counterpart, as the top representatives of the governments of their respective countries. Even though to some extent a formal question, it does prove all the same, that also in this instance inequality exists, which will once again not escape the alert eyes of the Bulgarian public.

RADIO FREE EUROPE, MUNICH, GERMANY; CZECHOSLOVAK BROADCASTING DEPARTMENT

Program Title: Domestic Block H-27.

Air Date: 13 June 1967.

Editor: J. Petrovic (Slovak).

Translator: R. Stepan.

Spiritual Thirst: By Dr. Heidler (Czech)

SPEAKER. What young people are lacking is a lasting ideal, a permanent value that would give them support in every situation of life. They do not have full confidence in their parents because the system of ideological dictatorship forces parents incessantly to dissimulate, and children discern hypocrisy. One-fifth of all 19-year-old students are weary of life. And there are two times more girls than boys who feel that way.

This nihilism is the result of non-religious and antireligious education, the product of the anti-theist ideology directly or indirectly imposed on people at every step. Marxists, too, are beginning to realize that this cannot be enough, not even from their point of view; humanism, love of man, is of greater importance than hatred for God even so far as they are concerned.

Yet prevalent, for now, are negation, indifference, a spiritual void. Nobody can deny that therein lies one of the causes of the growing abortion, divorce, and suicide rate and the catastrophic decrease in the number of newly born children, to say nothing of the quality of education.

Mounting is the feeling of alienation and loneliness. In the society which, in comparison with capitalism, purports to liquidate alienation, people are completely helpless against being treated like matter. The new bureaucratic system has become so prodigious that man, for whom they claim all this is being done, has wound up as a mere abstract symbol. The real human being is nothing

at all. It is not being done for the real human being. Real man has been made into a thing. And that's what generates this feeling of helplessness, this high suicide rate, this frustration felt particularly by youth.

This experience prompts thinking people in our country to fight for the recovery of man as a value, for him to make the best of his spiritual life as an individual. They would like to follow up what is positive in Huss and Chelcicky—not merely to their concrete historic protest, but to their heroic moral fervor, even at the cost of self-sacrifice. From Hochhuth they are taking not his agitation against Pope Pius XII, or against the institution he represented, but the general question of keeping silence vis-a-vis the lie or evil, the question of being helpless to do something, say something, take up an attitude. Seeking a counterbalance to the dictatorship of technology, which has failed to accomplish the task of serving man, and to the administrative apparatus absorbing man, they realize they can find this counterbalance only in their heart, in their own spiritual and intellectual strength and interests, no doubt also in art, but in the final analysis solely in religion.

They read Dante translated for us in a masterly manner by Babler; they are aware that most of our people resemble the shadows the author of "The Divine Comedy" is finding at the entrance to hell; those are half-hearted people who actually never lived and whom both heaven and hell therefore condemn. Born of this is the conviction that every easy-going realism ends where one's own conscience begins to lose. Any discipline the state enjoins on its citizens or the party on its members has a limit nobody must transcend. It is the limit of man's conscience. What our people now see again as Huss's fundamental idea is this most topical requirement: Conscience even at the cost of self-destruction! Only the truth a man can *personally* vouch for can be an authentic criterion for him. If a deed goes beyond the boundary of humaneness, any explanation such as "I have been ordered to do so, I have acted in a disciplined manner in the interest of the whole" is totally unacceptable.

Today all these profoundly human experiences induce Czech and Slovak intellectuals, and plain people capable of thinking independently, to consciously link up with the major spiritual struggles of our past. Since they could not diffuse in latitude, those struggles swelled like waves upward. We have no sea, but we have stars. We are able to live fully only vertically, not horizontally. This is what our elite feels.

These are the roots of the present animated interest in Christianity and in a dialogue with believing Christians. And there is not much sense in arguing over the question whether this or that expression of this interest, or this or that article we read about in our press, is honestly meant, whether it might be "mere tactic." Even if, in some instances, it is tactic, it nevertheless is compelled by the real spiritual thirst of a growing number of our people.

That is one of the brightest phenomena of our otherwise gloomy present. And important is that the believing Christians set an example of this absolute loyalty to one's own conscience, which people seeking spiritually have in mind. This means, *inter alia*, to insist that it is only in freedom that one can serve in a Christian way, for otherwise it is truckling. Merely being able to pin down in the concrete deeds of socialism one's own cipher of man and participate uncritically in its implementation cannot be enough for Christians. A Christian must reserve, as a condition of cooperation, the right and duty of moral criticism, the right and duty to heed his conscience more than some state discipline, and to obey God more than people.

RADIO FREE EUROPE, MUNICH, GERMANY; POLISH DESK

Program Title: Facts and Views Nr 2213.

Air Date: 16 May 1967.

Length: 24'45".

Editor: T. Podgorski.

Translator: K. Bauer-Czarnomski.

Item by L. Wierczynski: The Kennedy Round

VOICE. "The biggest international trade negotiations of all times"—that is how the world press often described the deliberations of the "Kennedy Round", just ended in Geneva. A fully justified description. For after all, 53 States from different continents participated in these talks, representing together 4/5ths of world trade turnover. And the purpose of this international conference was a

further liberalization of world trade through a general, as far-reaching as possible, lowering of Customs' tariffs, and the removal or reduction of other restrictions hindering the development of international trade.

The deliberations of the "Kennedy Round" lasted four years altogether. But the final favorable result of the negotiations was decided by the last days or even hours of talks. The various groups of problems constituting the subject of discussion were very closely connected. A compromise obtained in laborious negotiations in one field was at once in question if, in another field, difficulties threatening failure of the talks in this sector developed. The main partners in the Geneva talks on the question of the liberalization of international trade were the U.S., and the countries of the EEC, acting in unison. And it was only the final compromise, achieved in the last, culminating phase of negotiations between these two greatest commercial Powers in the world, which made possible the successful conclusion of the deliberations of the "Kennedy Round". An important role was also played by other States, above all G. Britain and Japan, but the dialogue between the U.S. and the countries of the EEC was the main axis of the Geneva negotiations. Here one should perhaps stress this fact with particular force, because it points very clearly to the position which the EEC occupies in the world configuration of economic forces, as an equal partner of the U.S. And let us remember here that the EEC groups together, for the time being, only six W. European States.

The great international significance of the agreement reached on the night from Monday to Tuesday in Geneva is obvious. The countries taking part in the deliberation of the "Kennedy Round" decided to carry out a general lowering of Customs' tariffs, on the average by a quarter of their present level. In many instances this reduction goes much further and reaches 50%, which—as we remember—was the initial assumption of the "Kennedy Round" negotiations, when they were initiated by the US Government years ago. And in other instances the present lowering of duties is more modest, in view of the necessity of assuring tariff protection to some branches of home industry. The US and the countries of the EEC here found in the end, among other things, a compromise formula on the question of chemical products, which was a bone of contention almost until the last moment.

Simultaneously, basic steps were taken toward the liberalization of international trade in agricultural products. By way of a compromise the basic world prices of wheat were agreed upon, hence trying to take into account the interests of the great exporters of grain—such as the U.S., Canada, Argentina, or Australia—on the one hand, and on the other to take into consideration the justified postulates of the traditionally grain-importing countries—such as G. Britain or Japan.

Separate and important stipulations of the final agreement in the "Kennedy Round" concern the question of international food aid for countries delayed in economic development, which are struggling with the tremendous difficulties of feeding their own populations, and the threat of hunger. As we know, this is a particularly urgent problem, which can only be solved by properly co-ordinated efforts on a world scale. The prosperous Western States, having grain surpluses thanks to the high technology of their agriculture, have now decided in Geneva to use these surpluses for food aid to the countries of the so-called "third world". And here also the decisions were made on the basis of a compromise. The US initially proposed that 10 million tons per annum be allocated for this purpose—the EEC countries proposed three million. Finally, it was decided to allocate $4\frac{1}{2}$ million tons of grain a year, now, for food aid to the "third world". More than 40% of this aid would be given by the US, more than 20% by the EEC countries.

The successful conclusion of the Geneva talks on the liberalization of international trade will entail long-term consequences of world scope. In the last decade, a seven per cent annual increase, on the average, has been registered in international trade turnover. The present considerable lowering of Customs' duties, agreed upon by several dozen States and applicable to goods to the value of several dozen billion dollars, will create new, powerful stimuli for world trade, will accelerate the tempo of its development. Such are the prognostications of the economic experts. And simultaneously the "Kennedy Round" agreement, by preventing excessive protectionist tendencies of the individual States or economic groupings, will tighten economic bonds and collaboration between the US and Europe. And in this way it will at the same time indirectly strengthen the political unity of the Western world.

And in conclusion, a few words concerning our country. For some time now Poland has been trying to obtain the status of full member of GATT—that is, the world organization within the framework of which the “Kennedy Round” negotiations were held. As far as we know, the Polish efforts are meeting with a positive reception among the other interested countries belonging to GATT. Though the speedy finalization of these efforts lies in the Polish interest, Warsaw has not yet made the final decision. And the GATT authorities are being helpful to Poland. During the protracted “Kennedy Round” negotiations the Polish delegation was given the opportunity of establishing many-sided contacts with the representatives of other countries taking part in this conference. The present successful outcome of the “Kennedy Round” negotiations should finally induce the Polish Government to abandon its hitherto hesitancy, to break with the tactics of postponing decisions on full participation in GATT, which would open up new prospects to Polish foreign trade, contributing at the same time to an improvement in supplies to the population.

RFE COVERAGE OF WATTS RIOTS

RFE reported the Watts riots and other developments in the field of civil rights, positive and negative, factually and in the context of overall American progress in this field. Its accurate reporting served to counteract the distortion and misrepresentation of civil rights and related problems by the press, radio and other public media of all Communist regimes, and did so all the more effectively because of its honesty and balance.

RADIO FREE EUROPE, CZECHOSLOVAK DESK, MUNICH, GERMANY

Program Title: Day at Home and Abroad F-79.

Author: Mr. Zizka.

Translator: L. Maixner.

For Air: August 16, 1965.

Theme: Racial Disorders, Meloun

SPEAKER. Frantisek Turek reporting, with comments, on the racial disorders in Los Angeles, California.

The five-day racial disorders of the Negro population in one district of the city of Los Angeles, California, have not yet come to an end. The very sad balance, which is not yet final, states that in the course of the riots, 31 people were killed, the number of injured was 762, material damage caused by arson amounted to 200 million dollars. It has not yet been possible to calculate the damage caused by the looting of shops. Police arrested 2,255 perpetrators. The Negro riots took place mostly in the Watts district, which is 98 percent Negro. One-sixth of the Negro population lives in this part of Los Angeles, a city which has a population of over 525,000. The density of the population in Watts is four times higher than that of the rest of the town, and because of this fact, the district is known as a slum, the periphery of a metropolis. In California, of course, whose spaciousness is also reflected in its urban areas, the overcrowded periphery looks quite different from the outside than, e.g., Harlem in New York. Watts, at first sight, looks like a garden town. Detached and semi-detached houses are surrounded by small gardens and lawns, many houses and lawns are well-kept. Nearly 90 percent of these small houses, it is true, were built before the war and some of them are already dilapidated.

The Watts district, nonetheless, cannot be regarded as a periphery by the way it looks. As to the rest, however, what is hidden from sight, Watts is a periphery. The small houses are too crowded and many of their inhabitants are without work. And those who do work belong entirely to the poorly paid unskilled workers, and if they work as clerks, they are lowest on the scale. The average education standards is low, over 60 percent of the population have neither secondary school education nor any technical or other training. Watts is also a district of broken marriages and delinquency: in the past three months, thousands of crimes have been committed, a hundred of which were murder, rape, and other crimes. The Negro population of the Watts district and other Negro parts of Los Angeles have complained of conditions. Not by demonstrations—in this respect Los Angeles and other large towns in the American West were surprisingly outside the prevailing pattern—but by deputation to authorities, and it was due to their impulse that town committees and institutions were

established to see to better homes and schools for Negro citizens, to improvement of the employment situation and effective public security. Progress, however, seemed to be slow and the discontent of the Negro population was not done away with. Under an apparently calm surface, smoldered a dangerous fire.

Last Wednesday, it broke out. Owing to a trifle. A traffic policeman at 2000 hours stopped an automobile whose driver was apparently intoxicated. Questioning was not yet terminated when the driver's mother came and began to reproach him with drunkenness and made him angry. The policeman drew his gun and called for help. A crowd of roughly 200 assembled, the drunken driver was walked to the police station with police assistance, but the crowd did not disperse and the rumor of another case of police brutality made the rounds in the district.

The Negroes began to throw stones at policemen, city buses, automobiles with white drivers, and the white population in general. The small crowd grew larger and a surge of thousands gradually took control of the whole district. Wherever it went, there was destruction. Windows were broken, shops looted, and whatever was in the way was ruined. On Friday and Saturday, large department stores were set afire. There were conflagrations in 14 places at once, and the lives of firemen who tried to intervene were at stake. The mob shot them down from the roofs. These infringements of the law were led by unknown people. The local population established the fact that they did not know a single one of those who headed the mob. Up to Sunday night, the police force of Los Angeles were not able to control the unrest. Not before the California National Guard had been called in and the Watts district surrounded and occupied by nearly a whole division of policemen and guardsmen was it possible to reinstate law and order in the course of Sunday. Moreover, as later developments demonstrated, it did not last. On Monday, race riots broke out again. The American public is surprised and upset by the events in Los Angeles. Its feelings were expressed by President Johnson; he said that it was tragic that the events were frightful and he warned the perpetrators that they could not enforce their rights and redress of wrongs by violence. On Sunday, President Johnson issued another proclamation, in which he offered Governor Brown of California and the city of Los Angeles all the aid of the federal government that was required; the President then went to the root of things and said that injustice in American society could be removed only by peaceful process. Negroes who took to terror and violence knocked that very weapon from their own hands, which they strive for in their own emancipation. It will, naturally, not do to complain of unrest. We must also cope with conditions which are the origin of most of the unrest. It will not do only to condemn violence, but we must also take steps to prevent such violence.

The riots in Los Angeles were condemned by all leaders of Negro organizations in the U.S. Dr. Martin Luther King, who attended a church meeting in Puerto Rico on Sunday, and who is en route to Los Angeles, expressed his regret that infringements had taken place and agreed that all measures should be taken to reinstate law and order. He said, however, that police could provide only a temporary solution. Roy Wilkins, secretary of NAACP, condemned the riots in Watts and demanded that a neutral committee be established to investigate the causes. Wilkins stated the riots and looting had to be suppressed with all the measures required. Whitney Young, representative of another nation-wide Negro organization in the U.S., also regretted that the riots had taken place, pointing out, however, that he had indicated to Los Angeles officials four months ago the discontent of the Negro population and had warned them that they must not rely on the discipline of discontent Negro citizens. Secretary Wilkins also pointed out that some of the racist elements which came to light during the riots, by chanting slogans and in inscriptions on destroyed buildings, came from the vocabulary—of the Black Muslim organization. This is an organization of radical Negroes who demand strict segregation of the Negro and the white population in towns.

The deeper reasons for the rebellion in Watts—and in other towns in the northern part of the U.S. will still have to be exposed. At the moment, experts express many views, which are not in accord. It is a fact that, while Negroes in the South in the past few weeks, had begun to win their century-old fight for civil rights, Negroes in the North, who have had civil rights, demand much more: complete equal rights with the white population in housing, schools, and employment. Some of the demands can be fulfilled—e.g., in education—others if the Negroes fulfill the prerequisites. American workers must have technical

education to be able to hold many positions—and technical education is not obtained by short school attendance, as is frequently done by young Negroes. The federal government and the city administration of Los Angeles can give much to the Negroes—however, they cannot provide the prerequisites for participation in equal chances for all, which American society grants.

RADIO FREE EUROPE, CZECHOSLOVAK DESK, MUNICH, GERMANY

Program Title: Day at Home and Abroad, F-80.

For Air: August 17, 1965.

Editor: B. Stefanek (Slovak).

Translator: R. Stepan.

Theme: Negro Riots in Los Angeles, by Lorenc-NY (Czech).

SPEAKER. In the California city of Los Angeles, after five days of the fiercest rioting in many years, relative quiet has been ensured by, in addition to the regular police, 15,000 specially called up National Guardsmen. By Tuesday morning, the racial violence had claimed 33 lives, with 811 people injured and given hospital treatment, and 2,905 persons arrested.

Most remarkable at this moment is how the America of whites collectively searches her conscience. This is manifested in statements by President Johnson and other representatives, in press commentaries, in newspapers interviewing sociologists and publishing their views. Perhaps it can be said that America is considerably terrified. A so called "long hot summer" had been forecast in this sector of American life, but it is in these very months that unparalleled progress has been marked in the emancipation of Negroes, and the riots in Los Angeles seem paradoxical and are surprising.

What had prodded the demonstrators into attacking officials, looting stores, setting fire and destroying things was largely the frenzy and excitement that sometimes overpowers individuals in a crowd when it sets about disturbing the peace and order malevolently, and simply rages. Thus the riots were, in a sense, a criminal revolt by the mob against the rule of law. Somewhat more subtly, but just as truthfully, it can be said they represented a revolt by exasperated citizens standing outside the mainstream of American life, into which they want to enter, but, for the present, cannot enter fast enough—a revolt against individuals and institutions representing that mainstream, from policemen and fire-engines to offices, stores and restaurants. To contend that the disturbances were an expression of the class fight of the poor against the rich would be oversimplifying the whole affair and only noting some outward signs. The truth is that the riots were a racial affair—an expression of tension between Negroes and whites—and that, this time, the string was snapped by the Negroes in a district of the city of Los Angeles. But to say this is not enough, either; basically, the riots were an expression of rebellion against the heritage of centuries of discrimination and injustice. In America, this heritage, this tradition is being eliminated at a speed that is characteristic of America. And yet, it is a job that takes time. It was started at top levels—by the passage of new laws and introduction of new government programs, such as the law providing for the Negroes' right to vote, or the government's anti-poverty program. For the most part, the Negroes in the Los Angeles district of Watts have as yet not experienced the promised new advantages and possibilities and opportunities, and a long wait naturally makes a man nervous and irritable. What also played a role was the fact that Los Angeles was hit by a heat wave, which has an irritating effect, too.

Today the district of Watts resembles a desolate scene after a hurricane; springing up everywhere are first-aid stations, food distribution centers, offices, of charitable societies, and the like. Efforts of public agencies, and now also of the majority of the local Negro population, are concentrated on ensuring order and repairing damage as life returns to normal. The atmosphere there is one of depression rather than tension. Governor Edmund Brown of California has established a special seven member commission which is to find out and analyze the causes of the riots. In Washington, as everywhere else in the United States, the Los Angeles events are also regarded as a lesson one must study, so as to know what to do better, more speedily, or differently. In no place has there ever been done so much to eliminate discrimination and to correct the many years of historic wrong as in America in recent years. But the final phases of this endeavor apparently are more complicated and more difficult than the initial ones.

RADIO FREE EUROPE, MUNICH, GERMANY ; POLISH DESK

Program Title : NY Correspondent B.

Air Date : August 18, 1965.

Length : 5'

Author : F. Puslowski.

Translator : K. Bauer-Czarnomski.

Opening Announcement.

NARRATOR. Relative calm has settled on Los Angeles after five days of riots and destruction. The laborious work, not only of repairing the damage but—what is more important—getting to the sources of the evil and eradicating its causes, has begun. The Governor of California, Edmund Brown, has decided to set up a special commission consisting of generally respected citizens whose task will be to examine the causes and course of the riots impartially. Having stressed that the first, immediate task is the curbing of those criminal elements among the Negro population which exploited the situation for their own base purposes, Governor Brown emphasized that the problem as a whole is extremely complex and has considerable importance for the whole of society.

Senator Kuchel, a Republican from California, declared that law and order must be restored, but that it was also essential to raise the living standards of the underprivileged.

James Farmer, the radical leader of CORE, has condemned the riots in Los Angeles, calling them suicidal for the Negro cause. But he added that the conditions of unemployment and hopelessness prevailing in the Negro ghetto were the basis for the acts of violence.

Calvin Kytle, Director of the Social Relations Service, declared that what happened in Los Angeles was an outburst of the growing tide of disappointments caused by differences in the standard of living. In addition—in his opinion—the minority, in this instance a racial one, always has a hostile attitude towards the police. Disturbances usually start with an incident in which juveniles are involved. In the second phase, adults participate in the violence. Finally, in the third phase, the action passes into the hands of criminal elements. So it was in Los Angeles.

No one denies that the conditions in which the Negro population lives in the Watts district, where the riots took place, are inferior to those existing in districts inhabited by a white population. Nonetheless, this is in no sense a slum district—the majority of buildings are small houses with well-kept gardens.

One of the reasons for the underprivileged state of the inhabitants of the Watts district is the fact that they are an immigrant population. More than 1,000 Negroes arrive in Los Angeles every month from the rural regions of the Deep South. These are, for the most part, unskilled agricultural laborers, for whom there are no jobs in modern industry. As a result, they swell the ranks of those living on unemployment assistance. Some of the new arrivals do, of course, find jobs, and earn more than they did in the South. It will suffice to say that, over a period of 10 years, the number of Negroes in Los Angeles earning more than \$4,000 has risen from 6,000 to 100,000. But also, those who earn more meet with all kinds of disappointments. In the first place, the practical, though not legal, segregation in housing. Next, the Negroes, especially the young people, are aware that in general they are lower on the social scale than the whites and thus will have greater difficulties in climbing this ladder. But that is due not so much to the color of their skins as to their inferior education. The number of Negroes who drop out before finishing school is considerably higher than the corresponding figure for whites. The sociologists attribute this to the weakness of family bonds. In more than one-fifth of all Negro families, there is no father. This is a percentage five times higher than among white families. From among the children who know no father, there often grow up young people who have no sense of duty and no ambition to complete their schooling. These find it more difficult to get jobs. They live from day to day, in the streets. When a pretext arises, they are in the forefront of street disturbances and looting.

Closing Announcement.

(Information submitted by Radio Liberty Committee follows:)

How many persons are employed by Radio Liberty?

Radio Liberty employs 982 persons. Nine of these are aliens who hold valid U.S. re-entry permits.

How many persons are married and number of children?

Six of the nine persons holding U.S. re-entry permits are married, with six dependent children.

How long has each person been employed by Radio Liberty?

The length of service of these nine employees extends between 4 years and 15 years. The average length of employment with Radio Liberty is 9 years and 8 months.

In what capacity do these employees now serve?

These nine employees include 3 Program Specialists, 2 Senior Editors, 1 Senior Research Specialist, 1 Reference Librarian, 1 Circulation Manager, and 1 Secretary.

What was the employment of such persons during the ten year period preceding their employment by Radio Liberty?

The employment background of these nine persons was quite diverse, though a number were editors for emigre publications, translators and interpreters, and military officers. More detailed bio sheets are available for consultation.

What was the country of birth for each employee?

Seven of these persons were born in the USSR; one was born in Egypt; another in Great Britain.

When did each person leave his country of birth?

Two of these employees left their country in 1942; two in 1943; one in 1944; one in 1947; one in 1948; one in 1957; one in 1961. Those who left during World War II were taken as POW's or forced laborers from the USSR to Germany.

What is the justification for Congress to exempt employees of Radio Liberty from the Statutory requirement of five-year residence in the United States in order to be eligible for citizenship?

The legislation proposed under the Rodino bill (H.R. 2138) would serve the long-term interests of the United States. The employees of Radio Liberty Committee who would qualify for citizenship under this legislation have already aided American interests abroad by their loyal service to the Committee and have proved their dedication to the American principles of freedom and democracy which are the essence of Radio Liberty's information activities. They should not be denied U.S. citizenship simply because their employment abroad with Radio Liberty has made it impossible for them to fulfill U.S. residence requirements. Through their association with Radio Liberty we believe that these individuals have prepared themselves well, despite residence abroad, to assume the rights and burdens of U.S. citizenship and would in fact make exemplary citizens. Their day-to-day contact with American co-workers, who constitute one-quarter of the staff, and their experiences with other ways of life in the past have made them convinced defenders of American values and opponents of communist regimes. If naturalized under the provisions of the Rodino Bill, their continued service to U.S. interests abroad, where they are urgently needed, would be assured.

At the present time, nine employees of Radio Liberty Committee would benefit from this legislation. Some idea of their calibre can be obtained from the following examples:

Krikor Balekdjian, who holds degrees from Cambridge and London Universities, has been employed by Radio Liberty Committee for ten years as a script writer, translator and administrator. He has a rare combination of education and language skills, with fluency in Armenian, Arabic, Russian, Turkish, French, and English; and he has been characterized by one of his supervisors as "an extraordinary valuable asset," an individual with "good judgment, a quick mind, and absolute dependability." Both Mr. Balekdjian's mother and brother have been naturalized American citizens for a number of years; but because of his work for Radio Liberty Committee, he has so far been unable to fulfill residence requirements. After service with the British War Office in World War II, with the rank of major, Mr. Balekdjian—Armenian by origin—became a naturalized Egyptian citizen in 1950. Because of his association with Radio Liberty Committee, however, Egyptian authorities now refuse to renew his passport, making his present position with regard to citizenship extremely difficult.

Mr. Devlet Tagiberli, a Program Specialist on the Turkestani desk at Radio Liberty for the past twelve years, was captured by the Germans in World War II and served in a POW camp. A member of one of the Muslim minorities in the

Soviet Union, his decision not to return to the USSR at the close of the war made him a stateless person. Mr. Tagiberli is one of the few educated Kirghiz in the West; and several American universities have shown interest in hiring him to teach his native language. So far, he has preferred to work for Radio Liberty, but his failure to obtain U.S. citizenship is a sore point and one which in the future might persuade him to leave the radio.

Mr. Keith Bush, an acknowledged authority on the Soviet economy, who has been with the radio's Central Research Department for the past four years, was a career officer in the British Army for many years. He holds a graduate degree from the Russian Research Center at Harvard and has published extensively in Western journals on the Soviet Union. Because his services are needed by Radio Liberty in Munich, he has so far been unable to qualify for U.S. citizenship.

What is the policy of Radio Liberty in its broadcasts? Do the broadcasts advocate national independence for nations subjugated by, or under control of Communist official?

Radio Liberty in all its broadcasts, but particularly in its non-Russian-language transmissions, advocates the unhampered right of all Soviet peoples to national self-determination. As pointed out in Radio Liberty's Policy Position Statement on "Self-Determination for All Peoples," of March 22, 1962, Radio Liberty provides its listeners with analyses of Soviet colonialism within its own borders; presses for implementation of the right to self-determination outlined in the Soviet Constitution but never in practice allowed by the Soviet communist party; and "insists that all peoples, inside as well as outside the communist world, should be able freely and without interference from any foreign power to exercise the right of national self-determination."

Radio Liberty's *Policy Manual* stresses that all language desks will speak to their own peoples inside the USSR "in support of their common cause of freedom from centralized dictatorial rule, the achievement of a truly democratic system, and the right of each people to freely determine its own fate on the basis of unhampered self-determination."

Radio Liberty does not, however, suggest forms for a future political or social order in the USSR, since such would depend on the free choice of the peoples concerned. Nor does it seek to set one nationality against another, but rather to demonstrate the justice of priority for native languages and customs, freedom from the party's central control over local economic resources, and greater political power for non-Russian nationalities in their own areas.

Radio Liberty, in short, insists on the right of each people freely to determine its own fate. Radio Liberty does not, however, aim to incite group action against the regime, since such attempts could lead to violence and physical repression of our audience; rather, Radio Liberty seeks to stimulate that which Moscow fears above all—freedom of individual thought and expression

Do the broadcasts disapprove of Communism, and if so, give several copies of such broadcasts as examples.

The broadcasts of Radio Liberty disapprove of Communism and seek to convince listeners that there are practical, democratic political alternatives to the present authoritarian system; efficient economic alternatives to a centralized, planned economy; and richly rewarding cultural alternatives to the literary and artistic forms prescribed by the Soviet leadership. Radio Liberty insists that the only alternative to the rigid thought patterns imposed by Moscow is freedom of individual thought and expression. Radio Liberty pinpoints progressive trends in all these areas of Soviet society and encourages its listeners to support these trends and press for their extension.

In addition, Radio Liberty aims to undermine the faith of communist adherents in their ideology, to convince them that Marxism-Leninism is not only bankrupt but dangerous to world peace, and to show them that history is not on the side of "class struggle" but rather points toward peaceful development of societies in freedom under the rule of law.

Radio Liberty seeks to encourage the schism in the communist bloc by, on the one hand, presenting the chauvinism of Red China as inimical to Soviet national interest and, on the other, demonstrating that certain East European countries' vigorous new policies of independence from Moscow will lead to greater stability in Europe.

Radio Liberty supports progressive political, economic and cultural movements among East European citizens who seek greater freedom from their governments' strictures, and uses these to demonstrate to its Soviet audience that

there are many ways in which peoples living under communist rule can demand greater flexibility from their governments.

Radio Liberty's position toward Communism is reflected in the comments of its listeners. The following statements were made by Soviet citizens either in letters addressed to Radio Liberty or in conversations with Radio Liberty correspondents:

A former officer in the Red Army in his 50's from Moscow; a Communist Party member:

"I find that I am much better informed since I have begun listening to foreign broadcasts, and Radio Liberty's programs are the most instructive about events within our society. I am afraid I have been turned into a bad communist by my foreign radio listening; I have become critical of several aspects of our national life."

A writer from Moscow advises Radio Liberty in the following terms:

"Tell the truth directly, without fear, about the shortcomings in the Soviet Union. Don't do it indirectly and by allusions. Don't believe it when you are told that Soviet listeners know better about the shortcomings in the USSR than you do in the West. This is a lie. The importance of Radio Liberty can be summed up very briefly: a station which provides truthful information and explanation about the Soviet Union."

Radio Liberty broadcasts two series of programs. The First Program concentrates on news and political analysis. The Second Program features "in-depth" broadcasts on cultural and scientific subjects and other themes of general interest. A teacher in Kaliningrad replies to a broadcast requesting information about listener preferences:

"One of your broadcasts contained a request to give one's views concerning the First and Second Programs. The First Program is better: 1) It contains more political news, reviews, analyses, etc. This forces one to be always informed about the news and to follow the press. 2) The abundance of political information and especially its analysis permits one to contradict and enter into discussions with better arguments and more courage. 3) It helps to invest one's discontent, doubts, and conjectures with a more concrete form, with exact and correct names."

A Moscow taxi driver in his twenties:

"Radio Liberty is critical of our system, but one is better informed when one listens to their commentaries and interviews. The station appears to be voicing the unanimous protest of the oppressed people in our society. . . . It is operated by Russians who are determined to change our society, and this gives us the feeling that the station is ours in our campaign."

A thirty-five-year-old factory worker in Moscow:

"Listening to Radio Liberty is a form of political education. Quite recently I heard a commentary on news reporting in the Soviet Union. The commentator sought to prove that the Soviet press printed many lies, and that the Soviet public was fed with distorted information on world events. The case was very strongly put, and well-known instances which were irrefutable were quoted to support the case. This left us in no doubt about the truth of the accusation. It is a generally recognized fact that our newspapers do not report on facts, and this commentary of Liberty's strengthened our convictions about this. This commentary provoked a discussion in our factory which lasted for days."

Is the nature of your broadcast solely to reflect the way of life in the United States? If so, how do you portray it?

Radio Liberty devotes a good deal of attention to international developments in order to provide its Soviet audience with the information and ideas denied them by Moscow's propaganda media; in this connection particular and continuing stress is placed on the democratic alternative represented by the United States. The radio's character and mission, however, is far broader than those official broadcasters whose sole aim is to explain their governments' policies and their national ways of life. Radio Liberty speaks in the name of the peoples of the USSR, articulating the thoughts and interests which those peoples would express if they were freed from the strictures imposed on them; to this end the bulk of Radio Liberty broadcasts deal with the domestic and foreign policies of the Soviet communist party and government.

Radio Liberty's coverage of developments in the non-communist world is governed by two of Radio Liberty's major objectives: 1) to satisfy Soviet listeners' hunger for objective and accurate information about the outside world; and 2) to treat frankly the problems, as well as the achievements, of non-Com-

munist societies, and to show the necessary and effective role of dissent and debate in the overcoming of these problems, thus encouraging Soviet citizens to press for free and open discussion at home of the problems of their own society—i.e., for the formation of an active “public opinion.”

Radio Liberty recognizes that Soviet listeners take a particular interest in the life of the United States and strives to provide them with adequate coverage of American economic, political and cultural developments. At the same time, Radio Liberty's coverage of U. S. domestic events cannot be disproportionate, nor can it be too “American” in tone, inasmuch as (in the words of the station's Policy Manual), “Radio Liberty's approach to world events is that of an enlightened emigre from the Soviet Union concerned primarily with an interest of his fellow countrymen at home . . .”

What coverage, if any, did you give to the riots of Watts? Please present copies of such broadcasts?

The normal vehicles for in-depth commentary on U. S. domestic affairs are, first, the special weekly half-hour feature program “The American Scene,” the principal objective of which is “to make the great evolutionary and dynamic forces at work in the U. S. meaningful to the listener within his frame of reference”; and, second, the U. S. Correspondent's Reports, devoted to fast-breaking news events within the U. S. In these programs Radio Liberty has dealt extensively with civil rights and race relations in the United States. By actual line count, “The American Scene,” since its initial broadcast in June 1963, has done more on race relations than on any other “problem” theme (i.e., automation, unemployment, youth demonstrations and disaffection, war on poverty, industry and labor), and even programs devoted to other “problem” themes invariably touch upon race relations as well. Even before the outbreak of violence in Los Angeles, more than twenty programs broadcast in 1965 had treated the racial problem in a way which would make its complexities clear to the Soviet audience. Some of the major themes treated were changing attitudes, shifting economic patterns, growing awareness of both white and Negro communities of their responsibilities to society; unheralded progress as opposed to front-page sensation; improving quality of Negro education—the reservoir of future leaders; the growing stable Negro middle class and the apathetic, frustrated poverty-stricken; migration from rural South to depressed urban centers; understanding and action on the Federal level; extremist Negro groups, and criticism of them by other Negro individuals and groups; peaceful and militant action groups; the Negro contribution to the enrichment of U. S. culture. All these themes have been treated against the background of Negro demands for acceleration of progress now, the middle-class white's pleas for moderation, and the Federal Government's commitment to fairness for all. Thus, although news coverage of Watt's riots during the period August 11–13 (when major U. S. news media were not yet aware of the extent and significance of the violence) was apparently slight, a regular Radio Liberty listener would have already gained considerable understanding of the deeper causes of the Watt's riots by Radio Liberty commentary leading up to and leading away from the immediately explosive events. Examples of such commentary are included here.

must be able to show the necessity and effective role of diet and the importance of these problems, this requires a level of education for the general public which is not at present in the hands of the general public. The education of the general public is a task which must be undertaken by the government and the educational institutions. The government must be able to show the necessity and effective role of diet and the importance of these problems, this requires a level of education for the general public which is not at present in the hands of the general public. The education of the general public is a task which must be undertaken by the government and the educational institutions.

It is the duty of the government to show the necessity and effective role of diet and the importance of these problems, this requires a level of education for the general public which is not at present in the hands of the general public. The education of the general public is a task which must be undertaken by the government and the educational institutions.

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NATURALIZATION

THURSDAY, AUGUST 24, 1967

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

The subcommittee met, pursuant to call, at 10 a.m. in room 2237, Rayburn House Office Building, Hon. Michael A. Feighan (chairman of the subcommittee) presiding.

Present: Representatives Feighan, Rodino, Donohue, and Moore.

Also present: Garner J. Cline, counsel.

Mr. FEIGHAN. The subcommittee will come to order.

This morning we will continue hearings on H.R. 2138, introduced by our very able and distinguished colleague, Mr. Rodino, which pertains to the counting as constructive residence prerequisite for naturalization of the time spent abroad by a permanent resident who is employed by a bona fide U.S. incorporated nonprofit organization, which, through the utilization of communications media, promotes abroad the interests of the United States.

During our hearing held Thursday, July 27, 1967, we had the pleasure to have as witnesses representatives from the Radio Free Europe and Radio Liberty Committee.

Today, we will receive testimony from the Immigration and Naturalization Service, Department of Justice, and from the Department of State.

TESTIMONY OF EDWARD RUDNICK, ASSISTANT COMMISSIONER OF NATURALIZATION, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Mr. FEIGHAN. I am very happy we have as our first witness Mr. Edward Rudnick, Assistant Commissioner of Naturalization, Immigration and Naturalization Service, who has been a very able and eminently qualified witness appearing on many, many occasions before our subcommittee.

We welcome you once again, Mr. Rudnick.

You may proceed with your statement.

Mr. RUDNICK. I do not have a prepared statement, Mr. Chairman. I am honored to appear before this committee on behalf of the Department of Justice in connection with Congressman Rodino's bill and I shall be pleased to attempt to answer any questions within my competence relating to that bill or furnish any information in connection with it.

Mr. FEIGHAN. Mr. Rudnick, will you explain for us in what respects this bill would relieve the beneficiaries under it from the general requirements for naturalization?

Mr. RUDNICK. The general requirements for naturalization having relevancy to this bill are primarily those to be found in section 316(a) which requires a continuous period of residence in the United States during the 5 years immediately preceding the date of filing a petition for naturalization and the further requirement that during at least 30 months in the aggregate of that period the person be physically present in the United States.

Section 316(b) also prohibits a person from remaining outside the United States during that relevant period for a period of a year or more, otherwise continuity of residence will be broken. These basic requirements are touched upon in this bill in that the bill would waive the 5-year residence requirement, waive the 30-month physical presence requirement, waive the penalty resulting from an absence of a year or more, and permit the naturalization of the persons contemplated by the bill despite the absence of these prerequisites, or the fact that the person remained out of the United States for as much as a year or more which such persons, of course, would be doing.

Mr. FEIGHAN. Mr. Rudnick, can you tell us the classes of persons to whom the Immigration and Nationality Act gives exemption from the general naturalization requirements by reason of employment with an American organization or institution or with the U.S. Government?

Mr. RUDNICK. There are a number of sections which grant special benefits to persons having that relationship. Section 316(b) permits constructive residence in the cases of persons who are absent from the United States in certain types of commercial employment. It also grants residence and physical presence benefits to persons employed by the U.S. Government.

Section 317 grants special benefits to ministers and priests, nuns, brothers, sisters, and missionaries connected with certain types of religious organizations.

Section 330 grants special residence and physical presence benefits to seamen.

Section 319(b) grants special naturalization benefits to the alien spouses of U.S. citizens employed in certain capacities overseas.

Section 323(c) grants similar naturalization benefits to children of such persons, and members of the Armed Forces under several sections of the Act are granted special naturalization benefits.

These are the other sections that allow special exemptions, varying from case to case, where the prescribed relationship and type of employment exist.

Mr. FEIGHAN. Mr. Rudnick, in connection with the various classes of persons you have just identified, will you describe the nature and extent of the exemptions which the Immigration and Nationality Act extends to each?

Mr. RUDNICK. The 316(b) applicant is a person who is employed by an American firm or corporation engaged in development of foreign trade and commerce of the United States or by an American institution of research or by the U.S. Government.

That individual may preserve his residence in the United States if he is employed abroad in those capacities and at the end of the period

of absence in such employment may utilize the period of absence toward the residence requirements for naturalization.

He does not, however, obtain any constructive physical presence by virtue of that provision.

The U.S. Government employee obtains both constructive residence as well as constructive physical presence if he is abroad on behalf of the Government of the United States.

The minister and priest and other persons referred to in section 317 who are engaged in religious activities gain both residence and physical presence benefits, in a constructive way, toward their naturalization.

Seamen employed in the capacities indicated in section 330 receive both residence and physical presence benefits.

The spouse of an American citizen employed in the capacities indicated in section 319(b) is permitted to be naturalized immediately following a lawful admission for permanent residence without any residence or physical presence whatsoever.

The military men are also granted exemptions from both physical presence and residence requirements. In one section it applies when they have served for as much as 3 years and in other instances when they serve during periods prescribed in Section 329. The so-called Lodge Act enlistees mentioned in section 402(e) who have served for a period of 5 years and have received an honorable discharge do not have to comply with any residence or physical presence requirement.

Mr. RODINO. Will you yield?

Mr. FEIGHAN. Yes, Mr. Rodino.

Mr. RODINO. Mr. Rudnick, will you give us an example so we may be able to get clearly in our minds the distinction between gaining benefits both as to physical presence and constructive residence?

Mr. RUDNICK. Yes. A person applying for naturalization is required to establish not merely that he has resided in the United States for at least 5 years and has been physically present in the United States for at least 30 months, but rather that the 5 years of residence and the 30 months of physical presence existed during the last 5 years, the 5 years immediately preceding the date he applies for citizenship. He may have lived in the United States for as much as 25 years and have been present here physically for as much as 25 years, but if the last 5 years do not have continuity and if the 30 months do not fall within the last 5 years, he is not eligible. Therefore, to preserve that person's eligibility in the case of an individual employed by the U.S. Government he is told, in effect, in advance, "You may proceed abroad on behalf of the Government, you are an employee, you may remain abroad for as much as 5 years, if you wish, and upon your return to the United States we will consider, as a matter of law that 'you have resided in this country for as much as 5 years and recognize that you have been physically present here for as much as 30 months'."

That qualifies him. If another person not in that position does that, of course, he cannot qualify because in the very first instance he is going to break continuity of residence by his absence.

Mr. DONOHUE. In other words, a person, to qualify within the 5-year period, could be absent from the country 6 months of 3 years, is that correct?

Mr. RUDNICK. Correct.

Mr. DONOHUE. Now, how long after a person obtains permanent residence can he qualify to file a declaration of intention to become a citizen?

Mr. RUDNICK. A declaration of intention may be filed immediately after a lawful admission for permanent residence. Of course, as you know, it is not a prerequisite for naturalization. It is not required to be naturalized. It is a document having no relevancy to a person's qualification for citizenship.

Mr. DONOHUE. If it is not necessary, why do they have such procedure as a declaration of intention?

Mr. RUDNICK. Well, there are many States that require a declaration of intention as a prerequisite for pursuing certain professions or occupations or obtaining licenses. For that purpose it was permitted to remain in the law although at one time it was a prerequisite and it is issued and continues to be issued to persons who apparently need it for other purposes.

Mr. FEIGHAN. Is that declaration of intention an affidavit?

Mr. RUDNICK. It is under oath and issued in a court of law, and the person declares his intention to become a citizen of the United States.

Mr. FEIGHAN. Of course, one always has the right to change one's intentions without any penalty?

Mr. RUDNICK. Yes, sir, Mr. Chairman.

Mr. DONOHUE. The form used in declaring your intention, is that a form that is drawn by the Immigration and Naturalization Service?

Mr. RUDNICK. Yes, sir, it is a formal document. The person executes it before the clerk of court and it contains his photograph and other identifying data and indicates basically that he has been lawfully admitted to the United States for permanent residence. That is the prerequisite for obtaining it, nothing else.

Mr. DONOHUE. To your knowledge, have any of the beneficiaries of the legislation before us filed any declaration?

Mr. RUDNICK. I would have no knowledge of that, sir.

Mr. FEIGHAN. Are you finished?

Mr. DONOHUE. Yes.

Mr. FEIGHAN. Mr. Rudnick, what other reasons are there where persons contemplated by the bill cannot take advantage of the special exemptions in existing law and proceed toward naturalization under one of those exemptions?

Mr. RUDNICK. Well, of course, they are not in the military service, they are not seamen, they are apparently not married to citizen spouses, and with those eliminated the only other possibility remaining would be section 316(b), which is the section that grants constructive residence to persons absent on behalf of an American institution of research or an American corporation engaged in foreign trade and commerce of the United States.

Now, in order to qualify for the exemption, an individual, after entering the United States lawfully for permanent residence, must remain in this country for an uninterrupted period of at least 1 year, that is uninterrupted physical presence for 1 year, following which he is eligible to apply for the benefits of the section.

Now, if these people are abroad and have never spent 1 year of uninterrupted physical presence in the United States, they cannot, for that reason alone, qualify for permission to be absent in these various capacities.

Mr. RODINO. Will the Chairman yield?

Mr. FEIGHAN. Yes, Mr. Rodino.

Mr. RODINO. If they have come into the United States and are physically here but for less than 1 year, they still don't qualify?

Mr. RUDNICK. That is correct. They cannot qualify unless they have completed 1 full year without interruption.

Mr. DONOHUE. Would you give us an example of how a person will qualify under section 316(b)? Usually where a person comes over here and he qualifies as a permanent resident, he remains here for a year, he then becomes associated with some commercial enterprise, he then can go abroad. Does the period that he is abroad constitute constructive physical presence in this country?

Mr. RUDNICK. No, just constructive residence, unless he is a Government employee.

Mr. DONOHUE. How do you differentiate between constructive presence and constructive residence?

Mr. RUDNICK. Constructive residence is a legal concept that permits an individual under the Immigration and Nationality Act to establish a residence in the United States and to be absent from the United States thereafter but nevertheless continue to retain his permanent residence in the United States. All that the law says to that person is, "We do not want you to remain out of the United States for as much as a year, for, if you do, you will break the continuity of your residence."

That is the 5-year period that is required.

Mr. DONOHUE. Pardon me, if you will, Mr. Rudnick. In other words, if a person comes over here, and he establishes residence for 1 year and becomes a permanent resident, and establishes a residency, if that person becomes connected with an industrial or some commercial enterprise and goes abroad, to prevent the breaking of the continuity he must return within the year?

Mr. RUDNICK. No, sir. He is the exception to the rule that remaining out of the United States as much as 1 year breaks continuity. The ordinary individual, who does not have the connection with a commercial organization, and who, after entering for permanent residence, leaves the United States and returns 13 months later has broken continuity.

Mr. DONOHUE. In other words, say if they were residents of England, came over here and obtained permanent residency and after a year they went back to England and remained there beyond the year period, it would break their continuity?

Mr. RUDNICK. Yes. It would break continuity. Now, the individual employed by the commercial organization can go. We give him advance permission. He comes to the Immigration and Naturalization Service first for permission to be absent in this capacity. We approve it and he is then covered as to residence only. If he remains out for as much as 30 months and 1 day, he is in trouble, because when he returns he is going to have a long wait to gain those 30 months of physical presence he needs.

If he stays out 1 day beyond the 30 months he is in difficulty insofar as residence is concerned, even though we protected him.

Mr. DONOHUE. That is as far as residency?

Mr. RUDNICK. He will have residency, he will be protected, but he can't use it because he is in trouble on the 30-month physical presence.

Mr. DONOHUE. If he went beyond the 30 months he would be in trouble?

Mr. RUDNICK. Yes. But if he does not go beyond the 30 months and he returns he will include in his computation of residence the 2½ years or whatever other period of time he was outside the United States, and it will count toward the 5-year requirement.

Mr. DONOHUE. Now, explain something about physical presence, how do you distinguish residency from the physical presence?

Mr. RUDNICK. Well, physical presence requires actual remaining in the United States for 30 months out of the 5 years.

Mr. DONOHUE. I am talking about constructive presence and constructive residence.

Mr. RUDNICK. Well, since the statute has two requirements and distinguishes between residence and physical presence, 5 years for one and 30 months for the other, and since it only grants and uses the term "residence" with respect to the benefits, it grants the individual going out on behalf of an American concern, then, of course, we have to look to the statute to determine whether or not it also grants constructive physical presence.

It does, except that he must be a Government employee. He has both. The statute says so.

Mr. DONOHUE. That is the fellow that is working for a commercial enterprise?

Mr. RUDNICK. No, the man working for the commercial enterprise is protected only as to residence and the person working for the U.S. Government is treated differently.

Mr. DONOHUE. Why isn't he protected insofar as constructive physical presence?

Mr. RUDNICK. The statute does not cover him. A distinction has been made between the Government employee and the person employed by a private organization. It is just a statutory provision.

Mr. FEIGHAN. Mr. Rudnick, if after, we will say, 30 months less 1 day, a permanent resident comes back to the United States and stays here a couple of days and then departs from the United States, what are his requirements then to be naturalized?

Mr. RUDNICK. Is this the ordinary person?

Mr. FEIGHAN. Yes.

Mr. RUDNICK. Well, the ordinary person could not have remained for 2½ years because he would break continuity. But the employed person that we have protected and so advised in advance, as long as he remains in employment, can go and come as he pleases and is protected constantly.

Mr. DONOHUE. He has to come back for a day?

Mr. RUDNICK. He does not have to come back until ready to be naturalized.

Mr. DONOHUE. What about the 30-month provision?

Mr. RUDNICK. He cannot meet it if he is just a commercial organization employee. If he is a Government employee he is protected all the way through. As I said before, he goes out for 30 months and 1 day and gets into difficulty.

Mr. DONOHUE. If he comes back 1 day less than 30 months?

Mr. RUDNICK. Well, he had 30 months at the beginning of the 5-year period when he went abroad. That is where he gets the 30 months, it is at the beginning of the 5 years.

Mr. DONOHUE. Notwithstanding he has the 5-year period within which to qualify—after a year he becomes connected with a commercial enterprise and he goes abroad, he is protected because he is given constructive residence for 30 months?

Mr. RUDNICK. Correct.

Mr. DONOHUE. If he went 1 day beyond the 30 months, it would break the continuity, is that right?

Mr. RUDNICK. No, it does not break the continuity. If he stays beyond 30 months and goes into 1 day beyond—he starts cutting into the physical presence that he had accumulated. When he returns after 30 months and 1 day and tries to make up the 1 day he needs for physical presence, he gets another day and that would seem to indicate that he now has 30 months. But he does not. He loses it at the beginning of the 5-year period.

One day drops off as a new day is added and it may take him $2\frac{1}{2}$ years before he has the 30 months. Every day he accumulates, he loses a corresponding day at the beginning of the 5-year period; that is why he is in trouble.

Mr. DONOHUE. Let us assume that a person remained a week after the 30 months overseas while connected with a commercial establishment, does he lose the 30 months and does he have to start all over again accumulating 30 months?

Mr. RUDNICK. That is correct.

Mr. FEIGHAN. Well, assuming that there is a day less than the 30 months he comes back so he is protected on the 30 months?

Mr. RUDNICK. He is all right. He uses the 30 months that he had when he left the country; that plus the protected residence gives him the 5 years and the 30 months.

Mr. FEIGHAN. Well, he applied for his permanent residence and goes away and comes back 1 day less than 30 months and he stays for the extra day or even a week later so he has then accumulated his $2\frac{1}{2}$ years.

Mr. RUDNICK. Yes.

Mr. FEIGHAN. Now if he departs from the United States, what further requirements are there for him to obtain his naturalization?

Mr. RUDNICK. Well, if he returned in time, he would have the 30 months residence. He would have to have the 5 years, and he could be naturalized at that point. If he decides not to apply for naturalization and goes abroad again, he runs the risk again of remaining out too long.

Mr. DONOHUE. If he is here for a year and he goes abroad, he can remain $2\frac{1}{2}$ years or 30 months and then to protect that 30 months he must come back at least 1 day before the 30 months, so then he has $3\frac{1}{2}$ years?

Mr. RUDNICK. He has to wait to make up 5, sit here and wait.

Mr. DONOHUE. No, he doesn't—well, 1 day or a week after he comes back he can go overseas again, can't he?

Mr. RUDNICK. Yes, he can.

Mr. DONOHUE. And constructive residency continues?

Mr. RUDNICK. Yes, but not physical presence, because at the end of 2 more years after he returns abroad and he is ready to come back he will not have the 30 months within 5 years. He had been out about two and a half years at the beginning of the period and he stayed a

week and went out again. He does not have 30 months. The day he applies for citizenship he has to go back 60 months on the calendar and find 30 months that he was physically in this country.

If they are not in there, he cannot be naturalized, even though we protected residence.

Mr. DONOHUE. If he came back and assume there were only 30 days in each month, if he came back 29 months and 29 days, he would be given credit for 30 months by way of constructive residency?

Mr. RUDNICK. Yes, sir.

Mr. DONOHUE. That means then he would have $3\frac{1}{2}$ years toward the 5 years?

Mr. RUDNICK. Two and a half.

Mr. DONOHUE. Well, he has to be here a year, doesn't he?

Mr. RUDNICK. Yes, all right, that additional year, that is correct, three and a half years.

Mr. DONOHUE. So he would have to wait another year and a half?

Mr. RUDNICK. Yes.

Mr. DONOHUE. That is, before he could qualify for citizenship?

Mr. RUDNICK. He would qualify at the end of another year and a half. He would have 30 months of physical presence during the total of 5 years.

Mr. DONOHUE. That is if he went overseas after he completed, say, 30 months?

Mr. RUDNICK. If he stayed only a year and then did what you just described, all he would have is a year.

Mr. DONOHUE. Let us assume this case: He is here for a year, he becomes connected with United States Steel and is assigned to their Paris office. He can remain over there for 3 years and all during the time that he is over there it will be considered constructive residence in the United States; is that correct?

Mr. RUDNICK. Yes, sir.

Mr. DONOHUE. Well, instead of staying over there 30 months he is called back to the Pittsburgh office 20 months later and he remains. He then has 32 months of constructive residence, does he not?

Mr. RUDNICK. Yes, sir.

Mr. DONOHUE. Meaning he will then have to wait 28 more months before he will be eligible for citizenship; is that correct?

Mr. RUDNICK. Yes, sir.

Mr. DONOHUE. Assuming further that United States Steel, 6 months after he is in Pittsburgh, decides to send him to London to represent them and he remains over there for, say, another year, does he get credit toward the citizenship by way of constructive residence?

Mr. RUDNICK. He gets credit by way of constructive residence, but it does not do him any good. He also needs 30 months of physical presence. He is not protected for physical presence.

Mr. DONOHUE. I thought he was by way of constructive—

Mr. RUDNICK. Only if he is an American Government employee.

Mr. DONOHUE. Well, then, a person overseas representing a U.S. commercial establishment is not protected?

Mr. RUDNICK. He is protected up to 30 months. If he gets back before 30 months, he is protected.

Mr. DONOHUE. Then he can't go overseas again?

Mr. RUDNICK. Without losing or without accumulating the necessary physical presence; that is correct.

Mr. DONOHUE. So coming back here for a day or week does not protect him?

Mr. RUDNICK. It doesn't help; no.

Mr. DONOHUE. At the end of 30 months, he has to come back here to protect himself on physical presence and thereafter he cannot go overseas again and be protected?

Mr. RUDNICK. That is correct.

Mr. FEIGHAN. Is it not this: Assuming that the man got permanent residence, he left the country for 30 months less 1 day and comes back—now, if he remained—in other words, from then on he is protected for the 30 months?

Mr. RUDNICK. That is right.

Mr. FEIGHAN. But in order for him to be naturalized henceforth in the future at some time or other he has to show 30 months' physical residence present in the United States?

Mr. RUDNICK. That is correct.

Mr. FEIGHAN. It is as simple as that?

Mr. RUDNICK. That is correct. The simplest way I can express it is to state that on the day that a person applies for citizenship you simply take a calendar, look back 5 years and calculate whether there is an aggregate period of 30 months during which he was in this country.

If the answer is "No" he can't make it, and if the answer is "Yes" he can apply and be naturalized.

Mr. RODINO. He must have been physically here all of the period of 30 months?

Mr. RUDNICK. Yes, in the aggregate, over the last 5 years; not any other time.

Mr. RODINO. This applies to a person who is employed by a commercial corporation?

Mr. RUDNICK. Yes.

Mr. RODINO. It does not apply to a person who is in the employ of the U.S. Government?

Mr. RUDNICK. Yes, sir.

Mr. RODINO. He acquires constructive physical presence?

Mr. RUDNICK. Yes, sir.

Mr. DONOHUE. And constructive presence only applies to one that is part of a Government agency?

Mr. RUDNICK. Yes, sir.

Mr. DONOHUE. Well, it is still not clear to me. You say that a person employed by a commercial establishment is protected as long as he does not remain out of the country beyond 30 months and he is protected by the provision in the law which gives him constructive residency?

Mr. RUDNICK. Yes, sir.

Mr. DONOHUE. Rather than constructive physical presence?

Mr. RUDNICK. Yes, sir.

Mr. DONOHUE. But he can use his constructive residency in determining whether or not he has been physically present in the United States for the 30 months in order to qualify for citizenship; is that correct?

Mr. RUDNICK. I don't quite follow you, sir.

Mr. DONOHUE. Well, we have this situation.

Mr. RUDNICK. Well, sir, the individual you are talking about gets nothing under the law or from the Government respecting the require-

ment in the naturalization laws that a person must have been physically present in the United States, during the last 5 years, for 30 months. He gets absolutely nothing. He is just like any other applicant for citizenship and if he has it during the 5-year period he qualifies.

This is what he gets: Take the ordinary person who leaves the country, whether he is employed abroad or visiting abroad or whatever reason there may be for going abroad.

If he remains out for 15 months and returns to the United States and attempts to get naturalized, he is going to have to delay it for quite a while because he broke continuity of residence, and it is going to take several more years to accumulate the necessary residence once again. The person we are concerned with is the one given the right or privilege to remain for 12 months or longer, up to about 30 months, return, and not be penalized as would other persons who were not employed.

That is the protection he is getting. He is getting something but it is not quite as much as the Government employee is receiving.

Mr. DONOHUE. Assume this case. A person qualifies for permanent residence in this country, or rather as a permanent resident, and remains in that status for 3 years, and lives in this country all during that 3-year period, or say it is $2\frac{1}{2}$ years. He then goes overseas as an employee of United States Steel and he is over there for 2 years, which added to the $2\frac{1}{2}$ years of permanent residence, he would have $4\frac{1}{2}$ years, how long would he have to wait—is it 6 months?

Mr. RUDNICK. That is right. As soon as he gets his 5 years residence, he is qualified because when he left he had already satisfied part of the 30 months physical presence requirement and he can still use it.

Mr. DONOHUE. Say it was only at the end of 2 years that he went overseas, I think that was my thought.

Mr. RUDNICK. If he went over at the end of 2 years and remains out for a year or so?

Mr. DONOHUE. No; let's say he remained out for 2 years.

Mr. RUDNICK. For 2 years. Well, he is still missing 12 months. When he gets back he waits the 12 months.

Mr. DONOHUE. He waits that 1 year?

Mr. RUDNICK. Yes; because while he is waiting those 12 months the 2 years are still there and are not being lost.

Mr. DONOHUE. It does not break the continuity?

Mr. RUDNICK. No.

Mr. FEIGHAN. Mr. Rudnick, what effect would the enactment of this bill have upon the eligibility for naturalization of the spouse and children of the employed person or upon the automatic acquisition of citizenship by the children?

Mr. RUDNICK. Well, if the persons contemplated by this bill are naturalized and the naturalization occurs while the individual is still employed, rather than a person who has terminated service and under the bill has the privilege of applying for the benefits within a period of 6 months, his wife, if she entered the United States for permanent residence, would be able to be naturalized immediately without any residence or physical presence requirements and would simply, that would be a condition of her naturalization, return abroad to reside with the husband during his employment there.

If, on the other hand, we have this situation—

Mr. FEIGHAN. Wait, let me see if I get it straight. You say we have an employee and he has had his permanent residence, and he is

still in the employ, and he applies or rather he has to come back to the United States, of course, to get his citizenship.

Mr. RUDNICK. Yes, sir.

Mr. FEIGHAN. Now, do I understand that the wife can get citizenship immediately?

Mr. RUDNICK. Yes, sir.

Mr. FEIGHAN. She just has to come to the United States?

Mr. RUDNICK. She has to enter for permanent residence and declare an intention to reside abroad with the husband during the time he is employed and she can be naturalized immediately, section 319(b). If, on the other hand, this man has already terminated employment and is no longer connected with the nonprofit organization, then, of course, she cannot take advantage of this section and the best she would get out of it would be the privilege of being naturalized as the spouse of a U.S. citizen after she has resided in the country for 3 years.

Mr. FEIGHAN. The same applies for the children?

Mr. RUDNICK. The child could be naturalized immediately upon the parent's naturalization, just as the mother could. That child is eligible immediately. If there is no mother, if she is out of the picture, or if perhaps she is naturalized, if she has died, if there has been a legal separation, and this man has custody of the child and the child is under age 16, the child would automatically become a citizen of the United States under section 321, by operation of law, no naturalization involved.

So that child, if under 16, enters the United States for permanent residence and has two citizen parents or one and the other, as I said, is out of the picture, he automatically would become a citizen.

Mr. RODINO. Under 16?

Mr. RUDNICK. Yes, sir.

Mr. FEIGHAN. What about children over 16?

Mr. RUDNICK. The children over 16 could be naturalized on a petition filed in a court by the naturalized parent provided the naturalization occurs before age 18.

Mr. RODINO. What happens—will you yield?

Mr. FEIGHAN. I think I asked, what happens—

Mr. RODINO. Between 16 and 18?

Mr. RUDNICK. Well, between 16 and 18, the father who has been naturalized files a petition on behalf of the child and naturalizes the child, at say age 17.

Mr. FEIGHAN. What if the child is over 18?

Mr. RUDNICK. He is on his own.

Mr. FEIGHAN. He is?

Mr. RUDNICK. He is an ordinary alien who applies like anyone else.

Mr. FEIGHAN. Mr. Rudnick, what would be the effect upon the dependent under this bill if the employee died before he or she has completed 5 years of employment or after—well, you mentioned after completion of 5 years, but before naturalization could be granted—you have already touched on that?

Mr. RUDNICK. Well, no, I have not touched on it. If the principal has never been naturalized and dies before he has completed 5 years of employment or even after he has completed 5 years of employment, the spouse and the children would gain nothing. They only gain the advantages that I have indicated if the parent is naturalized, but there

is no provision that will cover the unfortunate situation of a death prior to the ability or opportunity to acquire citizenship by the parent or husband, so they would gain nothing under this bill.

Mr. FEIGHAN. Mr. Rudnick, in your opinion, would the technical provisions of the bill relating to—well, it says “recognition” but I think “approval” would be a better word—“recognition of the organization by the Attorney General,” the requirement for continuous employment, and lawful admission prior to employment pose any problem in the administration or interpretation of those provisions?

Mr. RUDNICK. Well, the term “recognition” of the organization by the Attorney General has been in our laws without interruption now since 1936 and the Attorney General, through the Immigration and Naturalization Service, has on numerous occasions recognized organizations such as American institutions of research.

That is the terminology that was used in the 1936 act and 1938 act and Nationality Act of 1940, and is in sections 319(b) and in 316(b).

Mr. FEIGHAN. Then the word “recognition” is a term of art?

Mr. RUDNICK. Yes, it has been there for over 30 years, so it would pose no problem and has never posed a problem.

Mr. FEIGHAN. Well, the requirement for continuous employment and lawful admission prior to the employment, would that pose any problem in the interpretation or administration of this provision or provisions?

Mr. RUDNICK. Mr. Chairman, I don't believe it would pose any problem, either in administration or interpretation, except that if we encountered an individual who, for some valid reason, has interrupted employment for the shortest period of time during a 5-year period, this would appear perhaps to disqualify him for the benefits of this section. He may have 5 years of employment but he was out for a month. I don't know what the reason might be but there might be any number of reasons.

The language and the provision here is for continuous employment and if there would be any interruption, the person could not possibly qualify as a result of the use of this term in this manner.

Mr. FEIGHAN. Mr. Rudnick, in your opinion, are the provisions of the bill prescribing the classes of persons eligible for its benefits broad enough to include all employees of the designated organizations, without regard to occupation or profession?

Mr. RUDNICK. Yes, sir.

Mr. FEIGHAN. That would include, in other words, persons performing the most menial tasks?

Mr. RUDNICK. Yes, sir, Mr. Chairman. I think this language in using the term “any person” encompasses anyone who has the relationship to this organization. I might say, however, that this is not new in the law. It applies to the Government employee and it applies to the employee employed by an American institution of research or American firm engaged in foreign trade and commerce and who was covered by sections 316(b), 319(b), and 323(c), the children. They all gain benefits irrespective of the occupation of the husband/spouse.

This merely carries through with the same principle that is and has been in the law for many, many years.

Mr. FEIGHAN. Is it in the law now that anyone, we will say, who sweeps the floors or is a janitor, serving in that capacity, is he pres-

ently covered under the exemptions of persons working for the U.S. Government?

Mr. RUDNICK. The janitor who is hired by the U.S. Government here, who is a permanent resident and who is being sent overseas in any capacity whatsoever to work and to continue in the employment abroad, can be protected against loss of physical presence and residence just as the scientist or any other professional person employed by the U.S. Government.

There is no distinction. Nor is there any distinction in allowing the spouse of such a person under 319(b) to be naturalized immediately without residence and physical presence, if she is married to a janitor employed abroad and regularly working abroad on behalf of the U.S. Government.

Mr. FEIGHAN. That gives a certain amount of flexibility in power to the head of an agency in the employ of the United States to hire sundry persons and blanket them in so they would get citizenship, isn't that so?

Mr. RUDNICK. Well, the most that it is doing—of course, experience indicates that the Government does not normally hire such individuals and send them abroad. The organizations contemplated by this bill, of course, would probably be engaging such persons overseas. All this is doing for that person is rewarding him, if he stays with the organization for as long as 5 years. If it can be assumed that he made some contribution, even though he is in this type of occupation, he is rewarded by permitting him to be naturalized after that time instead of coming here and waiting for 5 more years or perhaps 3 years if he happens to marry a citizen.

So what it is doing, in the final analysis, is merely moving up the date the person can qualify for citizenship. It is not giving much more. He has to meet all of the other requirements of naturalization.

Mr. MOORE. But there is a condition precedent before he gets the benefit, he must be a permanent resident?

Mr. RUDNICK. Yes; he is already a permanent resident.

Mr. RODINO. In other words, Mr. Rudnick, the provision of the Immigration and Nationality Act granting exemptions to U.S. Government employees makes no exception, makes no distinction at all as to the Government employee, whether he is a person performing custodial services, janitorial services, or whether he is the most distinguished scientist or distinguished representative of the U.S. Government working abroad?

Mr. RUDNICK. Yes; it does not make such a distinction. Now, there is this difference between this individual and your Government employee. This man is not a Government employee.

Mr. RODINO. This is correct.

Mr. RUDNICK. Yes; and what he is receiving that the other employees are not receiving is the physical presence benefit. He is getting physical presence.

In other words, he is on a par, on the same footing with the Government employee insofar as the physical presence requirement is concerned. Otherwise, he is not very much different from the section 316(b) person, except that you are giving him also the 1 year of uninterrupted physical presence, which is the difficulty, the problem that he faces and can't meet, you are giving him that plus the 30 months physical presence. That is the reward he is receiving.

Mr. RODINO. I don't expect you to make any observation, but I am just restating something here that the person you referred to is the one who is now employed by a commercial corporation?

Mr. RUDNICK. Yes.

Mr. RODINO. And he gets some benefits, he gets some privileges, and he is performing in a commercial atmosphere; the individual to whom we refer here is performing in the interests of the U.S. Government in a particular category?

Mr. RUDNICK. I would agree that.

Mr. FEIGHAN. Assuming that this committee concluded that the provisions of the bill should be limited in scope and its benefits restricted to those employees whose contribution to the organization were substantial and especially significant, can you suggest a manner in which the bill might be amended to accomplish that purpose?

Mr. RUDNICK. Well, there are several possibilities. You could possibly enumerate types of occupations which are not to be regarded as included in this—custodial and menial, clerical, which, of course, runs the risk of disqualifying a worthy candidate for naturalization who finds himself within one of these excepted occupations but nevertheless has made a substantial contribution and appears *prima facie* to be deserving of naturalization under the bill.

That would be the risk involved. You could also possibly use terminology similar to that which appeared in the former first-preference visa provisions as to exceptional ability, specialized experience, and so forth.

A third possibility is to be found in section 354(2), which authorized the Secretary of State, in connection with preventing the expatriation of U.S. citizens to exempt from loss of citizenship those who performed unique and unusual services, as determined by the Secretary of State, which directly and substantially benefited the interests of the United States. That formula, of course, leaves to the Executive the authority to determine whether or not an individual made a sufficiently unique and unusual contribution and, in the final analysis, it would still be a naturalization court that would have to render the decision as to whether or not a person did in fact render that type of service.

Mr. RODINO. Won't that, Mr. Rudnick, then pose the additional burden on the determining officer to try to distinguish that person from the person whose case was clear cut?

Mr. RUDNICK. Yes; it would require an adjudication in the first instance by the Attorney General acting through the Immigration and Naturalization Service, and in making recommendations to the Naturalization Court, that this person did or did not render the type of services contemplated, and the Court in turn would have to adjudicate the question as well, which is a new approach to this type of relationship, as I have pointed out, and as you have pointed out, Mr. Congressman.

No distinction is drawn in other sections involving similar employment, as to occupation.

Mr. RODINO. Suppose you excepted from the provisions of this bill custodial workers or others performing menial jobs and then that person, while so engaged actually contributed substantially to the interests of the United States by the kind of service that this organization disseminates abroad, would it not then pose an additional problem to the adjudicating officer?

Mr. RUDNICK. If those facts were established, it would probably disqualify the person despite the contribution.

Mr. RODINO. Just so long as he was designated a custodial worker?

Mr. RUDNICK. That is right.

Mr. FEIGHAN. Mr. Moore.

Mr. MOORE. In order to try to solve the problems we envision here, what would be the difficulty with language indicating that a beneficiary of the type of benefit, which is envisioned by this legislation would be limited to an individual who either was stateless or could not return to his country of origin because of the fact that he is engaged in known activities for and on behalf of the United States of America which put him in a quasi-political position. A clerk in one of these organizations is not usually a stateless person, he is not a policymaking fellow, he is not a person involved in the development of any propaganda program. A custodial employee probably already lives in the community in which the facility is operating. Couldn't we do it some way other than implying specifically that a person who pushes a broom is not as well thought of in the United States as a fellow who uses his mind? Rather than advertise as a rule that we are placing a different emphasis upon the contribution that is made regardless of the nature of that contribution? Couldn't we do it that way?

Mr. RUDNICK. That could be done, of course. You can add any qualifications that appear fit, but you still run the risk of disqualifying a very deserving individual who does not quite fit into statelessness, or whatever. He may still have a nationality, he has made substantial contributions, he is important to the operation, and by the language that you use restricting the individuals, you have left him out.

Mr. MOORE. If we add further that he is an individual that is not or does not have the ability to return to his country of origin, would that not reduce the number of exceptions?

Mr. RUDNICK. It might be difficult, at least in administering that type of provision, to make a determination he could or could not in fact return. Some countries might like to get their hands on him.

Mr. MOORE. This is true.

Mr. RUDNICK. If anything is to be carved out of this to eliminate these categories of jaintors, and so on, if that is the objective and is what is desired, I think the most flexible formula would be the one that is in section 354 that I mentioned. That allows a determination to be made by someone that the contributions made by this person, irrespective of the occupation, are unique, substantial, and unusual and have been beneficial in promoting the best interests of the United States.

Mr. MOORE. Presently, as the bill is constructed, that decision is made by the employing organization.

Mr. RUDNICK. Under this bill, that is not a consideration at all.

Mr. MOORE. Yes, it is. Yes, indeed, it is, because in the event that those who are running this organization don't feel that the contribution is sufficient, they just don't make an arrangement for him to come to the United States to get his permanent residence.

Mr. RUDNICK. They don't have to arrange anything for this man. If he is through with the organization, he has 5 years and he would like to come to the United States, he can come like any other alien. He does not need the organization.

Mr. MOORE. Is the bill drafted in such a way he must first have had his permanent residence and then his 5 years?

Mr. RUDNICK. He can get permanent residence in any way he sees fit.

Mr. MOORE. How is he going to get it sitting in Germany and never coming to the United States?

Mr. RUDNICK. He can get it the day he is fired, 5 years, and 1 day after being fired, then he comes over within a 6-month period, he gets a visa and comes over and is qualified.

Mr. MOORE. It says "Has been so employed continuously for a period of not less than 5 years, after a lawful admission for permanent residence."

Mr. RUDNICK. Yes.

Mr. MOORE. In other words, he has to be employed 5 years after he was lawfully admitted for permanent residence?

Mr. RUDNICK. That is correct.

Mr. MOORE. Well, he could sit over there and work 25 years and walk into the United States, and if he is no longer employed by the organization he does not get benefits under this bill unless he previously obtained permanent residence.

Mr. RUDNICK. He does.

Mr. MOORE. Tell us why because this is something we don't contemplate.

Mr. RUDNICK. If he has been lawfully admitted for permanent residence.

Mr. MOORE. That is the point I made.

Mr. RUDNICK. That is the only person we are talking about, lawfully admitted permanent residence.

Mr. MOORE. Yes.

Mr. RUDNICK. But he does not need the organization to get him back to the United States to get naturalized nor can the organization control his naturalization once he gets the 5 years. They can, of course, fire him at the end of 4 years and 11 months.

Mr. MOORE. They can still veto his naturalization opportunity. The organization has a built-in veto here.

Mr. RUDNICK. If a janitor knows by continuing in employment with this organization after he becomes a lawful permanent resident he can become a citizen in that fashion he might be interested in getting over here, obtaining admission, and turning around and going back to work.

Mr. MOORE. That is right, but still the decision is whether or not he goes back and works with the organization?

Mr. RUDNICK. Of course.

Mr. MOORE. I am saying they have some control in this area.

Mr. RUDNICK. Absolutely, they have some control, yes.

Mr. FEIGHAN. Mr. Rudnick, you have a copy of the bill here before you. On line 6 if after the word "person" the following were inserted "person with technical training, specialized experience, or exceptional abilities," would that help—how could that be administered?

Mr. RUDNICK. That would in all probability eliminate the classes of persons that appear to be questionable, the janitors and clerks, and so on, unless by some strange circumstances and background it could be said they had exceptional ability, the clerk may be multilingual and be valuable in that respect.

Mr. FEIGHAN. Then the determination of whether a person fitted into that category would be determined by the INS?

Mr. RUDNICK. Yes, in the first instance, but then ultimately by a court. There would be two cracks at it. INS would make a recommendation, one way or the other, and the court could follow or refuse to follow the interpretation.

Mr. FEIGHAN. Then, in your knowledge, do you know if there have been any abuses of the privilege of getting the 30 months constructive residence for employees?

Mr. RUDNICK. Mr. Chairman, I have never encountered any cases in which there have been any abuses of section 316 (b).

Mr. FEIGHAN. Mr. Donohue.

Mr. DONOHUE. Simplifying this whole proposition, would it be right to say we are endeavoring to cloak Radio Free Europe and Radio Liberty, cloak those two organizations and their skilled employees with the same privileges that are accorded to those employed by a Government agency abroad?

Mr. RUDNICK. They would be almost identical.

Mr. DONOHUE. Identical?

Mr. RUDNICK. Yes. In other words, what this is actually doing is granting constructive physical presence and residence, and when he returns it is as though he had been residing and been physically present, and he proceeds to naturalization.

Mr. DONOHUE. We are saying this in the bill here, are we not?

Mr. RUDNICK. Yes.

Mr. FEIGHAN. Mr. Rudnick, do you feel that there should be a cut-off date on the benefits provided in this proposed legislation, or should it be a continuous operation?

Mr. MOORE. As opposed to an open end?

Mr. RUDNICK. As Congressman Moore pointed out, for practical purposes this in in complete control of the organizations. If they encounter an individual they don't see fit to permit to proceed as far as becoming a citizen, all they have to do is remove him from the payroll before the 5 years are acquired, and that is ample time within which to make a determination as to whether he is a fit prospect for citizenship.

I don't believe there is risk involved in allowing this to remain, as you put it, open end, and if next week or next year they have occasion to engage another individual, this would be an inducement for obtaining qualified people on their payrolls. I think there is complete control in the law and, for all practical purposes, by the organization.

Mr. MOORE. Will you yield?

Mr. FEIGHAN. Mr. Moore.

Mr. MOORE. What you are doing here is almost setting up a fiction, a fiction to the extent that you are substituting the private employer organization abroad—in this instance Radio Free Europe and Radio Liberty—for the judicial process which a citizen must meet, the requirements he must meet for naturalization in this country if he were to remain here for 5 years. That is a loose way of saying it, but substantially that is right.

Mr. RUDNICK. What you are saying is true but a little more pointed is the fact you are setting him up in almost the same position as the person employed by the U.S. Government. That is what you are giving him.

Mr. MOORE. Yes.

Mr. RUDNICK. "We are going to regard you," is the effect of this bill, "as though you were a Government employee."

Mr. FEIGHAN. Mr. Rodino.

Mr. RODINO. I have no further questions. I think he clearly stated the case.

Mr. FEIGHAN. Mr. Donohue.

Mr. DONOHUE. No questions.

Mr. FEIGHAN. Mr. Moore.

Mr. MOORE. May I show an obvious void in my training in this field and I will ask Mr. Rudnick since he is obviously the expert and every time he appears before us he never ceases to amaze me in the manner in which he acquits himself.

Would it be possible and do we administer naturalization of an individual in some foreign land or must he return to the United States of America to become a citizen?

Mr. RUDNICK. No, we do not grant naturalization, as such, in any foreign land.

Mr. MOORE. In other words, the individual gets his permanent residence, goes back and remains abroad 5 years and fills that commitment and then is administered the oath in any one of the foreign lands?

Mr. RUDNICK. Since you state it that way, there is such a thing as the administration of an oath abroad by an American consul to repatriate a former citizen, but naturalization in the sense we are discussing now can only take place in a court within the United States.

Mr. MOORE. As you review this legislation, you feel that we have reasonably contemplated that he will, at the end of 5 years, return to the United States and submit himself to some court of competent jurisdiction for purposes of entering the naturalization process?

Mr. RUDNICK. Yes, sir.

Mr. MOORE. You don't envision this is the type of naturalization that he could avail himself of before any consul or embassy official throughout the world?

Mr. RUDNICK. No, sir.

Mr. FEIGHAN. Mr. Rodino.

Mr. RODINO. The distinction you made there was, one, repatriation as against initial naturalization, is that correct?

Mr. RUDNICK. A repatriation is a naturalization because the law says naturalization is the conferring of citizenship upon a person after birth and if someone becomes a citizen, not at time of birth but after birth, he is naturalized. Perhaps different terminology is used, as in this instance, to describe the situation. It is called repatriation, but in a technical sense it is naturalization. We are conferring citizenship.

Mr. RODINO. In other words, to further confirm what is in the mind of Mr. Moore, and I know it certainly was a question in my mind, there is no possibility that the individual referred to here could acquire citizenship while abroad?

Mr. RUDNICK. No possibility because this requires him "to comply with all the provisions of this Act except" and that is not an exception.

Mr. DONOHUE. Doesn't it also state in the law, on line 8, page 2, "who is in the United States at the time of naturalization"?

Mr. RUDNICK. Yes.

Mr. DONOHUE [reading].

Who declares before the naturalization court in good faith an intention to take up residence in the United States immediately upon termination of such employment.

Mr. RUDNICK. That is the identical language of section 319(b) and the identical language of section 323(c); no problem as to where this will occur.

Mr. RODINO. I have one further question, Mr. Chairman.

Mr. FEIGHAN. Mr. Rodino.

Mr. RODINO. In answer to a question put to you by the chairman as to the usage of the word "recognition" by the Attorney General as counter-distinguished from "approval," you say that the word "recognition" has been used as a word of art in the Immigration and Nationality Act and, therefore, it certainly would pose no problem?

Mr. RUDNICK. No problem.

Mr. RODINO. As a matter of fact, would it pose the problem if we were to change the wording and used the word "approved" instead?

Mr. RUDNICK. I don't think it would make any difference. We do actually approve it.

Mr. DONOHUE. Let me ask one question.

Mr. FEIGHAN. Mr. Donohue.

Mr. DONOHUE. What other organizations, other than apart from the U.S. Government agencies, are accorded the same privileges that would be accorded this group?

Mr. RUDNICK. The nuns, the ministers, the priests, the seamen—they get physical presence and residence both, they are protected. A deck hand gets it.

Mr. MOORE. As well as the janitor on a boat?

Mr. RUDNICK. Right.

Mr. FEIGHAN. Thank you very much, Mr. Rudnick, we are always happy to have you with us and you make a clear explanation which is helpful not only to the committee but to all Members of the Congress.

STATEMENT OF ARTHUR J. OLSEN, PUBLIC AFFAIRS ADVISER, BUREAU OF EUROPEAN AFFAIRS, DEPARTMENT OF STATE

Mr. FEIGHAN. Now, we are pleased to have with us, as our next witness, Mr. Arthur J. Olsen, Public Affairs Adviser, Bureau of European Affairs, Department of State.

You may proceed, Mr. Olsen.

Mr. OLSEN. Mr. Chairman, I have a brief prepared statement which I think it might be helpful to read to you.

Mr. Chairman and members of the committee, I am Arthur J. Olsen, Public Affairs Adviser, Bureau of European Affairs, Department of State.

I am pleased to have this opportunity to appear for the Department of State regarding H.R. 2138 which has been introduced by Congressman Rodino and is under consideration now.

H.R. 2138 is designed to make possible the naturalization of "certain employees of United States nonprofit organizations engaged in disseminating information which significantly promotes United States interest." I am reading from the bill.

I understand that noncitizen employees of Radio Free Europe and of Radio Liberty would be the principal beneficiaries of this legislation.

It is the judgment of the Department of State that these two organizations do indeed meet the criteria set forth in H.R. 2138 and that the bill offers equitable relief for certain noncitizen individuals who, in their professional activities, make a significant contribution to the achievement of U.S. objectives abroad.

Radio Free Europe and Radio Liberty perform highly useful research and analysis of developments in Eastern Europe and the Soviet Union, respectively. They conduct extensive radio broadcasting programs in local languages which are heard by millions of people in those areas. This service substantially enlarges the amount of factual information available to inhabitants of these countries and it affords them an opportunity to hear other than officially approved comment on public affairs.

In effect, these two organizations do much to provide the people of Eastern Europe and the Soviet Union with the benefits of a free press and freedom of speech, otherwise largely denied them. The Department has no doubt that the enjoyment of these freedoms in countries ruled by Communist regimes promotes the interest of the United States.

The Department is confident that Radio Free Europe and Radio Liberty, each directed by distinguished Americans, are operating effectively and responsibly. They have in nearly two decades of operations exercised beneficial influence upon peoples to whom they broadcast.

They have helped to ease the heavy hand of dictatorial rule in those countries. They have been effective. In several Eastern European countries that I know, it is taken for granted that any citizen who wishes to be regarded as alert and informed must necessarily be familiar with what Radio Free Europe is saying.

Radio Free Europe and Radio Liberty could not achieve such effect without the assistance of employees who are emigres from the countries addressed. It is something of a paradox that some of these individuals, who aspire to become American citizens, are, under present law, unable to do so with giving up the work which constitutes a valuable service to the United States.

In view of the useful contribution which they and the organizations they serve render the national interest, the Department strongly supports the legislation in question.

Mr. FEIGHAN. Thank you, Mr. Olsen, you have spoken in broad general terms. I would like to know what evidence is there that Radio Free Europe and Radio Liberty are carrying out the U.S. foreign policy objectives?

Mr. OLSEN. The principal or broad objective of U.S. foreign policy in the areas to which the two organizations broadcast is to extend the benefits of freedom, as I have mentioned here, to being liberalizing influences upon these rather rigid and dictatorial regimes, and to make the will of the people, so to speak, bear more heavily upon the decisions of their Government.

The very fact that these two organizations do provide their listeners with a vast amount of factual information otherwise not available, that they give them opinions other than the officially approved ones which are distributed to press and radio and television of their countries, does enlarge this area of freedom. It does have an influence upon the conduct of their Governments, an influence we regard in the long run as beneficial.

Mr. FEIGHAN. Based on your experience, Mr. Olsen, would you care to comment on the caliber of those persons employed abroad by both of these organizations and upon the question of their anti-Communist dedication, if any?

Mr. OLSEN. I have lived in Europe for a number of years and I have come in contact with a number of employees of either one or the other of these organizations. By and large, an emigre from Eastern Europe or Soviet Union takes employment with one or the other of these bodies for reasons of idealism, out of dedication to principles and ideals which he finds are not being realized in these countries. Therefore, there is a higher element of idealistic motivation among these people than you might find in the ordinary commercial organization of a similar character.

A number of them have suffered under communism. They have done time in prison, and so forth. And they tend to be people of character, even of distinction, and many of them are scholars and many are public officials of one type or another, and I would say, to my personal knowledge, they tend to be persons of quality.

Mr. FEIGHAN. To your knowledge, have any broadcasts come to your attention which you feel or the State Department felt were not proper, that you opposed them, that had you seen them in advance, you would have requested that they not be broadcast?

Mr. OLSEN. You know, millions and millions of words have been broadcast in the last decade and a half or so by these two organizations and if a Government agency were to look over each one I am sure it would find something that it would be critical of. You can always second-guess a broadcaster or writer or a commentator. So the answer, I am sure, would be "Yes," but the true answer, I think, is that, broadly speaking, their record is responsible and has evidence of integrity and should be supported by the United States.

Mr. FEIGHAN. Mr. Rodino.

Mr. RODINO. Mr. Olsen, should, by any stretch of the imagination, organizations of this type, these two organizations, particularly, come to a halt because they find that these individuals, whom they now employ, would want to terminate their employment and come to the United States, to become citizens, as many of them have expressed a desire to do, would it be considered by the State Department, that we would be losing a valuable adjunct in promoting U.S. interests abroad and losing a valuable service to the United States?

Mr. OLSEN. Yes, indeed; there is no doubt of it.

Mr. RODINO. And would you say, when you talk about the distinguished people who form part of this organization and whom you also describe as very dedicated people, that among them, though they might not perform the more important, at least what we might consider a more important kind of service, that even the individual who performs a custodial job might have been a dedicated type of anti-Communist who was trying to promote the U.S. interests abroad?

Mr. OLSEN. Yes, sir; that is quite correct.

Mr. RODINO. Thank you very much.

Mr. FEIGHAN. Mr. Moore.

Mr. MOORE. I have no questions.

Mr. FEIGHAN. Mr. Donohue.

Mr. DONOHUE. This is off the record.

(Discussion off the record.)

Mr. DONOHUE. In your statement you mention that "the bill offers equal relief for certain noncitizen individuals who, in their professional capacity."

That language, or by that language, do you indicate that you would not or do not intend to embrace those that are occupying positions other than professional?

Mr. OLSEN. I did not attempt to make any distinction as to the character of their work in this phrase. I was referring to the fact they are employees of one or the other of these organizations. That is what I meant by "professional."

Mr. DONOHUE. In other words, your feeling is that all employees of these organizations should benefit by this legislation if enacted?

Mr. OLSEN. I would think so. I have listened to the discussion before and I see difficulties in the effort to make a distinction.

Mr. DONOHUE. No further questions.

Mr. FEIGHAN. Thank you very much, Mr. Olsen.

We appreciate immensely your presentation.

The committee is adjourned.

(Whereupon, at 11:55 a.m., the committee adjourned, subject to the call of the Chair.)



