GOVERNMENT
Storage
Y4
.J89/1
H88/1 x

Congress } COMMITTEE PRINT { No. 12
Session }

Human Rights and U.S. Consular Activities in Eastern Europe

DOCUMENTS
SEP 20 1978
FARRELL LIBRARY
KANSAS STATE UNIVERSITY

REPORT

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS
FIRST SESSION

BASED ON A

FACTFINDING MISSION TO FOUR EASTERN EUROPEAN NATIONS

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
99-628 WASHINGTON : 1977

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

COMMITTEE ON THE JUDICIARY

PETER W. RODINO, JR., New Jersey, *Chairman*

JACK BROOKS, Texas
ROBERT W. KASTENMEIER, Wisconsin
DON EDWARDS, California
JOHN CONYERS, JR., Michigan
JOSHUA EILBERG, Pennsylvania
WALTER FLOWERS, Alabama
JAMES R. MANN, South Carolina
JOHN F. SEIBERLING, Ohio
GEORGE E. DANIELSON, California
ROBERT F. DRINAN, Massachusetts
BARBARA JORDAN, Texas
ELIZABETH HOLTZMAN, New York
ROMAN L. MAZZOLI, Kentucky
WILLIAM J. HUGHES, New Jersey
SAM B. HALL, JR., Texas
LAMAR GUDGER, North Carolina
HAROLD L. VOLKMER, Missouri
HERBERT E. HARRIS II, Virginia
JIM SANTINI, Nevada
ALLEN E. ERTEL, Pennsylvania
BILLY LEE EVANS, Georgia
ANTHONY C. BEILENSON, California

ROBERT MCCLORY, Illinois
TOM RAILSBACK, Illinois
CHARLES E. WIGGINS, California
HAMILTON FISH, JR., New York
M. CALDWELL BUTLER, Virginia
WILLIAM S. COHEN, Maine
CARLOS J. MOORHEAD, California
JOHN M. ASHBROOK, Ohio
HENRY J. HYDE, Illinois
THOMAS N. KINDNESS, Ohio
HAROLD S. SAWYER, Michigan

ALAN A. PARKER, *General Counsel*
GARNER J. CLINE, *Staff Director*
FRANKLIN G. POLK, *Associate Counsel*

Letter of Transmittal

Hon. Peter W. Rodino, Jr.,
Chairman, Committee on the Judiciary,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Chairman: This report is submitted herewith to the Committee on the Judiciary on behalf of the members of a special study mission to Eastern Europe in August 1977.

The purpose of this trip was to review firsthand a variety of issues which fall within the legislative and oversight jurisdiction of the Subcommittee on Immigration, Citizenship, and International Law.

Of course, the comments, observations and findings contained in this report are those of the members of the study mission and do not reflect the views and opinions of the members of my subcommittee or the full Judiciary Committee.

It is my hope that this report will assist the membership of this committee in achieving a greater understanding of the situation in Eastern Europe and that it will be useful to them in the exercise of their legislative duties both as members of the committee and as Members of Congress.

Sincerely,

Joshua Eilberg,
Chairman, Subcommittee on Immigration,
Citizenship, and International Law.

Contents

	Page
Letter of Transmittal	III
I. Introduction	1
II. Brief chronology of trip	3
Italy	3
Yugoslavia	3
Romania	4
Hungary	5
Czechoslovakia	5
England	6
III. Helsinki Accords, freedom of movement, emigratior	8
Yugoslavia	9
Romania	9
Emigration policy	9
Emigration procedures	11
Analysis of emigration procedures and trends	13
Hungary	15
Czechoslovakia	16
IV. Immigration, refugee, and consular matters	19
Yugoslavia	21
Consular activities	21
Refugees	22
Romania	23
Immigrant visa issuance	23
Nonimmigrant visa issuance	23
Third country processing (TCP)	24
Protection and welfare	27
Hungary	28
Consular activities	28
Refugees	28
U.S. immigration procedures	29
Czechoslovakia	29
Visa issuance	29
Consular affairs	29
England	30
Consular affairs	30
Refugee and alien problems	31
V. Human rights and contacts—religious freedom	34
Yugoslavia	34
Romania	34
Hungary	36
Educational and cultural exchange	36
Religious freedom	38

V. Human rights and contacts—Continued Page
Czechoslovakia 40
Human rights—Charter 77 40
Meeting with Jiri Hanzelka 40
Charter 77 40
U.S. human rights policy 41
Czech-Soviet relations 42
Socialist system 42
Religious freedom—political trials 42
VI. Interpol 43
Yugoslavia 43
Romania 44
Great Britain 44
VII. Nazi war criminals 46
Yugoslavia 47
Romania 48
Hungary 49
VIII. Military-related issues 50
NATO's southern command 50
Naval forces in the eastern Atlantic 50
International agreements claims and claims settled under the claims provisions of title 10, United States Code 51
Settlement procedure 52
Naval claims activities in Europe 53
Personnel claims 53
Air Force claims activities in Europe 54
IX. Miscellaneous Bilateral and Multilateral Issues 55
Communications and Telecommunications 55
Mihailovich Statue—Yugoslavia 59
Return of St. Stephen's Crown to Hungary 60
"Claims-Gold" Issue—Czechoslovakia 60
Law of the Sea 61

APPENDIXES

Appendix I. Universal Declaration of Human Rights 62
Appendix II. Government of Czechoslovakia Resolution No. 58 65
Appendix III. Correspondence on specific emigration cases between Congressman Hyde, the U.S. Embassy in Prague, and the Czechoslovakia Government 68
Appendix IV. Declaration of Charter 77 70
Appendix V. Agreement between the Government of Hungary and the Government of the United States on cooperation in culture, education, science, and technology 72

I. Introduction

Upon the conclusion of congressional business on the night of August 6, a 5-member congressional delegation departed on a fact-finding mission to Eastern Europe.

The bipartisan delegation consisted of the following Members: Joshua Eilberg, chairman of the Judiciary Subcommittee on Immigration, Citizenship and International Law; Charles E. Wiggins and Henry J. Hyde, members of the Judiciary Committee; Marty Russo, a member of the Interstate and Foreign Commerce Committee; and Leo C. Zeferetti, a member of the Merchant Marine and Fisheries Committee.

The primary objective of the study mission was to discuss in detail with U.S. and foreign officials various subjects which fall within the legislative and oversight jurisdiction of the aforementioned committees. These areas of legislative concern include: the implementation of the Immigration and Nationality Act; the consular function of the Department of State; refugees; the operations of the International Criminal Police Organization (Interpol); Nazi war criminals; claims arising out of the activities of our military forces abroad; communications and telecommunications matters; and the Law of the Sea negotiations.

In addition, the delegation was desirous of observing firsthand the human rights situation in Eastern Europe with a view to the Belgrade Conference, which convened on October 4 for the purpose of reviewing compliance with the Final Act of the Conference on Security and Cooperation in Europe (Helsinki agreement). Of particular interest to the delegation were the emigration laws and procedures which have been established in each of the countries and their conformity with the Final Act and other international agreements, such as the U.N. Charter, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which entered into force March 23, 1976.

In order to investigate these matters, the delegation traveled to Italy (August 6–8); Yugoslavia (August 9–10); Romania (August 11–12); Hungary (August 13–15); Czechoslovakia (August 16–18); and England (August 19–21); returning to Washington on August 22.

The trip was particularly timely in light of the Belgrade Conference and recent Congressional action extending most favored-nations (MFN) treatment to Romania for another year. The delegation was, therefore, particularly gratified that it had the opportunity of meeting with a wide variety of high-level foreign officials, including a 1½-hour meeting in Constanta with the President of Romania, Nicolae Ceausescu.

The members of the study mission wish to express their appreciation to the United States and foreign governmental officials in each of the countries visited for the productive and informative meetings and for the hospitality extended to them. The Members also wish to express their gratitude to the U.S. Navy, the Department of State escort, and the various U.S. Ambassadors and their staffs. Their support and cooperation enabled the delegation to accomplish its intended objectives.

II. Brief Chronology of Trip

The following is a brief chronological summary of the meetings held by the delegation in each of the cities visited. This summary includes those meetings which were scheduled for the entire delegation and meetings arranged for individual members of the delegation on a variety of subjects.

Italy

On Monday, August 8, the delegation was briefed by Admiral Harold E. Shear, USN Commander in Chief, Allied Forces Southern Europe (CINC SOUTH), in Naples, on the political and military situation in southern Europe, including the north coast of Africa and the Indian Ocean.

Yugoslavia

The delegation received the country briefing on the morning of August 9 from Ambassador Eagleburger and Deputy Chief of Mission Charles York in Belgrade.

A meeting was held that same day with various Yugoslav officials including members of the Federal Council of the Parliament and other judicial officials. The following Yugoslav officials were present:

Branko Pesic, Vice President, Federal Assembly, Miljan Vujosevic, Chairman of the Committee for Justice of the Federal Council of the Parliament. Luka Banovic, Chairman of the Committee for Internal Policy of the Federal Council of the Parliament, Dusan Sekic, Chairman of the Committee for Developing Areas of the Council of Republics and Provinces of the Parliament, Borislav Krajina, Member of the Federal Council of the Parliament, Member of the Committee of Justice, Chairman of the Supreme Court of the Socialist Republic of Bosnia–Hercegovina, Vladeta Zunic, Secretary of the Committee for Foreign Policy of the Federal Council of the Parliament, Franjo Herljevic, Federal Secretary for Internal Affairs, France Artnak, Judge of the Federal Court of Yugoslavia, Borislav Licenoski, Deputy Public Prosecutor of Yugoslavia, Dragutin Gazapi, Chief of the Administration for Public Security in the Federal Secretariat for Foreign Affairs, Dusan Cotic, Asst. Federal Secretary for Justice, Dusan Strbac, Chief Administration for Emigres and Immigration, Federal Secretariat for Foreign Affairs, Svetozar Starcevic, Director, North American Affairs, Federal Secretariat for Foreign Affairs, Djordje Jovic, Member of Protocol Department of the Parliament, and Mrs. Ivanka Gajer-Pinter, Member of the Federal Council of the Parliament, Member of the Committee for Justice, Deputy Public Prosecutor of the Socialist Republic of Croatia.

A working lunch hosted by the Yugoslav officials followed this meeting.

The delegation met that same day further with Branko Pesic, Federal Assembly Vice President.

On August 9 a meeting was held with Mr. Franjo Herljevic, Federal Secretary for Internal Affairs, Ministry of Interior, to discuss criminal justice matters, domestic conditions, Nazi war criminals, and Interpol.

99-628—77——2

Later that day staff members met with Dragutin Gazapi, Chief of Administration for Public Safety, Federal Secretariat for Internal Affairs, Predrag Matovik, head of the National Central Bureau of Interpol, Federal Secretariat for Internal Affairs.

Mr. Eilberg met with the Apostolic Pro-Nuncio Monsignor Michele Cecchini in his residence on the night of August 9. A dinner/reception was given the evening of August 9 hosted by Branko Pesic, Vice President of the Federal Assembly.

On August 10 the delegation traveled to Dubrovnik where a meeting was held with Dr. Anton Vratusa, Vice President of the Federal Executive Council. An evening reception for the members was hosted by Dr. Vratusa.

Romania

On the afternoon of August 11, U.S. Ambassador Harry G. Barnes, Jr., in Bucharest, presented the country briefing. A consular briefing was also presented at that time by Marian L. Tipton and more detailed discussions were held in the consular section of the Embassy the following morning, August 12.

A meeting was held with officials from the Romanian Ministry of Foreign Affairs: Vasile Gliga, Deputy Minister; Gheorghe Badescu, Director, Consular Affairs; Aurel Stanislav, Counselor, Directorate III (western developed countries).

Mr. Eilberg had an evening meeting with the chief rabbi of Romania, Moses Rosen, followed by a brief tour of his synagogue.

On the morning of August 12, the delegation met with Romanian representatives of the Grand National Assembly including: Mr. Nicolae Giosan, Chairman of the Grand National Assembly; Mr. Ioan Ceterchi, President, Legislative Council; Mr. Tudor Draganu, President, Commission on Constitutional and Judicial matters; Mr. Stefan Voicu, member, Commission for Foreign Policy and International Economic Cooperation and editor of Era Socialista.

Mr. Russo attended a meeting August 12 with the following officials from Romanian radio-television: Iuliu Fejes, assistant director, Romanian radio-television; Vasile Poale Lungi, editor-in-chief, documentary and opinions survey department; Ion Boariu, international relations editor; Stoica Meteleanu, secretary, international relations.

Mr. Russo also met that day with officials from the Ministry of Transportation and Telecommunications including Constantin Ceausescu, Deputy Director, Telecommunications.

Mr. Eilberg and staff met August 12 with various individuals who have applied to emigrate from Romania.

On the morning of August 12 Mr. Eilberg and Mr. Zeferetti met with Julian Vlad, State Secretary, Ministry of Interior, General Octavian Pop, Deputy National Police Chief, Lt. Gen. Gheorghe Moga of the Legal Staff, Col. Constantin Dobre, Division Chief, Ministry of Interior.

The delegation met with Nicolae Ceasescu, President of Romania and Secretary General of the Romania Communist Party on the eve-

ning of August 12 at his summer residence in Constanta. The following officials of the Romanian Government also attended: Elena Ceausescu, Member of RCP Permanent Bureau, Nicholae Giosan, Chairman of Grand National Assembly, Stefan Andrei, Party Secretary for International Affairs, Emil Bobu, Vice Chairman of Council of State, Ion Ursu, President of National Science and Technical Council and Leonte Rautu, Rector of Stefan Gheorghiu Party Academy.

Hungary

The country briefing in Budapest was presented on the afternoon of August 13 by Ambassador Philip M. Kaiser and Mr. Robert C. Mudd, deputy chief of mission, followed by a consular briefing given by Mr. Thomas Longo.

On August 13, Mr. Eilberg and staff met with the following representatives of the Budapest Jewish community and the National Board of Hungarian Jews: Imre Heber, president, Mrs. Geza Seifert, secretary general, Lajos Fabri, deputy secretary general, Dr. Harsanyi, vice president, Dr. Kulcsar, vice president, Dezso Bardi, vice president, Dr. Sandor Scheiber, director of the National Rabbi Training Institute.

On the evening of August 13 the delegation attended a dinner hosted by the Ministry of Foreign Affairs Consular Chief, Dr. Pal Gresznaryk. Also attending the dinner were Dr. Ivan Modrovics from the Customs Department, Dr. Zoltan Vekey, Justice Minister, and Ms. Edit Konrad, Deputy Chief, International Law Section.

Mr. Eilberg met with members of the Jewish community again on August 14.

On August 15 a morning meeting was held with representatives of the National Assembly, including Acting President of Parliament, Janos Peter.

The delegation also attended a meeting on the same morning with Deputy Foreign Minister Janos Nagy, then extensive discussions were held with the following officials: Dr. Pal Gresznaryk, Consular Department Chief, Mr. Miklos Revesz, American Desk Officer, Miss Edit Kinrad, Deputy Chief, International Law Section, Dr. Ivan Modrovics, Customs Department, and Dr. Zoltan Vekey, Justice Minister. The meeting continued through a working luncheon.

Later August 15 the delegation met with Ambassador Rudolf Ronai, President of the Hungarian Cultural Affairs Institute.

Mr. Russo met with the following officials of the Hungarian Ministry of Transportation and Postal Affairs: Gyula Krall, Chief of International Services, Dr. Laszlo Katona Kis, Chief of International Relations Section.

Czechoslovakia

On August 16 the delegation was briefed in Prague at the U.S. Embassy by Deputy Chief of Mission, Robert H. Frowick, Byron Morton, Political Consul, Robert Montgomery, Economic Officer, and Robert Millspaugh, Consular Officer.

On the morning of August 17 the delegation met with Mr. Zdenek Trhlik, Deputy Foreign Minister.

Later, a meeting was held with various Government officials including Dr. Josef Houzvicka, Chief, Consular Department, Ministry of Foreign Affairs.

An afternoon meeting was held with the following members of the Legal and Foreign Affairs Committee of the Czechoslovakia National Assembly: Jan Marko, First Deputy Chairman, Bohuslav Kucera, Vice Chairman, Bohuslav Lastovicka, Chairman, Foreign Relations Committee, Mr. Roskout, Secretary, Foreign Relations Committee, Mr. Mazik, Chairman, Committee on Constitution and Law, House of Nations, Mr. Ciska, Chairman Committee on Constitution and Law, House of People, and Mr. Skasa, adviser to Mr. Marko.

On August 18 Mr. Eilberg met with the noted writer, journalist and dissident spokesman, Jiri Hanzelka.

England

On August 19 the delegation met with the following members of the British Home and Foreign Offices: Donald Murray, Assistant Undersecretary of State, Murray A. Simons, Head, Southeast Asian Department, Mr. P. R. Taylor, Immigration and Naturalization Department Home Office, Mr. J. H. Malet, Migration and Visa Department, Foreign Office, and Mr. Elden, U.N. Department.

A meeting was also held later that day with Mr. H. D. Walton, Deputy Assistant Commissioner and Ron Lawrence, Detective Superintendent, New Scotland Yard, London, England.

The delegation also met with Mr. Jean Heidler from the Office of the U.N. High Commissioner for Refugees. The following representatives from various voluntary agencies also participated in the discussion: Mrs. N. Morley-Fletcher and Mrs. V. Chapman, The British Council for Aid to Refugees; Rev. Kenneth David, Christian Aid; Miss J. Pearce, Ockenden Venture; Mr. M. Harris, OXFAM; Major J. P. Fonseca, Save the Children Fund; Miss N. Rice-Jones, Standing Conference on Refugees; Mrs. Kie Sebastian, World University Service.

On that same day, the delegation met with the Helsinki Study Group which had been organized under the auspices of The David Davies Memorial Institute of International Studies. This group was organized as an ad hoc independent entity for the purpose of reviewing how the signatories of the Final Act were complying with their respective responsibilities under that document. The monitoring group was composed of educators, scientists, elected officials, and a wide variety of persons possessing expertise in international law. The members of the Study Group who participated in the meeting are as follows:

Dr. Christoph Bertram, Director, International Institute for Strategic Studies; Dr. of Law; assistant director, planning staff, West German Ministry of Defense;

Prof. James Fawcett, president, Human Rights Commission; professor of law, Kings College, London; Fellow of All Souls College, Oxford; General Council of IMF; Director of Studies, Royal Institute of International Affairs.

Dr. Rosalyn Higgins, Specialist in International Law and U.N. Affairs, Royal Institute of International Affairs; Lecturer at the London School of Economics; Graduate Fellow, Yale Law School; married to Terence Higgins MP;

Prof. Z. A. B. Zeman, Professor of Central and South-Eastern European Studies, University of Lancaster; Director of EUROCORG;

Miss M. M. Sibthorp, Director, The David Davies Memorial Institute of International Studies.

Mr. Geoffrey Edwards, Assistant Director, The Federal Trust.

The delegation was briefed on Saturday, August 20, by Rear Adm. Richard E. Ruble, USN, Deputy Commander in Chief, U.S. Naval Forces, Europe, on the military and political situation in Europe at his headquarters in London, England. The briefing included the status of Soviet and U.S. Forces in the European and Mediterranean areas.

III. Helsinki Accords—Freedom of Movement—Emigration

The freedom of movement of individuals and the emigration policies, practices and procedures of Communist countries has been an issue of paramount concern to the Subcommittee on Immigration, Citizenship and International Law for many years. Even prior to Final Act of the Conference on Security and Cooperation in Europe (CSCE) reached at Helsinki, four members of that subcommittee spent 10 days in the Soviet Union during May 1975 reviewing that country's emigration laws and procedures as well as the Soviet Jewry situation in general.[1]

Consequently, one of the primary purposes of this trip was to ascertain the emigration procedures followed in Yugoslavia, Romania, Hungary, and Czechoslavakia and to assess the effect, if any, of CSCE on those procedures. In particular, the delegation was interested in determining whether these countries have impeded the freedom of movement, temporary travel or permanent emigration of its citizenry.

The "right to emigrate" has long been recognized as a fundamental human right and one which has been guaranteed under a number of international agreements. Most recently, the Final Act specifically addresses the related issues of family reunification, emigration and freedom of travel. Specifically, the Final Act indirectly supports the right to emigrate by reference to the Universal Declaration of Human Rights in basket I and directly by the provisions in basket III which call upon participating states to "facilitate freer movement"; to "deal in a positive and humane spirit with the applications of persons who wish to be reunited with members of their family"; and to "examine favorably * * * requests for exit or entry permits from persons who have decided to marry a citizen from another participating state".

These provisions have been subject to differing interpretations among the Eastern and Western signatories since Helsinski. The Western nations prefer a broad interpretation in the areas of free movement, emigration and family reunification. The Soviet Union and Eastern European nations, on the other hand, deemphasized basket III and stress the signifiance of the "noninterference" and "inviolability" provisions contained in basket I and the Declaration of Principles.

It must be noted, however, that basket I, principle VII, specifically provides that the participating states "will act in conformity with * * * the Universal Declaration" of Human Rights, article 13(2) of which states that "Everyone has the right to leave any country, including his own, and to return to his country".[2]

Although disagreement does exist as to whether the Final Act "guarantees" the right of all persons to emigrate, it is quite clear from that document that the Soviet Union and Eastern Europe have at least

---

[1] For the report of the earlier special study subcommittee, see "Emigration of Soviet Jews", Committee Print, 94th Cong., 2d sess.

[2] For the text of the Universal Declaration of Human Rights, see app. I, p. 62.

accepted the principle that a person has the right to emigrate for the purpose of marriage or family reunification.

This portion of the report will describe the conflicting interpretations of the Final Act and the emigration procedures of the Eastern European countries. It will also address the question of whether the Helsinki accords have had any appreciable effect on the emigration levels and practices of the various countries.

Yugoslavia

The Yugoslav Constitution of 1974 guarantees its citizens a broad range of internationally recognized human rights, including the freedom of movement. In practice, there are no limitations on freedom of movement within Yugoslavia and unlike all other Eastern European countries, its citizens are able to travel abroad freely.

In this regard, according to Mr. Franjo Herljevic, Federal Secretary for Internal Affairs, some 16 million persons—out of a total Yugoslav population of 21 million—traveled abroad last year. The fact that there is substantial freedom of movement is also demonstrated by the 106 million border crossings in 1976 and the agreements reached between Yugoslavia and 47 other countries waiving the visa requirement for temporary visitors. The vast majority of Yugoslav citizens have acquired passports, and reportedly denials have only occurred in cases involving dissidents or extremists.

Dr. Anton Vratusa, Vice President of the Federal executive council, indicated the support of his government for the "mobility of people and ideas", as that principle is embodied in basket III, but he quickly warned that Western "preoccupation" with that basket will be "counterproductive". Dr. Vratusa maintained that all baskets in the final act are "equally important", but he then proceeded to discuss the significance of the "noninterference" and "sovereignty" provisions contained in the Declaration of Principles.

With regard to CSCE implementation, Dr. Vratusa said it is unreasonable to expect "total conformity" with all of the provisions in the Final Act and that the United States must recognize each country will approach the question of implementation with a view to the political realities in that country. He noted further that the Soviets have made some progress in the area of compliance. When queried as to the restrictive Soviet position on travel and emigration, Dr. Vratusa recalled a conversation between President Tito and Khrushchev, in which Khrushchev stated, "I need people".

Dr. Vratusa expressed his hope that substantial progress will be made at the CSCE meeting to commence in October and he assured the delegation that his government will continue to play an active role as it did during the preliminary session. He concluded by stating that all countries should approach Belgrade in a spirit of "cooperation, sympathy and understanding" and that the problems addressed by CSCE cannot be resolved by pressure and confrontation.

Romania

EMIGRATION POLICY

No issue was discussed more extensively during the entire trip than that of Romania's emigration process. This subject was raised at each meeting with Romanian officials and the members of the delegation

made every effort to ascertain the nature of the laws, regulations, and specific procedures which govern the temporary departure or permanent emigration of Romanian citizens.

Romania's constitution and laws do not specifically address the rights of its citizenry to travel within the country or to emigrate. There are, however, a number of administrative decrees and regulations which deal with this subject and a special "Commission for Passport and Visa Problems" has been established to consider particular problems that arise.

Because there is a paucity of public information on this subject, it was extremely difficult for the delegation to acquire a complete understanding of the emigration process. However, the Romanian Government's general policy on this matter was made quite clear to the delegation. For example, President Ceausescu explained that the official policy is to discourage emigration and this is based on the belief that "people should stay in their own country". According to the President, people should "work" and "struggle" in their own country, since the active participation of all citizens is essential to the economic development of Romania.

President Ceausescu did distinguish between "mere emigration" and "emigration for family reunification". He stated that the only acceptable justification for emigration is "family reunification", and he stressed the need for a better understanding by all governments as to which family members should be included within this term. Under Romanian law, only immediate family members—parents, spouse, and unmarried children—are covered and the President told the delegaton that "we will give every consideration to the reunification of families in the United States or in other countries * * * within this context and within the spirit of Romanian law".

As evidence of Romania's commitment to family reunification, he cited the family disruptions caused by World War II and the fact that hundreds of thousands of people left Romania after the war. He then noted that currently "20 percent of the population of Israel is made up of former Romanian citizens." In short, President Ceausescu discounted the existence of any emigration problem in Romania and to support his conclusion he noted that as each month passes and more people emigrate "there are fewer who seek to emigrate."

President Ceausescu criticized the United States for "encouraging" the emigration of skilled and educated persons from developing countries. In his opinion this resultant "brain drain" is inconsistent with President Carter's policy on assisting the developing countries of the world. The United States, he believes, should "discourage such emigration" and if persons are admitted to the United States for education or training "they should be sent back home upon completion of their programs." In response, Mr. Eilberg said that there is no official national policy or pressure to encourage the emigration of skilled workers, but, instead what is involved is the "private, economic choice" of an individual and "freedom of movement" of people.

With regard to Jewish emigration, the President said, there are "no more than 25,000 Jews—the official census estimate—remaining in Romania" and the percentages of those desirous of emigrating is "very small." He added that some emigrants have expressed their wish to return to Romania. The Chief Rabbi of Romania, Moses Rosen, in a

2-hour meeting with Mr. Eilberg, agreed that Romania's record on Jewish emigration is "good" and he noted that out of the total number of Jews who have applied to emigrate to Israel over the past 2 years, "only 100 cases" remain unresolved. Although he did not necessarily support the general policy of the Romanian Government on emigration, he did indicate that he "understood" their position on, and treatment of, emigration applicants. In other words, he stated he could appreciate the Government's rationale in not providing extensive education and training to those persons who will eventually leave Romania. Rabbi Rosen also advised Mr. Eilberg that the Government of Romania was "offended" by the Jackson-Vanik amendment and that "300,000 Romanian Jews were able to emigrate without the amendment."

EMIGRATION PROCEDURES

Every effort was made to become familiar with the actual emigration procedures followed in Romania. As noted, the subject was discussed with numerous Romanian Government officials, the U.S. Embassy staff and with various individuals who have applied to emigrate. Based on these discussions the following picture emerged concerning the emigration process. This description is somewhat incomplete and Romanian authorities appeared reluctant to supply the type of information required to obtain a full understanding of all the steps involved in that process.

In order to initiate an emigration application, a person must first obtain approval from his school or place of employment. If the manager of the enterprise or educational institution determines that his services are no longer needed or that he does not possess "state secrets," he may be granted a certificate of approval. This written permission is usually granted only after the person has been subjected to various forms of intimidation and pressure by his manager, coworkers, party officials, and local trade union officials. Generally, the potential emigrant is questioned intensively as to his motivation for emigration in an attempt to dissuade him from departing.

Once this initial permission is obtained, an application for exit visa forms can then be submitted at the passport offices, which operate out of the local militia precincts. This "application to apply" is designed to elicit biographical information concerning the applicant and it constitutes a preliminary request to apply formally for emigration. Processing of this preliminary application by the centralized passport commission in Bucharest normally takes several weeks to several months. In the event this preliminary request is approved, the applicant is then provided with detailed forms, which he must execute and submit along with numerous other documents—that is, birth and marriage certificates, certificate that he has no outstanding debts, certificate that he is not under criminal prosecution, tax certificate. The adjudications period for this formal application also varies considerably from case to case. Some are disposed of within 60 days, while others may take several months or even a year. During this processing period, the applicant is usually subjected to additional pressure designed to persuade him to withdraw his emigration application. For example, as the result of procedures instituted in December 1975, he will be required to appear before a "local commission" or "peoples

council." This group is usually comprised of factory officials, party activists as well as neighbors and friends.

When queried concerning these "councils" or "commissions," Deputy Foreign Minister Vasile Gliga responded that they perform only a limited function. In Mr. Gliga's view, an appearance before such a group is only required when a person is applying to travel abroad temporarily for business. The avowed purpose of the "commission" is to determine whether the applicant is "competent" to accomplish the objective of the business trip.[3]

When appearing before the "commission," the applicant is confronted with numerous arguments against emigrating and, on occasion, the applicant's relative and friends will be enlisted in this effort. The amount of peer pressure exerted on an applicant is totally unpredictable and may depend on his occupation, party position, the status of East-West relations, the political climate in Romania, the status of action by the U.S. Congress on MFN and previous emigration levels.

In the case of a refusal of an exit visa application, an appeal may be taken to the Commission for Passport and Visa Problems, which is directly accountable to the Council of Ministers and not the Minister of Interior. The Commission, like the Passport Office, is not required to provide any reasons or justifications for its ultimate decisions.

In the case of approval, the applicant must undertake a variety of actions severing his ties with Romania. These include: disposition of personal and real property; putting his personal and financial affairs in order; and acquiring clearances from his bank, place of employment, tax office, and customs office. Once these matters are completed, the travel documents are issued.

With regard to marriage cases—between a Romanian and a foreign national—the Romanian must obtain the approval of the Council of State and then the personal approval of the President of Romania. Since the Council meets only a few times a year, long delays—usually averaging 1 year—are experienced. In addition, numerous documents must accompany such an application for marriage: These include:

DOCUMENTS TO BE PRESENTED WHEN FILING AN APPLICATION FOR MARRIAGE

FOR THE ROMANIAN CITIZEN

1. Legalized copy of the birth certificate.
2. Copy certified by the owner of the first pages of the Identity Card.
3. Legalized copy of the proof of termination of previous marriages, if applicable.

FOR THE FOREIGN CITIZEN

1. Legalized copy of the birth certificate (with Romanian translation).
2. Copy certified by the owner of the passport pages containing vital statistics data (or legalized photocopy).
3. Declaration of intention to marry, translated into Romanian and notarized: (Must be made at Romanian State notary).
4. Notarized copy translated into Romanian, of the document issued by the competent authority attesting to the present civil status.
5. Legalized copy translated into Romania of the proof of termination of previous marriages, if applicable.

[3] In the earlier committee print, "Emigration of Soviet Jews", there is extensive discussion of the structure and function of analogous "commissions", which operate in the Soviet Union.

Ultimately, 85 percent of all marriage cases are approved and denial occurs only when there are close relatives who are high-level Communist Party members. In all cases the consent of the parents is required, and one case was cited where the child was 45 years of age and the father's consent was required even though the child had never lived with the father.

ANALYSIS OF EMIGRATION PROCEDURES AND TRENDS

It is evident that these complex and cumbersome emigration procedures are intended to advance Romania's official policy of "discouragement." The entire process is characterized by delay, inconvenience, intimidation, harassment, embarrassment and bureaucratic inefficiency. However, persistence on the part of the applicant combined with Congressional and Embassy interest has produced some favorable results. One of the primary problems is the absence of specific laws and published regulations on this subject, which has led to—perhaps invited—arbitrary decisionmaking.

Another disturbing fact is that two of the aforementioned steps were devised subsequent to the Helsinki accords. In particular, the "application to apply" and the local "commissions"—possibly the most time-consuming and humiliating steps in the process—were both developed after Helsinki.

In addition, the postapproval procedures requiring liquidation of assets and disposition of property would appear to conflict with basket III and the Final Act.[4] The delegation was also advised that a person was also precluded from transferring or selling his property directly to friends or relatives. It was indicated that if a person was allowed to sell—rather than required to donate—his property, the buyer was traditionally the State, at a price established by a local governmental council. Ceilings on sales prices are set by Government decree and in most cases artificially low prices are fixed by the local council.

Discussions between emigration applicants and Mr. Eilberg also revealed that various reprisals are taken against those who seek to leave Romania. Job dismissal, demotion, salary reduction, expulsion from educational institutions and surveillance are some of the consequences that may befall a prospective emigrant. This is especially the case if a person seeks to rejoin a family member who has defected or otherwise illegally departed from Romania.

On the other hand, Col. Constantin Dobre, Deputy Director for Passports, acknowledged the propriety of emigration for family reunification and he observed that, "we have responded promptly and sympathetically to divided family cases." When questioned as to the procedural obstacles and impediments to emigration, Colonel Dobre responded that the United States "should not dramatize procedures" and he referred to the complexities of, and delays caused by, U.S. immigration law.

---

[4] Article 1(b) provides that family reunification applicants "may bring with them or ship their household and personal effects."

Any assessment of Romania's emigration policies and procedures necessarily includes a brief description of recent emigration trends and levels. According to the President's Second Semiannual Report to the Commission on Security and Cooperation in Europe (June 1977):

> Romanian performance on family reunification has generally improved since the signing of the Final Act, though the motivation likely rests more with the receipt by Romania of most-favored-nation tariff status and access to Export-Import Bank credits from the United States than with its CSCE obligations.

In July 1976, the U.S. Embassy submitted an exit visa representation list to the Romanian Government covering some 800 cases. A followup list was presented in December 1976 covering approximately 1,100 cases. These cases covered four separate categories of individuals: (1) dual nationals; (2) marriage cases; (3) persons with approved immigration petitions; and (4) nonpreference applicants. In the first 7 months of this year, many of the "long standing" cases were resolved and as of August 1977 there were about 900 unresolved emigration cases—involving some 2000 persons. It can be safely assumed that this progress was the direct result of the recent congressional review of MFN treatment for Romania.[5] In this regard, several Romanian officials sharply criticized the annual congressional review of MFN status for their country. In that Romania is the only country subject to this periodic review, they maintained that it was a discriminatory practice which greatly impeded long-range economic planning.

In short, there has been some improvement in the emigration of ethnic Germans and the resolution of U.S. divided family cases. On the negative side, there has been a consistent decline in Jewish emigration and backlogs are now accumulating in divided family cases due to an increase in "new" cases.

Deputy Foreign Minister Gliga acknowledged the decline in Jewish emigration—almost 50 percent from fiscal year 1976 to fiscal year 1977—but he stressed that this was a "natural development", due to the declining number of Jews in the Romanian population.

Some experts have suggested that a mere review of emigration levels is not a proper method for evaluating Romania's emigration record. Instead, it is maintained, emphasis should be placed on "removing delays" in particular cases or on "resolving pending family reunification cases". According to these individuals, emigration figures alone do not present an accurate picture, since in some cases they are a "function of peoples' own activities."

Regardless of the method utilized for assessing Romania's performance in the area of emigration, it is clear that every potential emigrant experiences an unnecessary amount of hardship and inconvenience. The procedural obstacles placed in his path appear are unduly severe and are inconsistent with the spirit and letter of the Final Act.

---

[5] The resolution disapproving MFN treatment for Romania was introduced on June 22, 1977, hearings were held on July 18, 1977, unfavorably reported on July 26, 1977 and indefinitely postponed on the floor of the House August 3, 1977. The effect of this action was to extend for another year MFN treatment for Romania, as recommended by President Carter in a transmittal to the Congress on June 3, 1977. However, the Committee Report (H. Rept. No. 95–534) accompanying the resolution (H. Res. 653) noted that the Congress "expects that the intention expressed by President Carter to monitor more closely Romania's compliance with the Trade Act emigration objectives will be implemented."

Hungary

Unlike Romania, the laws and procedures governing the issuance of passports and exit documents are well known. The statutes, implementing decrees, and regulations are documents of public record, and they guarantee every person—at least in theory—the right to acquire a passport.

According to our Embassy officials, the emigration laws and procedures of Hungary no longer represent "a foreign policy irritant," primarily because there is "no burning desire" on the part of Hungarians to emigrate. While the specific requirements for emigration or travel abroad appear to be rigid and extensive, only infrequently is a person unable to obtain the necessary travel documentation.

As pointed out by Dr. Pal Gresznaryk, chief of the consular department, Foreign Ministry, about 40 percent of Hungary's entire population traveled abroad last year—10 percent to the West and 90 percent to Warsaw Pact countries. According to our consular personnel, some 7,000 Hungarians visited the United States last year (a small percentage of whom did not return), and about 200 persons immigrated to the U.S. (primarily family reunification cases). Our Embassy has been successful in resolving "problem cases," and of the 14 cases (involving 25 persons) that our Government has presented to the Hungarian Government since 1974, only 3 cases (involving 6 persons) are still pending.

In a 2-hour meeting with various Hungarian officials on August 15, Dr. Gresznaryk presented a detailed, historical overview of Hungarian emigration during the 20th century. He described three major "waves of emigration" which resulted in a half million persons coming to the United States. The first wave occurred during the Great Depression and involved a total emigration of 1.5 million persons who resettled in numerous countries around the world. The second wave occurred during and subsequent to World War II and included those seeking to escape fascism, racism, and later communism. The final wave occurred during the 1956 Soviet invasion. According to Dr. Gresznaryk, they "were not political emigrants," and their departure was primarily motivated by the "unstable political situation"; while others were "curious as to conditions in the West." During this period some 200,000 persons emigrated, 30,000 of whom resettled in the United States. As a further indication of Hungary's liberal emigration policy, it was noted that an average 2,200 to 2,300 persons emigrate annually (92 percent to 93 percent involving family reunification cases). It was stated that the refusal rate is the same for those attempting to emigrate to the West and to other socialist countries. The following figures were provided by Dr. Gresznaryk:

Year (total emigration)[6]:	*Percent of approval*
1974 (1,435)	90.4
1975 (1,404)	91.5
1976 (1,552)	93.3

[6] The apparent discrepancy between the annual average and the emigration volume in recent years was not explained, but can possibly be attributed to the high volume during the emigration waves described by Dr. Gresznaryk.

The following reasons were advanced for refusing an application for a passport and exit visa:

(1) The applicant is seeking to visit or be reunited with a relative who is abroad "illegally";

(2) The applicant possesses military secrets;

(3) The applicant is a minor who could be better educated in Hungary; and

(4) Split parentage—one parent in Hungary and one parent in foreign country—and the child-applicant is closer to the parent in Hungary.

In discussions with private individuals, it became evident that the Ministry of Interior has adopted a rather inflexible policy with regard to applications submitted by persons who have, or who seek to rejoin or visit, a family member abroad who has defected or otherwise illegally departed from Hungary. This is perhaps the major exception to its comparatively compassionate treatment of family reunification cases and it constitutes a significant impediment to freedom of travel.

Czechoslovakia

While some improvements have been made in facilitating travel and resolving divided family cases since Helsinki, progress continues to be slow and the situation remains unsatisfactory.

From a positive standpoint, there has been an increase in travel to and from the United States, and in immigrant visa issuance to persons seeking to be reunited with their families in the United States. For example, in the 3 years prior to Helsinki an average of 50 immigrant visas were issued annually; whereas in the last 2 years this average has risen to between 65–70 such visas. In addition, 36 divided family cases were presented to the Czech Government by our Embassy in 1975 and one-half of these cases have been resolved, either by loss of interest on the part of the applicant or by successful emigration. An updated exit visa representation list was presented in June of this year, at the request of the Czech Government.

This list contained 45 cases—involving 85 to 90 individuals. These 45 cases are divided into 30 nuclear family cases and 15 nonnuclear family cases. Most of the cases involve relatives in the United States who have defected or departed from Czechoslovakia illegally. The vast majority left in 1968 or 1969—during or after the Soviet invasion—and have been trying ever since to be reunited with their relatives who remained in Czechoslovakia.

Deputy Foreign Minister Zdenek Trhlik advised the delegation that "we have complied with reasonable requests for family reunification" and that his Government has adhered to the spirit and letter of the Final Act. At the same time, it was clear that the Czech Government was concerned with the emigration of skilled workers, while few, if any, obstacles were placed in the path of elderly pensioners who desired to depart. At a subsequent meeting, Dr. Josef Houzvicka, Chief of the Consular Department, Foreign Ministry, reiterated the views expressed by Mr. Trhlik. In particular, he remarked that decisions on emigration applications are reached after "careful consideration of the humanitarian aspects" and that they are made in accordance with Czechoslovakia's constitution and laws and with international agreements on the subject, such as the Final Act.

It should be noted that Czech law regulating emigration and foreign travel is in itself extremely restrictive. Similar to the situation in Romania, the process of obtaining exit documents usually involves long delays and refusals are a frequent occurrence. One of the primary grounds for refusal, as in Hungary, is that the parents or other relatives of the applicant departed from Czechoslovakia "illegally". Other reasons, which in some cases are reported to the applicant, include: (1) emigration or foreign travel is "not in the interest of Czechoslovakia"; (2) pending criminal proceedings; and (3) prior activities abroad which have adversely affected the "reputation" of Czechoslovakia.

With regard to the "illegal departure" refusal, two positive developments have taken place. First of all, an administrative decree was issued in 1976 which permitted families to rejoin their relatives living abroad "illegally" without fulfilling any specific conditions. As a result, there was no requirement that there be a renunciation or loss of Czech citizenship by the relative in the foreign country in order to benefit from the decree. Instead, he was only required to apply at the respective Czech Embassy. Unfortunately, this decree had a cutoff date and it was limited to applications filed prior to December 31, 1976. The Czech officials indicated that 20 possible U.S. beneficiaries of this decree were directly notified by the Czech Government and approximately 15 parents applied for the emigration of their children under this decree. Some 14 children—defined as those under 18 or unmarried—were allowed to emigrate and be reunited with their parents in the United States within the last year. Our Embassy was not aware of the existence of this decree because it was never published. However, in response to the request of the delegation for a copy of the decree the Czech officials provided the following excerpt:

> In the matter of unifications of families: To expedite until the end of 1976 the applications of minor children for emigration from CSSR, under the condition that the petitioners will personally fulfill all necessary conditions at an Embassy of the CSSR.

More importantly, a new regulation—Resolution No. 58—was promulgated by the Czech Government on March 16, 1977 regarding those Czechoslovakian nationals who departed "illegally" from that country. Some estimate that the number of emigres affected by the decree,[7] a copy of which was provided to the delegation upon request, may reach 100,000. The decree sets up an elaborate structure for normalizing the legal relations of these emigres to Czech authorities. In particular, it provides for the issuance of travel documents and permanent residence permits, as well as for the withdrawal of, or release from, Czech citizenship for those who emigrated without the permission of Czech authorities.

The delegation was advised that this decree would greatly facilitate the emigration of additional Czech nationals for purposes of family reunification and would eliminate any barriers to previous emigrants who desire to return to or visit Czechoslovakia.

According to Czech officials, this decree will allow persons who have been residing in the United States—and other countries—without per-

---

[7] For the translated text of the decree, see app. II, p. 65.

mission for a period of 5 years or more to regularize their status by obtaining a permit for permanent residence abroad. Such a permit can only be issued after a personal interview at the Czech Embassy in Washington and the execution of numerous documents by the applicant. Once this is completed and the application approved, the delegation was informed that no difficulties would be encountered by Czech nationals who seek to visit "a person who has been granted permission to reside abroad permanently". (Section 2, article 5.)

The decree also provides for the "release from Czech citizenship" for a person who has or will acquire the citizenship of his county of residence. Once again, the applicant must personally appear at the Czech Embassy in his county of residence and execute various documents required by Czech law for emigration from that country. Section 3, article 8 of the decree also provides that:

> Czechoslovak citizens may be permitted to visit persons released from Czechoslovak citizenship provided they meet conditions imposed on travel to capitalist countries—but only five years after the start of the latter's unauthorized stay abroad."

No information was supplied as to the travel conditions referred to above and it was unclear why the decree's language was limited to "visiting" those whose legal status was normalized, when its avowed purpose was to reunite families. It was made quite clear, however—and the specific language of the decree supported the view—that no benefits would accrue to "illegal emigres" who have been or are "engaged in any sort of activity hostile to the state or harmful to the interests of the C.S.S.R."

It is still too soon to evaluate the impact of this new decree, but the delegation was assured by U.S. Embassy officials that its implementation will be carefully monitored. The members of the delegation expressed their hope that it will expedite the process of emigration and facilitate family reunification.

In fact, there was extensive discussion concerning its applicability to two cases raised by Congressman Hyde. The Czech officials assured Mr. Hyde that the cases involving his constituents—the Nemec and Raisler families—would be processed in a humanitarian fashion in conformance with this decree. According to these officials, all that was necessary to resolve these cases—involving children seeking to be reunited with their parents—was for one or both parents to personally visit the Czech Embassy, regularize their relations with Czech authorities in accordance with Government Resolution No. 58, and provide an affidavit of support that they will care for their children in the event they immigrate to the United States.[8] Mr. Hyde and the members of the delegation reiterated their deep interest in these cases and advised the Czech officials that they will follow closely the progress of the Nemec and Raisler cases.

It was uncertain whether this recent decree was in partial response to Helsinki and the Belgrade Review Conference. Regardless, the delegation is hopeful that favorable action will be taken in the aforementioned cases which can be viewed as test cases to determine whether the Czech Government is sincere in promoting the reunification of families.

---

[8] See app. III, p. 68, for copies of correspondence between Congressman Hyde and the U.S. Embassy in Prague and the Czechoslovak Government on these cases.

IV. Immigration, Refugee, and Consular Matters

The freedom of movement of people both within and without their country is perhaps the most fundamental of all human rights. In a 1975 trip to the Soviet Union, various members of the Subcommittee on Immigration, Citizenship, and International Law were advised by Dr. Andrei Sakharov, the well-known Soviet dissident, that the right to emigrate is the foundation for the exercise of all other basic human rights. In his view, by restricting that right a government is able to exert complete control over its citizenry. Dr. Sakharov added that if "the right to emigrate was observed in the Soviet Union, all aspects of Soviet life would be different".

The Judiciary Committee's concern for this particular area of human rights stems from its jurisdiction over the admission of persons who seek to visit or be permanently reunited with family members in this country and the admission of refugees who are fleeing from political, religious, or racial persecution. As a manifestation of this concern the Subcommittee on Immigration, Citizenship, and International Law has engaged in numerous oversight activities concerning the operation and administration of our immigration law in various countries around the world and its relation to the emigration laws and policies of those countries. These activities have included a thorough review of the efforts made by U.S. consular officers to discharge their statutory functions under the Immigration and Nationality Act—that is, non-immigrant and immigrant visa issuance—as well as their duties to provide special consular services to U.S. citizens abroad. Some of these services are: Helping Americans involved in serious accidents or emergencies; visiting detained Americans in jail and giving them advice and assistance; locating lost relatives, obtaining authorization for treatment and hospitalization of veterans abroad, distributing Treasury checks; and performing investigative and other services on behalf of the Social Security Administration.

While the Helsinki Final Act places primary emphasis on the removal of emigration barriers, basket III also addresses the responsibilities of the "receiving" State. In particular, it provides that the participating States intend "gradually to simplify and to administer flexibly the procedures for exit and entry; to ease regulations concerning movement of citizens from the other participating States in their territory * * *."

The United States has been constantly criticized by Warsaw Pact countries for its entry procedures—both for immigration and temporary travel. More specifically, since Helsinki the Soviet Union has attacked the U.S. policy of restricting the visits of Communist trade unionists as being inconsistent with the provisions in basket III calling for expanded human contacts.

99-628—77——4

The U.S. Commission on Security and Cooperation in Europe believes that some of these criticisms are justified and in its recent report to the Congress, it stated that our Government's policy of preventing the admission of Communist trade unionists who seek to meet with labor union groups in the United States is "discriminatory" and "can scarcely be reconciled with the overall thrust of the Helsinki accord." In addition, the Commission describes U.S. visa policies as being "cumbersome and controversial" and in its view they will "undermine otherwise sound U.S. protests against Communist restrictions on professional travel of Warsaw Pact subjects."

Since publication of the Commission report, Congress has approved legislation which specifically addresses this subject. In particular, Public Law 95–105 includes a provision that alters the procedures for issuing nonimmigrant visas to Communist Party members.

Under existing immigration law, a person is excludable from the United States if he is a member of a Communist party or some other proscribed organization—section 212(a)(28) of the Immigration and Nationality Act. A waiver of this particular ground of exclusion may be granted by the Attorney General—after a favorable recommendation by the Department of State—for a person seeking to enter the United States as a nonimmigrant—that is, visitor for business or pleasure. The effect of the recent legislation is to make a favorable State Department recommendation "automatic" unless the Secretary of State determines that the admission of a particular alien would be contrary to the security interests of the United States.

The Immigration Subcommittee has closely monitored the aforementioned issues for many years in the exercise of its oversight responsibilities. In fact visa facilitation and our experience with the Communist exclusion and waiver procedures have been discussed during legislative and oversight hearings on several occasions. The subcommittee has learned that in practice, waivers under section 212(a)(28) are granted in over 95 percent of all cases and under existing immigration law these cases are referred to, and reviewed by, the Congress. In order to illustrate the liberal policy which has been adopted, the waiver statistics over the last 10 years are as follows:

INS ACTION ON APPLICATIONS FOR WAIVER OF SEC. 212(A)(28) UNDER SEC. 212(D)(3)

Year	Total number of applications for waiver of Sec. 212(a)(28)	Number of waivers—	
		Granted	Denied
1976	14,720	14,691	29
1975	11,762	11,694	68
1974	10,158	10,115	43
1973	8,694	8,668	26
1972	6,770	6,754	16
1971	6,210	6,196	14
1970	6,193	6,189	4
1969	4,993	4,984	9
1968	4,184	4,176	8
1967	3,860	3,852	

In addition, the subcommittee has consistently supported efforts to facilitate foreign travel to the United States by simplifying visa issuance procedures.

However, two overriding facts must be borne in mind in discussing the aforementioned issues. First of all, in the words of the U.S. Helsinki

Commission, "Every nation, of course, has the right to bar entry to individuals whose presence could jeopardize its security". Second, the illegal alien problem in the United States has reached "crisis" proportions and no visa facilitation measures should be adopted, unless it can be demonstrated that they will not exacerbate that problem. In other words, while the subcommittee supports attempts to simplify immigration procedures and to expedite nonimmigrant visa issuance, decisions on these subjects should be reached, only after a thorough review by policymakers of their possible impact on the illegal alien problem.

This portion of the report will review the discussions that were held with U.S. and foreign officials regarding our consular activities, U.S. immigration law and our procedures and policies for dealing with refugees from Eastern Europe.

Yugoslavia

CONSULAR ACTIVITIES

The consular section of the U.S. Embassy in Belgrade is staffed by 4 officers, 10 local employees and one temporary summer employee. This section is charged with the responsibility of providing a full range of consular services, including immigrant and nonimmigrant visa issuance, protection and provision of Federal benefits. There are approximately 1,000 U.S. citizens registered with the U.S. Embassy in Yugoslavia and during fiscal year 1977, over 64,000 U.S. Treasury checks were issued in that country.

The dramatic increase in nonimmigrant visa issuance by our consular personnel in Belgrade is demonstrated by the fact that over 10,000 Yugoslavs visited the United States in 1976, which represents an increase of 220 percent since 1970, and a 500-percent increase since 1976. In virtually all cases, ineligibility for a nonimmigrant visa by reason of membership in the Communist Party under section (12)(a)(28)(C)(i), is waived by the Immigration and Naturalization Service. The time period involved in obtaining the necessary waiver varies from 1 to 3 working days.

The current refusal rate of nonimmigrant visa applications is about 31 percent of all applicants. The refusal rate has increased since 1974 due to the reduced possibility of migration to and employment in Western Europe. Many Yugoslavs who would have gone to Western Europe as economic immigrants are now seeking visas to enter the United States. Since immigrant visas require either a family relationship with U.S. citizens or permanent resident aliens or certifications by the Department of Labor, many Yugoslavs apply for nonimmigrant visas, with the intention of remaining permanently in the United States. This situation is indeed unique for a Communist country and is a further indication that there is almost complete freedom to travel in Yugoslavia.

Special consular services and protection and welfare represent a major portion of consular responsibilities and concerns in Belgrade. At the present time there are four American citizens incarcerated in Yugoslav prisons. Their sentences range from death (commuted to 20 years) for murder to 1 year for transporting narcotics. One prisoner

was charged with espionage and sentenced to 5 years and another was charged with fraud and also received a 5-year sentence.

During discussions with consular officials it was learned that difficulties and delays are encountered in obtaining timely access to imprisoned Americans. Furthermore, the Yugoslav authorities regard dual nationals as Yugoslav citizens, and, therefore, not eligible for American consular representation and assistance. The entire issue of lack of consular access to dual national prisoners has been an ongoing problem between our Government and the Yugoslavs for some years. Of particular concern is the requirement of the Yugoslav Government that permission for a visit must be requested 2 months in advance. This has prevented frequent and regular access to our consular officials and has greatly inconvenienced family members seeking to visit incarcerated Americans.

Yugoslav officials denied that these problems existed but when pressed by the delegation they indicated that every effort will be made to improve cooperation in this area. In this regard it must be noted that there is no consular convention between the United States and Yugoslavia despite some preliminary negotiations on the subject in the early 1970's. It is recommended that the Department of State intensify its efforts to negotiate a comprehensive convention with Yugoslavia, which addresses not only notification and access, but all aspects of our consular relations with that country.

Another persistent protection and welfare problem is the indiscrminate seizure of American passports by Yugoslav Government officials. The withholding of passports to prevent departure is a standard procedure in Yugoslavia. Usually the passport is returned to the bearer upon completion of whatever investigation was deemed necessary. The delegation raised this issue, pointing out that a U.S. passport is not the property of the U.S. citizen but is U.S. Government property, and should not be indiscriminately seized by a foreign government agency.

REFUGEES

As noted in the first section of this report, Yugoslavia unlike the other Eastern European countries visited, has imposed few travel instructions on its citizens and there is an open border with Italy. In fact, it has been reported that some Yugoslavs who are admitted to the United States as conditional entrants (refugees) travel freely between Yugoslavia and Italy while their applications are pending at the INS district office in Rome, Italy. This raises questions as to the "bona fides" of their refugee status and it is indeed possible that such persons are economic rather than qualified refugees under the Immigration and Nationality Act (section 203(a)(7)) or under the U.N. Convention and Protocol Relating to the Status of Refugees.

The U.N. definition covers only those persons who are persecuted because of "their race, religion, political opinion or membership of a particular social group." Nevertheless, in practice, a significant number of Yugoslav cases are approved and it is the belief of the delegation that these cases should be carefully reviewed in an effort to determine whether they are qualified refugees under U.S. or international law.

It is also interesting to note that Yugoslavia is the only Communist country that has signed the U.N. Convention and Protocol on Refugees. While no exact figures were provided Mr. Herljevic, the Federal Secretary for Internal Affairs, stated that all applicants for refugee or asylum status are treated the same and it makes no difference whether they are fleeing from a NATO or Warsaw Pact country.

Romania

IMMIGRANT VISA ISSUANCE

The majority of immigrant visas issued by our Embassy in Romania are to relatives of U.S. citizens and permanent resident aliens, and thus only a small number of cases involve labor certification (that is, third and sixth preference cases). Another significant feature of immigrant visa processing is the large number of waivers—of grounds of excludability—which was required. These involve not only Communist party membership but also mental retardation and convictions for crimes involving moral turpitude—primarily embezzlement of property or funds.

Due to a combination of complicated laws and bureaucratic procedures which have been established to implement the rules and regulations governing emigration—as described earlier in this report—the amount of consular officer time required to process the average immigrant visa case is far greater than most other consular posts. Each case—of which the post has approximately 875 active ones, involving an estimated 2,000 individuals—now averages a minimum of 7–8 officer interviews and 6–8 diplomatic interventions before being resolved, for a total of approximately 11 man-hours per case.

It was reported that the immigrant visas workload, which is contingent upon a number of factors, such as Romanian emigration policy and trade relations with the United States, will continue to increase in the future. The immigrant visa issuance figures for the last 5 years are as follows:

1973	499
1974	407
1975	849
1976	846
1977 (January to July)	530

NONIMMIGRANT VISA ISSUANCE

The issuance of nonimmigrant visas has also increased dramatically in the last 2 years. The largest percentage of these are official visitors, with approximately 30 percent representing personal travelers to the United States. The figures for the last 5 years are as follows:

1973	1,954
1974	2,745
1975	2,594
1976	3,518
1977 (January to July)	2,290

As can be expected waivers under section 212(d)(3)(A) of the Immigration and Nationality Act—Communist Party membership—are commonplace and no difficulties were reported in obtaining timely

waivers. It was indicated that every effort has been made by State Department and INS officials to expedite the waiver process.

THIRD COUNTRY PROCESSING (TCP PROGRAM)

The Third Country Processing program was instituted in late 1975 to take care of those persons who had received Romanian passports—with exit visas valid for the United States—but who did not qualify immediately for immigrant visas under the Immigration and Nationality Act of 1952. Under this program, the Embassy sends Romanians with "fireside relatives" in the United States to INS in Rome, for processing into the United States as conditional entrants—refugees.

The program was originally conceived of as one which would involve a limited number of persons—approximately 125–150—but to date the embassy has issued TCP documentation to more than 400 Romanians. Since January 1, 1977, for every three Romanians leaving the country on immigrant visas, a fourth Romanian will leave via the TCP program.

Reportedly, most TCP applicants spend several months in Rome, primarily due to the voluntary agency processing backlogs and to the difficulties in obtaining jobs and/or affidavits of support for them.

The TCP program has also been used for nonpreference visa applicants, whenever that particular visa category is unavailable. For example, at the current time, visas are not available under that category and as a result some approved nonpreference cases have applied to leave Romania via the TCP program. In the event nonpreference numbers do not become available in the immediate future, it is likely that additional persons will be forced to utilize the TCP process. Thus, instead of proceeding directly to the United States these approved visa applicants will, of necessity, experience additional processing delays in Rome. Ambassador Barnes was deeply concerned by this problem and he discussed it at length with Chairman Eilberg. In particular, Ambassador Barnes was troubled by the fact that several Romanians were in possession of exit passports and documentation with an imminent expiration date, but were unable to acquire nonpreference visas, due to their general unavailability. According to Ambassador Barnes if they could not extend the validity period of their exit documents or leave via the TCP program, they may be precluded from emigrating altogether. Chairman Eilberg shared the Ambassador's concern and upon his return to the United States addressed a letter to the Department of State on the subject. His letter and the Department's reply follow:

COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., August 22, 1977.

HON. CYRUS R. VANCE,
Secretary of State, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: During my recent trip to Romania, I had the opportunity of consulting at length with our Ambassador, the Honorable Harry Barnes, on several immigration-related problems.

One problem that I found particularly disturbing is the delay in visa issuance to those Romanians who are granted exit documentation by Romanian authorities. It is my understanding that this delay is directly attributable to the current allocation procedures for nonpreference visas.

As a result, there are presently some 75 cases—primarily family reunification cases—where exit visas have been granted but due to the aforementioned situation these individuals cannot immigrate to the United States in a timely fashion.

It is indeed ironical that the U.S. Government make every effort to encourage the Government of Romania to remove emigration barriers, but at the same time our current procedures and practices preclude us from accommodating those who have been permitted to leave that country.

In view of the serious nature of this problem and because of my deep concern for reuniting families and promoting freedom of movement, I would urge your immediate, personal review of this situation.

As I have noted, I have discussed this matter with Ambassador Barnes and as a result of those discussions, I believe that administrative and legislative actions are required in order to resolve the short-term problem (the pending cases) and the long-term problem of facilitating Romanian emigration to the United States.

With regard to the short-term problems, Ambassador Barnes and I agreed that our Government should provide special or priority consideration to Romanian emigration cases. In fact, I would request you to consider the feasibility of making a special allocation of nonpreference visas to those Romanians who have exit visas but who are not able to qualify under any of the relative or labor preference categories. It is, of course, assumed that these individuals would be "otherwise eligible" under the provisions of the Immigration and Nationality Act.

I am aware that such visas are issued on a "first-come, first-served" basis. However, I would request that an exception, if necessary, be made in these cases because of the unique interest of our country in Romanian emigration. In addition, administrative action of this nature (if determined to be consistent with the Immigration and Nationality Act) would eliminate a source of potential embarrassment to the United States at the upcoming CSCE Conference in Belgrade.

If such a procedure is not possible or legally permissible, I would urge you to explore a variety of alternative methods that would serve to facilitate the emigration of Romanians and to expedite their admission to the United States.

Concerning the general, long-term problem, I wish to express my strong support for developing and or considering any legislative proposal that would expedite the immigration of Romanians to the United States, particularly when we consider that Romanian emigration is directly related to our trade relations with that country. In this regard, I understand that the Administration is currently considering a legislative proposal to accomplish this goal; and I can assure you of my deep interest in promptly processing such a proposal, in the event of its submission to the Congress.

Finally, please feel free to consult with my Subcommittee staff in developing any appropriate administrative or legislative approaches to this serious problem.

Sincerely,

JOSHUA EILBERG,
Chairman.

DEPARTMENT OF STATE,
Washington, D.C., September 20, 1977.

Hon. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship and International Law,
House of Representatives.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of August 22 concerning your meeting with Ambassador Barnes in Bucharest and your discussion with him of the process of documenting for entry into the United States those Romanians granted exit permits by the Romanian Government.

The Department shares your concern, and that of the Ambassador, over the anomalous situation which arises when the United States finds itself unable to document for entry into the United States Romanian citizens who have been granted permission to depart their country as a result of representations made by our government to the Romanian Government. As Ambassador Barnes has no doubt explained to you, we are considering ways to resolve this situation, both administrative and legislative.

We recently asked the Embassy at Bucharest to submit a report providing details on the program now in existence for processing emigrants from Romania

who have no relatives in the United States through whom they can derive a preference status and on the problems or delays which it has encountered in its administration of the program. A typed copy of an excerpt from the Embassy's report of August 29, 1977 is enclosed for your information. While it is apparent that persons who have obtained an exit permit from the Romanian Government are ultimately accommodated in one way or another, it is also obvious that there are some substantial delays for the nonpreference aliens.

You have suggested that consideration might be given to a special allocation of nonpreference numbers to Romanians who have exit permits but no relatives in the United States to file a preference petition for them. We do not believe that the language of section 203(a)(1) through (7) providing for a total allocation of the 170,000 hemisphere numbers (if there is a consuming demand for them by preference status aliens and conditional entrants), permits the Department to reserve or set aside numbers for nonpreference immigrants. Moreover, when nonpreference numbers are available we believe the very explicit language of section 203(a)(8) legally precludes the Department from allocating them to qualified nonpreference applicants other than in the "chronological order in which they qualify."

Nevertheless, as I have said, we share the concerns you have expressed and we are examining a number of administrative and legislative ways of dealing with the situation. I will keep you informed of the outcome of these efforts.

Sincerely,

DOUGLAS J. BENNET, Jr.,
Assistant Secretary for Congressional Relations.

Enclosure.

EXCERPT FROM REPORT OF EMBASSY BUCHAREST ON TCP PROCESSING

1. * * * In general, persons processed under the TCP program have Romanian exit visas of sufficient validity to leave the country before visa expiration. In cases where we anticipate a time problem, we request that the individual ask for an exit visa extension. GOR officials are almost always cooperative in this respect and extensions of 2–3 months are granted after a couple of days. We generally try to avoid the option of exit visa extension, however, since this merely exacerbates the situation of a person who must remain in Romania without house or job.

2. Third country processing (TCP) through INS Rome is handled as follows from Bucharest:

A. An individual visits the Embassy in possession of a GOR passport with exit visa for U.S. If we determine that neither IR nor preference nor nonpreference status is possible, then TCP remains only viable alternative in most cases.

B. If the individual does not have an immediate relative who can file visa petition, we must have affidavit of support from some relative—even including uncle, aunt, cousin, etc.—in U.S. There is no requirement for specifying whether this relative is a citizen, alien resident, or a conditional entrant. At an early point in TCP program, we had accepted affidavits from U.S. friends, but this approach was dropped after review in Washington.

C. Telegraphic TCP request is made to INS Rome and Department, the latter performing name check as is customary in all immigrant cases. If neither ineligibilities are uncovered in interview—the most common being section 212(a)(28) ineligibility for RCP membership—the telegram to Rome will incorporate a security advisory opinion. INS has requested that we allow 15 working days for TCP approval to be granted. Once approval is received from Rome and Washington and once other usual requirements are met, we issue a special U.S. "emigrant visa." On the basis of this visa, the Italian Embassy in Bucharest will start the process for an Italian entry visa, which normally takes 2–3 weeks. Prior to leaving Romania, arrangements are made for the individual's reception in Rome by a VOLAG representative.

3. For the past three months, the above procedure has been increasingly utilized for those persons previously eligible for U.S. immigrant visas under the nonpreference category. With the current absence of visa numbers under this category and the prospect of a growing number of people who ordinarily come under this rubric receiving exit documents for the U.S., we have offered the option of waiting in Romania until the nonpreference category reopens or of TCP processing. Without house or job, however, waiting is often a major hardship, and many persons are concerned lest the GOR change its mind and cancel

their passports. The TCP program offers the advantage of leaving Romania in a reasonably short period of time. Nevertheless, given the fact that a sizable percentage of nonpreference registrants are old people and minor children, traveling to Rome and waiting an indeterminate length of time can itself be a hardship. We have already requested INS Washington to grant parole to three small children and one very elderly person who are nonpreference registrants and thus currently eligible for the TCP program.

4. With regard to the question of traveling to Vienna, we cannot of course give visas to persons who do not have relatives in the U.S., even if these persons come to the Embassy with GOR exit documents in hand with exist visas to the U.S. Still, they are forced to burn all their bridges behind them but at the same time have no place to go. For such people, we do issue a letter (in Romanian) which states that the bearers wish to travel to Vienna where they have been informed that they can apply at the U.S. Embassy for immigration to the U.S. under section 203(a)(7) of the INA, in effect, under the same refugee provisions as those who are processed in Rome. It appears that the Romanian border authorities either honor the letter or are indifferent to it, but in any event such people seem to be allowed to travel to Austria. (Romanians are allowed to transit Hungary without a visa; and Romanians with regular GOR passports can enter Austria without a visa. Technically, Romanians bearing stateless brown passports must have Austrian visas, but we know of many cases where they were admitted without them.) In several cases involving large size families without relatives in the U.S., the Foreign Ministry complained to U.S. that we had not issued visas even though they alleged (but never approved) that passports had been issued as the result of interventions by members of Congress. In these cases we told MFA that we were giving the families concerned the letter described above, and the families were able to leave, after several tries. This procedure, however, is so jerrybuilt by its very nature that it cannot be relied upon.

5. * * *

The delegation is hopeful that administrative solutions to this problem and pursued diligently by the Departments of State and Justice and by the voluntary agencies. It should be noted that Romanian officials from both the Ministries of Foreign Affairs and Interior referred to this problem, in a general manner, by citing the delays experienced by Romanians in immigrating to the United States. In view of Belgrade Conference and the pressures which have been brought to bear on the Government of Romania to liberalize its emigration policy—that is linkage to MFN—this is a matter which should be addressed with some urgency by the U.S. Government.[9]

PROTECTION AND WELFARE

Protection and welfare of U.S. citizens focuses primarily (1) on dual nationals, (2) on claims concerning property nationalized by the Romanian Government and (3) exit difficulties for Romanian-born persons who later become naturalized U.S. citizens without ever having formally renounced their Romanian citizenship. The Romanian government regards the latter category—involving some 350–500 persons—as still being Romanian citizens and several such persons have been subject to delays and bureaucratic difficulties in trying to leave Romania. Substantial progress has been made in recent months in eliminating these problems and Embassy officials report that all cases have been eventually resolved.

The Embassy is committed to negotiating an annex to the 1972 Consular Convention to govern the status of dual nationals which may further assist those dual nationals who wish to resettle in the United

---

[9] Legislation on this subject was submitted to the Congress by the Administration and introduced as H.R. 10181 on Nov. 30, 1977.

States to obtain Romanian exit documentation. Up to the present, such persons have had considerable difficulty in getting Romanian passports as the Romanian Government refuses to acknowledge the concept of dual nationality and many of these people have no relatives, dual nationals are able to emigrate.

No problems have been encountered by our consular officials in gaining access to incarcerated U.S. citizens. In fact, in most cases they are fined rather than imprisoned.

Hungary

CONSULAR ACTIVITIES

The consular section in Budapest consists of two officers and eight local employees who provides a full range of consular services, including: the issuance of visas to Hungarians wishing to visit or immigrate to the United States, passport and citizenship services for U.S. citizens resident in or visiting Hungary, Federal benefits services for U.S. pensioners resident here, notarial services, and protection and welfare services for Americans who may encounter legal and other difficulties in Hungary.

During calendar 1976, consular officers issued 8,000 nonimmigrant visas to Hungarians. These visas included: 7,035 for purposes of tourist/family visit travel, 501 for business visitors, 163 for exchange visitors, 76 for Hungarian Government officials going to the United States on bilateral affairs, 60 for Hungarian Government officials going to the U.N. During the same period 127 immigrant visas were issued; all but two or three of which were for purposes of family reunification. The consular section also issues about 100 U.S. passports annually, ministers to the needs of some 360 U.S. Federal agency beneficiaries in Hungary (primarily social security recipients).

In July, 1972, the United States and Hungary signed a consular convention, effective July, 1973, which formalized improvement of bilateral relations, particularly with respect to notification and access to arrested nationals in the other countries. Hungarian compliance with this convention has been good and according to Embassy officials, they appear to have gone beyond the strict requirements, by notifying our Embassy of U.S. citizens in distress in Hungary for reasons other than arrests. On the other hand, Hungarian officials complained that they have experienced some delay in receiving infor-
United States.

REFUGEES

The head of the Foreign Ministry's Consular Department, Dr. Pal Gresznaryk, criticized the U.S. policy of granting asylum or refugee status to Hungarians. Specifically he denied that any reprisals would be taken against any person who applied for and was refused asylum, if such person was returned to Hungary. With regard to those Hungarians who enter the United States as nonimmigrants and then seek asylum, he made the revealing statement that "if he were a true refugee, he would not be able to get a passport." He also assured the delegation that such persons would not be prosecuted under Hungarian law (although applicable) and he cited the fact that the relevant provisions have not been enforced for over 10 years.

U.S. IMMIGRATION PROCEDURES

Dr. Gresznaryk expressed the interest of his government in facilitating U.S. travel to Hungary and he discussed a variety of proposals that had been made to expedite travel between the United States and Hungary. He was particularly critical of the complex procedures involved in obtaining a U.S. visa. In his words, the visa application form contains a number of "ridiculous questions", particularly those relating to membership in certain organizations (that is, Communist party) and the requirement to list all addresses since the age of 16. He complained that the listing of addresses was an onerous and unnecessary requirement and he cited one case of a person who had changed his address 16 times since World War II.

Hungarian officials have consistently attacked the ground of exclusion for Communist Party membership as being "discriminatory" and "incompatible with the Final Act." In addition, certain U.S. Embassy officials maintained that the waiver procedures were inefficient and extremely costly in terms of processing man-hours, especially when you consider that "99.5 percent of all waivers are granted".

Czechoslovakia

VISA ISSUANCE

Since the Final Act, there has been an increase in the number of immigrant and nonimmigrant visas issued by U.S. consular officers in Prague. As noted earlier, there was a slight increase in immigrant visa issuance during the last fiscal year; and in view of Government Decree No. 58 this increase was expected to continue in the months ahead. Non-immigrant visa issuance has experienced a similar increase (from 4,000 to 5,000 per year) since the Final Act. These include both official visitors and personal travelers. This latter category usually entails an invitation from a close relative in the United States who has legally emigrated and the subsequent permission of the Czech Government.

CONSULAR AFFAIRS

In 1973, the United States was successful in negotiating and signing a Consular Convention with Czechoslovakia. Unfortunately, because of the "claims/gold" problem (a subject which will be discussed later in this report) Czechoslovakia has yet to take final action on exchanging letters of ratification on this convention. The "claims/gold" issue has also prevented the reciprocal opening of consulates—a U.S. Consulate General in Bratislava and a Czechoslovak Consulate General in Chicago.

Unlike other Eastern European countries, there is no dual nationality problem with regard to Czechoslovakia. The reason is that the Czech Government adheres to a 1928 treaty under which a naturalized U.S. citizen automatically loses his Czech citizenship. Equally important, the Czech Government has complied with the negotiated 1973 Consular Convention even though it has not entered into effect. The delegation was further advised that no U.S. citizen had been imprisoned during the past 3 years and when detentions have occurred (which is rare) they have been of brief duration.

The main difficulties encountered by Americans in this country were loss of visas and delays in obtaining and extending visas (travelers cannot depart from Czechoslovakia unless they are in possession of such visas). Other problems which developed recently were the confiscation of film from American tourists and the mental health condition of certain such tourists.

England

CONSULAR AFFAIRS

The consular section of the Embassy is broken into three branches: immigrant; nonimmigrant; and consular services, which includes passport and citizenship matters, Federal benefits, protection, welfare and whereabouts, notarials, and various miscellaneous matters such as extradition. The consular section's overall authorized staff is 73 local employees plus one part-time local employee and 27 Americans—25 officers and 2 secretaries. The major long-term problems confronting the consular section are personnel and space requirements.

The consular services branch consists of 7 officers and 25 local employees. During fiscal year 1978 it is estimated that this branch will handle appoximately 45,000 passport and citizenship matters which includes such diverse items as issuing passports, registering citizens, extending passports, et cetera. It will also be involved in approximately 60,000 special consular service cases in such matters as deaths of U.S. citizens, estate and property claims, notarials, welfare and whereabouts arrests, seamen and shipping, Federal benefits. Problems in this branch generally center around the lack of sufficient space in the waiting room to hold the number of people that come in during the peak seasons. At the time of the delegation's visit there were approximately 50 U.S. citizen prisoners in about 100 prisons spread throughout London's Consular District. Most of the prisoners are located in prisons outside of London requiring at least 2 days for each prison visited. Embassy officials advised that this made it very difficult to visit each prisoner on a monthly basis. No problems were reported with regard to access to American prisoners and in almost every instance the embassy is informed by the authorities immediately of the arrest of a U.S. citizen. On those occasions when the embassy was not informed by the authorities promptly it was only because of an oversight by a low ranking official.

The immigrant visa branch consists of 3 officers and 27 locals. The locals, in addition to direct involvement in the issuance of immigrant visas, are assigned to correspondence, information, files and numerical control and statistical duties. During fiscal year 1978 it is estimated that this branch will process approximately 11,500 immigrant visa applications. Some workload problems have resulted due to the inability of INS to process immediate and relative petitions in the United States in a timely fashion. As a result, the Embassy is processing approximately 150–200 petitions monthly that would have normally been handled by INS. In addition the Embassy is handling an increasing number of cases of lost alien registration cards, extending U.S. reentry documents, and waiver cases. It was

indicated that these workload problems may be aggravated as Caribbean-born applicants become aware of the entitlement, to preference status under the recent amendment to the INA (Public Law 94–571). It was apparent that the Embassy does only a cursory investigation of preference petitions involving labor certification by letter inquiries and in general, such screening involves letter inquiries or requests to U.S. Embassies in the Caribbean to check out alleged previous employment. In view of the high rate of fraudulent claims from natives of this area and the significant "push" factors to immigrate to the United States, the delegation recommends detailed review of all sixth preference and nonpreference applicants and consideration by INS of the need to assign an INS officer to London.

In the Nonimmigrant Visa Branch there are 13 officers and 19 local employees. During fiscal year 1978 it is estimated that the Embassy will process approximately 400,000 nonimmigrant visas. A conservative estimate indicates an annual rise of at least 5–10 percent. Problems have generally centered around the need for additional space, particularly during the peak periods of May through August and other peak periods during the course of the year. Although applicants can apply for visas by mail, through tourist agencies, the number of applicants coming to the Embassy seems to be rising. In addition, there is a large number of third country nationals applying in London for nonimmigrant visas, consisting primarily of recent arrivals to England. The refusal rate among this group is higher than those applicants who reside in the United Kingdom and this has led to some charges of discrimination. Since much of the NIV work is still being done manually by the local staff, the Embassy has explored with business firms dealing in office machinery means to mechanize. They have met with only limited success. Another recurring problem is the high turnover of young local staff. While recruiting is a constant problem, the situation has been exacerbated by the present "freeze" imposed upon all Government agencies which has prevented the Embassy from filling 7 authorized positions in the consular section.

According to Embassy officials no problems are encountered in obtaining waivers of excludability under section 212(a)(28) of the INA. Reportedly the Embassy enjoys excellent relations with INS Frankfurt and once the ineligible applicant completes the necessary forms and local administrative processing is completed the waiver is granted by telephone. This is accomplished well within 5 work days or less.

REFUGEE AND ALIEN PROBLEMS

On Friday, August 19, the delegation met with various officials from the British Home and Foreign Offices to discuss immigration and refugee problems. The officials were Donald Murray, Assistant Undersecretary of State; Murray Simons, Director, Southeast Asian Department; P. L. Taylor, Immigration and Naturalization Department; J. H. Malet, Migration and Visa Department, and Mr. Elden, U.N. Department.

This meeting occurred just 1 week after the United States had authorized the admission—parole under section 212(d)(5) of INA—of an additional 15,000 refugees from Indochina. Concurrent with the

announcement of this new parole program, the Secretary of State solicited the cooperation of the international community, including the United Kingdom, in providing: (1) resettlement opportunities for Indochina refugees; and (2) financial assistance for their care and maintenance in asylum countries—that is, Thailand.

Congressman Eilberg and other members of the Judiciary Committee have expressed their continuing concern that the Indochina refugee problem has not been "internationalized" to any significant degree. In fact, in a letter to President Carter. Mr. Eilberg proposed the convening of an International Conference in order to focus worldwide attention on this problem.

Therefore, the delegation was anxious to determine the nature and extent of the United Kingdom's response to the tragic refugee situation in Indochina and to ascertain their position on the international conference proposal. In response to the delegation's inquiries on these issues, Mr. Murray described the United Kingdom's experience not only with Indochina refugees, but also with refugees from other parts of the world. He explained that the United Kingdom encompasses a small geographic area and he referred to their acceptance of some 80,000 East Asians who were expelled from Uganda by Amin in 1971 and 1972. According to Mr. Murray, the United Kingdom's situation is unique and its immigrant and refugee problems are a "heritage of our empire."

He added that the United Kingdom experience a net immigration of 60,000 persons—mostly from the Eastern Hemisphere—during 1976 and as a result their proportional acceptance of immigrants—when related to total population—is greater than the United States. These facts were all offered as a justification for the United Kingdom's minimal response to the Indochina refugee situation. For example, estimates as to the number of such refugees resettled in the United Kingdom range from 430 to 650, compared with the following figures from other countries at thetime of the delegation's visit.

United States	146,000
France	36,000
Canada	7,000
Australia	3,000
Malaysia	1,400
West Germany	1,000
Belgium	900

In addition, the United Kingdom has provided only $304,000 in financial contributions to the United Nations High Commissioner for Refugees (UNHCR) to assist in the care and maintenance of Indochina refugees who are in various asylum countries in Southeast Asia. Moreover, the officials indicated that they were not anxious to support Mr. Eilberg's proposal for an International Conference on the Indochina refugee problem because of their general reluctance to establish an additional international entity on this subject. They preferred instead to work through established institutions, such as the UNHCR, before attempting to utilize any other channel.

The procedures utilized in processing refugees—described as those who qualify under the U.N. Convention on the Status of Refugees—were discussed in detail. It was evident that an extensive, case-by-case review is conducted of all refugee and asylum applicants. As in the

United States, jurisdiction over refugee policy and procedures is vested in the Home Office—Department of Justice in United States. It was clear however that there is substantial coordination between the Home Office, the Foreign Office and the Chancellor of the Exchequer in formulating refugee policy in general, or in responding to individual refugee situations around the world.

The delegation is hopeful that the United Kingdom will develop a generous and humanitarian approach to the serious plight of the "boat case" refugees. In addition, it is recommended that the State Department renew its approaches to all countries in the international community, in an effort to increase the resettlement opportunities for, and funds for the care and maintenance of, these refugees.

A subsequent meeting with the UNHCR representative in London, Mr. Jean Heidler, and officials from various organizations and private voluntary agencies centered on the problems confronting "boat refugees" and those residing in "tent camps" in Thailand. The delegation reviewed the unsuccessful efforts of the UNHCR to obtain international cooperation and discussed the feasibility of utilizing the concept of "linkage" to coerce a better response from the international community.

Concerning the issue of immigration, it was noted that the English experience with illegal aliens is similar in many respects to that of the United States. Three separate categories of illegal aliens were described.

1. *Entry without inspection.*—Very few actually enter England in this manner and only a few hundred are apprehended each year. No estimates were available on the total number in England who have entered without inspection.

2. *Gross deceivers.*—Those who entered with forged passports, forged documents or under false pretenses.

3. *Overstayers.*—Approximately 10 to 11 million persons are admitted as nonimmigrants to England each year and accurate estimates were not available as to the number who do not depart under the terms of their nonimmigrant visa.

There is no internal control system similar to those utilized by other Western European countries—that is, registration with police, hotels, et cetera. However, those who are apprehended in this category have generally been in England for a period of 3 to 5 years. The same "push" factors are responsible for the illegal alien problem there as in the United States—that is natives of Egypt, Cyprus, et cetera, who are seeking to improve their economic situation by obtaining employment in England.

V. Human Rights and Contacts—Religious Freedom

Yugoslavia

As indicated in Chapter III of this report, Yugoslavia's performance on the human rights principles enunciated in basket III of the Helsinki accords has been good. However, their implementation of the basket I principles continues to be unsatisfactory, particularly as it relates to the exercise of one's religious and cultural freedoms. While there is almost total freedom of travel and no significant problem in emigrating—as evidenced by the fact that there are no divided family cases—there are certain limitations on practicing one's religion or pursuing one's profession. In some cases, the restrictions are the result of official, governmental action; while in others they are self-imposed due to the pragmatics of residing in a communistic society.

Despite the fact that the Yugoslav Constitution guarantees religious freedom, it appears that some impediments to career advancement are placed in the path of those who actively and openly practice their religion. In effect, the Government would prefer that religion be a private matter, totally divorced from political expression or social activity. Since organized religion is perceived as an enemy of the socialistic system and the "self-management concept," the Goverment does not condone practicing one's religion or professing one's religious beliefs in a public manner. On the other hand, there is an active religious press in Yugoslavia, particularly when compared with some of the other Eastern European countries, and prior censorship is nonexistent. In addition, religious instruction is available, but there are neither Catholic clinics and hospitals nor parochial schools to serve the 7 million Catholics in that country.

Similarly, there are some express and implied limitations on the exercise of certain economic and cultural freedoms, which in the language of principle VII, "derive from the inherent dignity of the human person and are essential for his free and full development." As in the case of the religious press, there is no prior censorship over the content of movies, television broadcasts, or theatrical productions. Instead, there is "censorship after the fact," which is used only infrequently by the Government to suppress or sequester a publication or work which is deemed to be "political" in nature. The other forms of artistic expression, such as music and painting and to a lesser extent literature, are almost free from governmental control.

Romania

In order to assess Romania's compliance with principle VII's guarantee of respect for the "freedom * * * to profess and practice, alone or in community with others, religion or belief in accordance with the

dictates of his own conscience," and the nature of Jewish life in Romania, Congressman Eilberg met at length with the Chief Rabbi of Romania, Moses Rosen, and other Jewish leaders.

There are some 14 religious denominations in Romania with official status, the largest of which are: Romanian Orthodox, Catholicism, Judaism, Unitarian, and Lutheran. According to U.S. officials, there is "full religious freedom within the church itself." However, like Yugoslavia, there are constraints on the public expression of one's religion.

Rabbi Rosen estimated that the current Jewish population ranged somewhere between 40,000 and 45,000, which greatly exceeds the official estimate of 25,000 to 30,000. Of that total number, Rabbi Rosen indicated that one-half resided in Bucharest and the other half were dispersed throughout the country. Of those in Bucharest, only one-half were officially registered.

Prior to World War II there were approximately 800,000 Jews in Romania; some 350,000 emigrated after the war, and approximately 50 percent were killed during the war. Rabbi Rosen indicated that the remainder are elderly, retired, or candidates to retire and that most are not desirous of emigrating. He noted that although the Jewish population is continuously decreasing, it "is not dying."

There are currently 3 rabbis to serve the aforementioned population, whereas in 1948 there were some 600 rabbis. There are 12 kosher slaughterers to serve 68 Jewish communities, and permission was granted in 1965 to bring rabbis and slaughterers from abroad. There are 130 functioning synagogues, 61 on a daily basis, 30 during Saturday, the rest operating during the Jewish high holydays. In Bucharest, 12 synagogues function on a daily basis. Since 1956, the Jewish community in Romania has identified and established relations with world Jewry, and Rabbi Rosen stated that the Romanian Government has financed his trips to the United States to discuss the issue of Romanian Jewry with representatives of American and world Jewry.

Rabbi Rosen referred to the "miracle of Jewish existence in Romania," and he described Jewish life as being organized and active. He added that, "We are the only community in Eastern Europe that provides religious education" and Hebrew classes are provided by "our own teachers."

There is one bimonthly newspaper printed in Hebrew (the only Hebrew paper in all of Europe according to Rabbi Rosen) entitled "Review of the Jewish Religion" with a circulation of 10,000 including some 6,000 on a subscription basis. Six thousand "pocket" Jewish calendars are printed each year, and there have been two editions of a book on Judaism which he has authored. He indicated that he has received the cooperation of the Government in having this material published.

In short, Rabbi Rosen indicated that he operates totally independently of the Government, and he described his position as an "apparent paradox" in a Communist state. He described his relationship with the Government as one of "mutual confidence" and one of "give-and-take." He noted that the Government's attitude is that "time is against the Jewish community" in Romania and that religion, particularly Judaism, will die a natural death.

Romania's record on religious freedom has been attacked most recently by a group of Baptists, who have issued a public appeal to the signatories of the Helsinki accords with regard to human rights

violations in Romania. Some members of the delegation met with one of these individuals in the U.S. consulate in Bucharest. He claimed that Baptists are denied access to institutions of higher education and that there is substantial discrimination in the following academic disciplines: history, science, and economics. He maintained that there was extreme religious repression against Baptists in Romania and that the Government systematically violated the guarantees provided by the Romanian Constitution. The delegation was unable, during its brief visit to Romania, to assess the validity of these allegations, and it is aware that other observers have presented a conflicting view on this subject.

Hungary

EDUCATIONAL AND CULTURAL EXCHANGE

In order to review the subject of bilateral cultural relations, the delegation met at length with Rudolf Ronai, chairman of the Hungarian Cultural Affairs Institute (Institute of Cultural Relations). The delegation was particularly interested in exploring the impact, if any, of the Final Act on our educational and cultural relations with Hungary and the status of the Cultural and Scientific Exchange Agreement [10] that was reached with Hungary in April 1977.

Basket III of the Final Act encourages the signatory countries to expand human contacts and to increase cooperation and exchange in the fields of culture and education. More specifically, the Final Act calls upon the various countries to "develop the mutual exchange of information with a view to a better knowledge of respective cultural achievements, * * * promote access by all to respective cultural achievements, * * * (and) develop contacts and cooperation among persons active in the field of culture."

The successful negotiation of a formal exchange agreement with Hungary in April of this year exemplifies the progress that has been made with the Warsaw Pact countries in this particular area of human rights, since Helsinki.

The principal elements of our education and cultural exchange program with Hungary are: individual and special thematic leader grants, programing of lecturers, and performances of individuals and artistic groups. Unfortunately, the implementation of the 1977 agreement has been hindered by the traditional philosophical differences which exist between the United States and Eastern European countries regarding exchange programs; that is, Eastern preoccupation with science and numerical reciprocity versus Western emphasis on education, culture, and humanities. In addition to these continuing differences, there are other operational constraints which have prevented the successful implementation of our exchange program. These include: (1) The requirement to channel all cultural contacts through the Institute of Cultural Relations has restricted U.S. access to Hungarian institutions, and (2) the grantee selection is made by the Institute, with only a veto permitted the Embassy.

Ambassador Ronai and U.S. officials were optimistic that these outstanding problems could be resolved in a reasonable and expeditious

---

[10] For the text of the Exchange Agreement, see app. V, p. 72.

fashion. "We have worked together in the spirit of Helsinki," Ambassador Ronai observed, and there has been "significant cooperation" in many areas. He cited their efforts to make U.S. publications, films, TV shows, and dramatic productions available to Hungarian citizens, and he complained that U.S. reciprocity in these matters is limited.

At the request of the delegation, the following information was submitted regarding American films purchased and shown recently in Hungary.

In 1976 the following American films were released:

Title of film:	*Number of Spectators*
Taking Off	430, 656
Blume in Love	320, 900
One Is a Lonely Number	177, 129
Journey Back to Oz	342, 453
Juggernaut	697, 110
Inside Job	413, 903
Soldier Blue	738, 691
Executive Action	425, 162
Mr. Majestyk	854, 447
Miracles Still Happen	421, 249
Bank Shot	399, 834
Last Detail	311, 247
Conrack	113, 870
Let the Good Times Roll	235, 802

The following American films were bought in 1976 for showing:

The Adventures of Sherlock Holmes' Smarter Brother;
Alice in Wonderland;
Birds of Prey;
Best of Walt Disney's True Life Adventures;
Drowning Pool;
Entertainer;
Griffin and Phoenix;
Hollywood, Hollywood/Best Entertainment Part II;
The Jungle Book;
Kansas City Massacre;
Lucky Lady;
The Lady and the Tramp;
The Love Bug;
Murder by Death;
One Flew Over the Cuckoo's Nest [already released and on in several major cinemas of Budapest];
Paws, Claws and Jaws;
Stance;
The Sword and the Stone; and
The Dog Who Saved Hollywood.

Purchase of the following American films is in progress:

Rocky;
Rufferty and the Gold Dust Twins;
Silver Street;
The Song Remains the Same;
The Scarlet Buccaneer;
Ste Space Odyssey;
Three Women;
Buffalo Bill and the Indians;
Birds Do It, Bees Do It;
Bound for Glory;
The Domino Principle;
Family Plot;
The Front; and
Cry for Me, Billy.

According to Ambassador Ronai, in 1976 American films were viewed by 12.5 million spectators out of a total movie attendance in that year of 73.5 million. He then called upon the delegation to raise the interest of Americans in Hungarian culture, because it is a high-level, government-to-government obligation under the Final Act.

RELIGIOUS FREEDOM

Members of the delegation explored the question of religious freedom with government officials and religious leaders in Budapest.

Dr. Pal Gresznaryk advised the delegation that total religious freedom is guaranteed under the Hungarian Constitution and that in practice such freedom does exist. Exemptions from military service are provided for those engaged in religious study although some are required to serve in nonmilitary capacities. He stated that one can practice his religion freely in Hungary, and the church can operate as long as there are no violations of Hungarian laws, rules, or regulations. He acknowledged that the relationship between the government and the Catholic Church has been problematic but that such relationship is now completely normal.

Dr. Gresznaryk referred to the fact that Communist Party Chief Janos Kadar was the first Communist leader to be received by the Pope in Rome. They noted that fewer problems were experienced with Protestants and Jews than with Catholics during the period of communization.

In response to a question from Congressman Russo concerning freedom of religious and political expression, Dr. Gresznaryk stated that their citizens can freely comment on religious and political matters and they do. Congressman Hyde then observed that Marx and other Communist theorists had erred in identifying religion as being innately hostile to the advancement of their economic system. Dr. Gresznaryk stated that there is no hostility between the State and the Church and that the Marxist-Lenin ideology as followed by Hungary only relates to improvement of their economic system and the removal of economical conflicts and that religion is not an impediment to the achievement of these goals. Mr. Hyde responded that if Americans could be convinced that Hungarians were not disadvantaged because of their religious beliefs and affiliations, it would go a long way toward improving relations between our countries.

In order to review the Hungarian Jewry issue, Congressman Eilberg and staff met with various representatives of the Budapest Jewish community and representatives of the Central Board of Hungarian Jews on August 13. This group consisted of the following members: Imre Heber, president of the Budapest Jewish Community; Mrs. Gez Seifert, secretary general; Lajos Fabri, deputy secretary general; Dr. Harsanyi, vice president; Dr. Kulcsar, vice president; and Dr. Sandor Scheiber, director of the National Rabbi Training Institute.

During this meeting there was extensive discussion of a wide range of topics concerning Jewish life in Hungary and particularly in Budapest.

As background, some 600,000 Jews were killed during the Nazi Holocaust and the current Jewish population in Hungary is approximately 100,000 with 80 percent residing in Budapest. Their reason for

this disparate situation was that most of those outside Budapest were deported during World War II. The National or Central Board of Hungarian Jews constitutes the governing council and represents the Jewish community on all matters. The country itself is divided into six congregations; whereas in Budapest the Jewish community is divided into 17 districts under the supervision of a 30-member executive board and a council of 118 delegates. There are 105 synagogues in Hungary with 30 in Budapest alone, the largest of which can accommodate 300,000 persons. According to those present, there is a flourishing Jewish life in Hungary and there is no discrimination of any sort against Jews.

According to the group, Hungary's Jewish community is free to maintain its religious practice, its cultural attachment to tradition and values of Jewish history, and an ability to train rabbis to serve future generations. Mrs. Seifert noted that 15 future rabbis are now enrolled in the Budapest Jewish Seminary, some of whom are from other Eastern European countries including the U.S.S.R. and Czechoslovakia. She added that there are now 28 functioning rabbis in Hungary, serving at least 30 active synagogues or prayer houses in Budapest alone. There is also a Jewish museum and a Library containing some 100,000 works. There are only Orthodox and Conservative sects, but no Reform, Sephardic or Hassidic Jews. There is a biweekly Jewish newspaper entitled "New Life" with a circulation of 7,000 and some 60 scholarly books authored by Hungarian Jews have been published.

In response to a question from Congressman Eilberg, it was stated that there is no problem with regard to Jewish emigration, and many who have gone to Israel have returned to Hungary. To other questions by Congressman Eilberg, the meeting participants replied that they could and did freely correspond with citizens of Israel and freely received and sent publications from and to that country. They could not send money to Israel—because of the nonconvertibility of Hungarian currency—but the government leaves them alone with regard to virtually all their other contacts.

Congressman Eilberg also inquired as to whether Jews in Hungary were restricted or discriminated against in opportunity of employment. The Jewish leaders responded negatively, stating that except within the Communist Party itself, which frowns on religion among its own adherents, Jews and members of other religious groups were free to rise very high in all circles of endeavor, including government circles. They cited Janos Peter, acting parliamentary president and an ex-Protestant bishop, as an example of this. Congressman Eilberg asked if such Jewish persons would attend synagogue services or other religious events. The Jewish partieipants replied with some humor that they did not, but that "in their hearts" they were still Jews and they knew it. The Jewish participants described with enthusiasm some of the Budapest Jewish Community's own activities, including a combined nursing home and hospital, an old-age home, and the seminary, and conducted a brief tour of Budapest's very large and imposing central synagogue.

In response to the invitation extended by the Jewish leader, Congressman Eilberg toured some of these facilities on the following day.

Czechoslovakia

HUMAN RIGHTS—CHARTER 77

In order to examine the human rights situation in Czechoslovakia, the delegation met with various public officials and private citizens. Of special interest, on the evening of August 18, Mr. Eilberg and staff met with the well-known writer and journalist and a founder of the charter 77 movement, Mr. Jiri Hanzelka. Charter 77,[11] which was disseminated in January 1977 by a group of dissident intellectuals, appealed to the Czech Government to respect the human rights provisions of the Final Act, the U.N. Covenant on Human Rights, and the Czechoslovak Constitution.

The drafters and initial signers of charter 77 consisted of: Former high-ranking party members; pre-war, non-Communist intellectuals; and youthful Communist and non-Communist intellectuals. After a brief period of uncertainty following publication of charter 77, the Czech Government unleashed a massive campaign of propaganda, harassment, and repression in order to stem such dissident activity. While it remains difficult to evaluate the impact of charter 77 on Czechoslovak society, its issuance and the regime's response has focused international attention on the human rights situation in that country. It was evident that Czech officials were extremely uncomfortable with that attention and consequently they have consistently attempted to discredit the motives, goals, and methods of the charter 77 civil rights group. As the result of the government's repressive response to what became the charter 77 movement, many dissident leaders have voluntarily emigrated to Austria, while others remain in Czechoslovakia and continue to press the government for greater respect for human rights.

MEETING WITH JIRI HANZELKA

As mentioned previously, one of these individuals is Jiri Hanzelka, who continues to be one of the leading and most vocal spokesmen for the dissident movement. Mr. Hanzelka was a high ranking party official prior to the Soviet occupation of Czechoslovakia in 1968. Following the invasion, he was expelled from the party. Since that time he has been unable to pursue any profession or publish his travel works, due to the repressive tactics taken against him by the government.

During the 3-hour meeting with Mr. Hanzelka, he presented his views on a variety of significant topics. A brief summary of the views which he expressed follows:

Charter 77

Mr. Hanzelka stated that the signers of Charter 77 are a heterogenous group, each possessing different views but united as to the question of human rights and the main lines of a democratic life of the people. He stated that before Charter 77 was made public they had expected only 50–60 signatories, but currently there are about 800. The members of Charter 77 discourage new signers unless they are willing to take an active part in its activities and are ready to face the hard consequences associated with membership. Mr. Hanzelka then

---

[11] For the full text of Charter 77, see app. IV, p. 70.

described the harassment techniques by the government against dissident activity, and he stated that the country is full of fear and that his status is protected by his popularity. Mr. Hanzelka emphasized that his primary concern was not with what happened to him, but the fate of the half-million people discriminated against since 1968. He also recounted the difficulties experienced by members of his family because of his role in Charter 77. For example, his son was denied admission to a medical school despite the fact that he was the best of 200 students in his school. Likewise, his daughter-in-law was denied admission to secondary school, even though she was one of the outstanding students in her class of 60 individuals.

Chapter 2 of the Czech Constitution sets forth the rights guaranteed the people, but according to Mr. Hanzelka these rights are turned into a privilege. For example, in his experience of gaining publication of his books, Mr. Hanzelka stated that he has the fundamental right to publish my books but one phone call and I can't publish. He offered as evidence the fact that he has been unable to publish any of his travel books since 1969.

It was Charter 77's purpose to advise the public as to the rights guaranteed by national and international laws. It was not designed to be a movement and it was only translated into a dynamic concept as the result of the unbelievable hysteria of the government following its publication. He described the harassment and repressive tactics as more "refined and sophisticated" than during the "brutal" Stalin period.

In discussing East-West relations, Mr. Hanzelka, stated that as long as there is a continuous dialog and discussions continue there will be hope for Chapter 77, but if cold war conditions return, then he and others would soon be imprisoned. The government repression of the group has assisted the movement of Charter 77 by spreading knowledge of the document, and Mr. Hanzelka stated that the majority of people now know and understand the contents of the document. He indicated, however, that many of the farmers and factory workers are apathetic and will not criticize the system, unless their own personal interests—material ones—are in danger.

In short, Mr. Hanzelka described Charter 77 as a "quiet, legal, insistent affair," which should concentrate on the presentation of facts for the purpose of increasing the public's awareness of the freedoms guaranteed by international and Czechoslovak law.

U.S. human rights policy

In discussions on the U.S. policy on human rights, Mr. Hanzelka was pleasantly surprised by the position the United States has taken on human rights. He and others had felt for a long time that the West was following a policy of appeasement, and he concludes that the change of direction is a change in the moral and philosophical view of the West and he welcomes it.

He added, however, that the United States must be careful in its method of promoting human rights—and he drew and analogy "like sitting on the edge of a chair and not wanting the United States to pull it out from under us." He stated the United States must be careful and cautious in its approach to the East on this issue. He welcomes the emphasis of the Carter administration on this issue, but adds that

the United States must proceed in a deliberate manner which considers both the short- and long-term goals. Mr. Hanzelka expressed his opinion that Helskini gave Western countries the right to intervene in human rights violation cases. However, he concluded that we must come to the reality that we must muster through with all limited resources and recognize that we may not receive the support of the West at every juncture.

Czech-Soviet relations

Mr. Hanzelka went on to discuss the relationship of Czechoslovakia with the Soviet Union. He indicated that the destiny of Czechoslovakia was decided by the Soviets, and that it is more than influence on the part of the Soviets—it is total domination or control—it is not concessions, it is obeyance. In effect, we have a full interdependence on the Soviet Union. He stated, however, that there are those who think, or at least state that, the Soviets are good for us because they are the protector of peace, the guarantor of our standard of life.

Socialist system

The recent history of Czechoslovakia, particularly the Soviet invasion in 1968, has had a profound affect on the Czech people. The nation was mentally decapitated, and the rest of the world ignored the situation as it did in 1938 and 1948. This has fundamentally influenced their linkage with the rest of the world. Mr. Hanzelka expressed his views that human potential is being wasted, and that there is no incentive for productivity or resourcefulness. He stated that many people hate the system because the system leads to mental and moral demolition. In discussing public statements issued by government officials, Mr. Hanzelka observed that we should not believe that discrimination does not exist in Czechoslovakia, it is a full lie, and the West does not understand that everything is controlled.

Religions freedom—political trials

On the subject of religious freedom, Mr. Hanzelka commented that the priests must have the consent of the state to provide religious services. He indicated that the inconsistent and incompatible relationship between religion and Socialist doctrine has generated into a relationship of expediency. In order to keep the church as a viable institution, some compromises are necessarily made. In reality the only people who practice their religion are those with no position of importance in society or in government, since the practice of religion is a direct impediment to career advancement. In fact, there are no high level government officials attending church.

He also noted that political prosecution of dissidents are a frequent occurrence and such tactics—which are different from the Stalin era in that they do not involve physical torture—have resulted in two persons revoking their signature of chapter 77 and a large number of signatories emigrating from Czechoslovakia.

VI. Interpol

Except for an interruption during World War II, the United States has maintained membership in the International Criminal Police Organization, commonly referred to as "Interpol" since 1938. It now has 127 member governments organized independently of the United Nations and other international organizations. After some years of being located in the Department of the Treasury, the United States National Central Bureau which is responsible for the U.S. participation in Interpol has recently been transferred to the Department of Justice.

Interpol maintains a headquarters and secretariat in St. Cloud, near Paris, France, where a staff of experts in various fields coordinate international law enforcement efforts by compiling and exchanging information with member governments concerning international criminal operations. To implement its operations, Interpol has established a worldwide communications network consisting of an international radio network as well as telex and cable facilities. In addition to collecting, exchanging, and retrieving information on international criminal activities, Interpol organizes seminars and intergovernmental meetings to consider law enforcement issues of international concern. It also conducts research projects and publishes articles on topics ranging from new criminal investigative techniques to police ethics.

During the last two Congresses the Committee on the Judiciary considered administration-sponsored bills to increase the authorized ceiling for U.S. membership dues in Interpol. On March 30, 1977, the Judiciary Subcommittee on Immigration, Citizenship, and International Law held 1 day of hearings on this subject where one of the paramount issues raised was whether membership in the organization was useful and worthy of continuation.

During this trip, the delegation met in Yugoslavia, Romania, and Great Britain with officials responsible for each country's Interpol bureau. The delegation inquired of each of these individuals as to their evaluation of Interpol and its importance to their country's law enforcement efforts.

Yugoslavia

On August 9, 1977, the staff met with Dragutin Gasapi, Chief of Administration for Public Security, Federal Secretariat for Internal Affairs and Predrag Matovik, the head of the Nation Bureau of Interpol, Federal Secretariat for Internal Affairs.

Yugoslavia handles between 30 and 50 cases per month through the Interpol mechanism. Many such requests are merely for information, but between 40 and 50 cases per year required direct cooperation between Yugoslavia and foreign governments. Most of these cases involved the return of Yugoslavs for trial in Yugoslavia while a much smaller number involve the delivery of criminals from Yugoslavia to

countries seeking their extradition. Both officials felt Interpol was essential, particularly in Europe because of the relatively small size of these countries and the volume of international border crossings. These factors make apprehensions difficult and without close international cooperation between police authorities, impossible.

They argued that despite its drawbacks, it is better to attempt to perfect the present organization than to try to create an alternative mechanism. This reflected their strong belief that some type of international police organization is necessary for effective law enforcement.

Romania

On August 12, the Codel met with members of the Romanian Ministry of the Interior to discuss Romanian membership in Interpol. Present at the meeting Julian Vlad, State Secretary, Ministry of Interior; General Octavian Pop, Deputy National Police Chief; Lt. Gen. Gheorghe Moga of the legal staff; Colonal Vasile, Division Chief, Ministry of Interior, and Col. Constantin Dobre, Division Chief, Ministry of Interior.

Romanian officials reported that during the past year the United States has sought the cooperation of Romania through Interpol in three types of cases. These cases include: drug smuggling, counterfeiting, and the recovery of stolen art works. The counterfeiting category covers those instances where tourists, sailors, or other pass checks that turn out to be noncollectable.

Romania itself has no drug problem of its own, but problems have arisen among tourists visiting Romania, according to these officials.

Persons arrested in Romania are prosecuted under Romanian law. When a noncitizen is arrested, Interpol is informed, as well as the country of the arrestee's nationality, and all countries through which the individual passed. Arrests are made at a request received through Interpol.

Allegations of criminal conduct are investigated by the Romanian police and evidence is presented to the government prosecutor who decides whether a case merits prosecution. Should the prosecutor determine that the case does warrant prosecution, an arrest is made with no bail and the matter goes to trial. Defense counsel is provided to the defendant should he not retain private counsel and the case is tried by a judge without a jury.

Great Britain

On August 19, 1977, the staff met with H. D. Walton, Deputy Assistant Commissioner, and Ron Lawrence, Detective Superintendent, New Scotland Yard, London, England. Commissioner Walton supervises several sections of Scotland Yard operation, including Interpol, and Detective Lawrence operates the British National Central Bureau of Interpol.

It was the opinion of these individuals that Interpol was a valuable tool in locating suspected criminals and in fighting crime in general. They estimated that approximately 38,000 investigative requests per year pass through their National Bureau to or from Interpol. Often many such requests involve one criminal investigation. The British use Interpol to assist in combatting a variety of criminal activities,

including narcotics violations, tracing of suspects, motor vehicle violations, and counterfeiting. They were reluctant to identify any particular type of criminal conduct which required Interpol's involvement to a greater extent than others. Instead, they indicated that it was used for the broadest range of criminal activities.

They felt that Interpol provided a much faster means to contact the law enforcement officials in a foreign country than if they were required to rely on political means, that is, diplomatic channels.

The British require an explanation to their satisfaction as to the basis of allegations made before they initiate an investigation as a result of request through Interpol. If they are not satisfied they require more information from the requesting country before they undertake an investigation.

The point was made that the increasing ease of travel makes the Interpol function more necessary than ever since an increasing number of visiting foreign nationals are engaged in, or are victims of, criminal conduct. Thus, criminal activity is becoming more international in scope and must be combatted through the cooperation of the law enforcement officials of all governments. They also felt strongly that contacts between police departments of various countries, in spite of a disagreeing political relation would override these differences and result in effective law enforcement.

The gentlemen conceded that due to the special and unique relationship between the United States and Great Britain, many unofficial contacts outside the Interpol mechanism are made. They contact our FBI or DEA agents directly and cooperate with our officials in areas of investigations involving each others' citizens. However, they were quick to point out that, while a mechanism such as Interpol is unnecessary to deal with United States-British police cooperation, such a special relationship does not exist with other countries and, therefore, it is crucial that a mechanism exist to facilitate joint police cooperation.

VII. Nazi War Criminals

During the first session of the 93d Congress, the Subcommittee on Immigration, Citizenship, and International Law held several oversight hearings on the administration of the Immigration and Nationality Act. During the course of these hearings it was revealed that the Immigration and Naturalization Service, in spite of having received numerous allegations that Nazi war criminals were residing in the United States, did not properly pursue these cases.

The hearings prompted a flurry of action by the Immigration and Naturalization Service and the Department of State since it became obvious that both agencies had accorded little, if any, priority to investigating allegations that these individuals illegally entered the United States under the Displaced Persons Act of 1948 and the Refugee Relief Act of 1953, by denying that they had engaged in acts of persecutions during the Nazi era.

Due to the prodding and persistency of the Subcommittee Chairman Eilberg, the Immigration and Naturalization Service began actively pursuing the investigations of allegations received over the years with the ultimate objective of instituting denaturalization and/or deportation proceedings against those individuals who falsified information to enter the United States under either of the aforementioned laws.

In a visit to the Soviet Union in May–June, 1975, Mr. Eilberg obtained a promise of utmost cooperation from the Soviet government's First Deputy Procurator General Mikhail P. Malyarov in Moscow in seeking and obtaining depositions from eyewitnesses to atrocities committed by alleged Nazi war criminals who were under investigation by the United States Government.

Later in 1975, Mr. Eilberg sent staff members to Israel also seeking the cooperation of the Israeli government in locating witnesses resettled in Israel who had first-hand knowledge of the acts of persecution perpetrated by the alleged Nazi war criminals. Preliminary discussions were had with Israeli police officials concerning the possible visit of Immigration and Naturalization Service trial attorneys and investigators to that country to interview and obtain statements from potential witnesses with a view to bringing such witnesses to the United States to testify.

As a result of the initiative and interventions of Mr. Eilberg and the continuous monitoring of developments in this area, the Immigration and Naturalization Service has instituted deportation proceedings against four persons and denaturalization complaints have been filed against seven persons, based in large part on evidence obtained from witnesses living in Israel and the Soviet Union.

Further follow-up action on this subject was undertaken by the delegation on this trip.

Yugoslavia

In 1951, the Government of Yugoslavia initiated extradition proceedings with the Department of State alleging that Andrija Artukovic, residing in southern California, ordered the mass slaughter and torture of Serbs, Jews, and Gypsies during the World War II Axis occupation of Yugoslavia. A brief summary of the Artukovic case based on information provided to the Immigration Subcommittee by the State Department is as follows:

Between 1941 and 1945, Artukovic was the Minister of the Interior, Minister of Justice and President of the State Council of the Independent State of Croatia until its overthrow by Partisan forces of Marshal Tito in May, 1945. At that time he fled to the allied zones of occupation in Austria. In November, 1946, he illegally entered Switzerland under the alias of Alois Anich where he was granted a "permit of tolerance" by the Swiss as a potential refugee. Artukovic and his family remained in Switzerland until July, 1947, when he left Switzerland and entered Ireland with a temporary visitor's visa issued to him in the Anich alias. In June, 1948, using his Anich alias, Artukovic obtained a non-immigrant visa from the United States Consul in Dublin valid for a temporary visit to the United States within twelve months. In the same month, Artukovic entered the United States at New York City and went to Southern California to join his brother, John, where remains to this day.

By various court actions, Artukovic avoided being extradited. His deportation ordered by the INS in June, 1952, for violating the Act of 1924—remaining in the United States beyond the period of his visitor status—and the act of 1918—no valid passport, that is, use of a false name—was withheld in May 1959 by INS for an indefinite period subject to revocation at any time upon written notice to Artukovic. The basis for this stay was a decision by a special inquiry officer—immigration judge—that Artukovic would be subject to persecution if returned to Yugoslavia. That decision was recently reviewed by INS and deportation proceedings were reinstituted on September 19, 1977.

In meetings with Yugoslav officials, the Artukovic matter was raised. Mrs. Ivanka Gajer-Pinter, Member of the Federal Council of the Parliament, Member of the Committee for Justice, Deputy Public Prosecutor of the Socialist Republic of Croatia, stated to the delegation that Artukovic is a serious criminal and that the Yugoslavs were disappointed and revolted by the U.S. Government's decision which prevented his extradition and deportation. It was clear that the Yugoslavs did not understand that the decision was made by the judicial branch of the United States Government and they did not seem to comprehend the doctrine of separation of powers. She further stated that she did not understand how he could live peacefully in other parts of the world untouched. The Yugoslav officials stated that they would welcome further actions by the U.S. Government in effecting Artukovic's deportation. Mrs. Gajer-Pinter went on to say that Yugoslavian laws are severe, but also humane and that Artukovic would be tried in accordance with these laws.

In response to Mr. Eilberg's question about taking new statements from eyewitnesses, Mr. Dusan Cotic, Assistant Federal Secretary of Justice, explained that the Yugoslavian Government had provided the U.S. Government with extensive evidence and dossiers to support its extradition request in 1951 and he felt that this information was all that should be required.

When pressed on this subject, Mr. Miljan Vujosevic, chairman of the committee for justice of the Federal Council of the Parliament, replied that they still are extremely interested in Artukovic's deportation, stating that "we will do everything in our power" to assist the U.S. Government. He did express his concern with the delay in U.S. procedures and the political climate in the United States on this subject.

Mr. Cotic offered to take fresh statements and restudy the entire file, at the same time, expressing the need for mutual assistance in locating witnesses in other parts of the world.

Further on the subject, Mr. Dusan Strbac, chief of the Administration of Emigres and Immigration, Federal Secretariat for Foreign Affairs, expressed the opinion that the United States should not consider the old file and documents invalid, but that consideration should be given to having the original witnesses come forward again to provide new depositions.

Mr. Borislav Licenoski, Deputy Public Prosecutor of Yugoslavia, made it clear that Artukovic would be guaranteed all the rights accorded criminal defendants in a trial, including the right against self-incrimination and the protection of the exclusionary rule. He went on to say that Artukovic's trial would be open to the public and international public opinion would insure that all criminal justice safeguards would be applied.

Mr. Licenoski affirmed that even though the public is familiar with Artukovic's crimes and that prejudice may exist in some individuals, there would be no prejudgment of guilt. He further assured the delegation that any conviction would be based on material evidence in accordance with fair trial procedures accorded to all criminal defendants.

Mr. Cotic stated that Artukovic's personal safety would be assured during detention and trial. He added that the defendant would be tried for war crimes under paragraph 105 of the Yugoslav Criminal Code which refers to cruel killings or the ordering of killings for which the penalty is death or life imprisonment. According to Mr. Cotic, there would be some difficulty in proving that Artukovic directly killed people, but substantial evidence does exist to show that he ordered the death of several individuals and specifically two or three individuals who could be identified.

Romania

Valerian D. Trifa, a naturalized U.S. citizen of Romanian origin, is presently the subject of a denaturalization proceeding in a U.S. district court in Michigan on the ground that his naturalization was illegally procured by the concealment of material facts and by willful misrepresentations.

It is alleged that Trifa as President of the National Union of Romanian Christian Students was a leader in the Iron Guard of Romanian which instigated a rebellion in Bucharest on January 21, 1941, for the purpose of taking over the Government of Romania. In the course of the 3-day rebellion which failed, a number of atrocities and deaths occurred. Trifa and other leaders of the Iron Guard fled the country and sought refuge in Germany.

In June 1941, Trifa was tried in Romania in absentia for his part in the rebellion, was found guilty and sentenced to life in prison. However, he remained in Germany until after the war, and then went to Italy were he remained for 5 years.

On July 17, 1950, Trifa was admitted to the United States for permanent residence as a displaced person under the Act of June 25, 1948. He subsequently became active in the Romanian Orthodox Church culminating in his installation as bishop of the Romanian Orthodox Episcopate of America.

On May 13, 1975, after an open and public hearing on his petition for naturalization in which all charges, accusations and adverse information were presented for consideration, Trifa was naturalized.

Further investigation by the Immigration and Naturalization Service has resulted in the present revocation action against Trifa.

In the discussion of the *Trifa* case with Romanian authorities, they described the case in detail and referred to the trial and sentence for "Army Rebellion" that was handed down in 1941. The officials stated there was no corresponding offense in their existing criminal law and consequently Trifa could return to Romania without fear of prosecution. This is particularly true, they maintained, because of the Presidential amnesty declared last June absolving all those persons who illegally departed from Romania. The amnesty, however, does not apply to those individuals who have continued to engage in activities hostile to the Romanian Government. Trifa was not considered to fall within this category.

It was learned that there is no statute of limitations nor amnesty for genocide or war crimes and it is conceivable that an action could be brought against Trifa if evidence to prove this charge could be obtained.

When asked about possible prosecution of Trifa for war crimes, Mr. Vasile Gliga, Deputy Minister, Ministry of Foreign Affairs described the difficult logistical problems that would be encountered in locating eyewitnesses. With regard to cooperating with the U.S. Government in this matter by permitting U.S. Justice Department officials to travel to Romania to interview witnesses, Mr. Gliga replied, "I do not see any reason to oppose your proposal."

Hungary

On the question of Nazi war criminals, Dr. Pal Gresznarky, Chief of the Consular Department, explained that the Hungarian Government had maintained a close cooperation on the subject with various Western European countries, especially West Germany, despite the absence of international agreements requiring such cooperation. He assured the delegation that "you can count on our cooperation" in pursuing investigations on alleged Nazi war criminals even to the point of allowing U.S. Government investigators to come to Hungary to interview prospective witnesses, as well as permitting witnesses to travel to the United States to appear in denaturalization or deportation proceedings.

VIII. Military-Related Issues

NATO's Southern Command

On Monday 8 August in Naples, the delegation received a briefing from Adm. Harold Shear, commander in chief, Allied Forces, Southern Europe at the command compound. Senior officers of the admiral's staff also were present for the discussion.

Admiral Shear's command is one of the three under the Supreme Allied Commander for the North Atlantic Treaty Organization in Europe, the other two being the Northern Europe and the Central Europe Commands. The Southern Europe Command extends from Gibraltar to the Black Sea and is responsible for the defense of the NATO region including Italy, Greece, and Turkey, an area extending 2,500 miles from East to West and 1,500 North to South. It maintains a working relationship with France, although the French do not participate formally in NATO.

Admiral Shear spoke of four potential combat theaters in the southern region along its 1,700-mile defense area that extends from Resia Pass in northern Italy to Mount Ararat in eastern Turkey, in the event of attack by Warsaw Pact forces. They are northeast Turkey, and the Mediterranean.

The Mediterranean figures importantly in NATO's southern command because of its geography: The land fronts are separated from each other by water with Italy, Greece, and Turkey all having extensive coastlines.

The group evidenced keen interest in the southern region and asked a number of questions during and at the conclusion of the presentation (that is, future of Yugoslavia after Tito, Greek-Turk relations, monitoring of Soviet naval activity in the Mediterranean).

Staff members of the delegation also met separately with officers from the naval legal services to discuss military and foreign claims matters. The results of these discussions are set forth in a separate section of this report.

Naval Forces in the Eastern Atlantic

On August 20, 1977, in London, the delegation received a briefing from Rear Adm. R. E. Rumble, USN, Deputy Commander in Chief, U.S. Naval Forces Europe/U.S. Commander, Eastern Atlantic. Admiral Rumble first discussed the command relationship between Cincusnaveur/U.S. Commander Eastern Atlantic and its subordinate commands in the three primary areas of naval activity in Europe—northern Europe, Mediterranean Sea, and the Indian Ocean.

Following that, Admiral Rumble provided a classified presentation of the current deployment of U.S. naval forces and an intelligence assessment of recurring politico-military trouble spot, in the Mediter-

ranean and Indian Ocean areas. Areas which received particular focus were the Cyprus question, Horn of Africa, Middle East uncertainties, and the Greek/Turkish role in NATO and bilateral defense efforts. In addition, there was discussion of the deployment of Soviet naval forces in Europe and the Indian Ocean.

Staff members also met with Navy JAG officers to discuss claims matters and the effect of proposed legislation—H.R. 763—which would extend U.S. criminal jurisdiction to certain offenses committed abroad by civilians employed by, or accompanying, the U.S. Armed Forces. It was indicated that such legislation was necessary in order to implement our obligations under Status of Forces Agreements (SOFA). According to Navy officials existing civil sanctions against civilian criminal offenders—that is withdraw of PX privileges, removal of military driver's licenses, return to the United States—are an inadequate deterrent, and as a result, the jurisdictional void created by several Supreme Court cases, must be filled by enacting H.R. 763.

International Agreements Claims and Claims Settled Under the Claims Provisions of Title 10, United States Code

During the visit to Italy and England, the subcommittee received information relating to claims arising out of the activities of the U.S. air and naval forces in Europe. The subcommittee visited Naples, Italy, HQ, 6th Fleet and London, England, HQ, U.S. Naval Forces in Europe—Cincusnaveur.

The claims statutes with which claims offices of U.S. Armed Forces deal in the majority of claims against the United States processed in Europe are:

(1) Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 240–243.
(2) Military Claims Act, 10 U.S.C. 2733.
(3) Foreign Claims Act, 10 U.S.C. 2734.
(4) International Agreement Claims Act, 10 U.S.C. 2734a.
(5) Emergency Payments Act, 10 U.S.C. 2736.

To a lesser extent, the armed services in Europe receive and process claims against nonappropriated funds, which are considered Government instrumentalities and even occasional claims under the Federal Tort Claims Act for incidents occurring within the United States or international waters. Other statutes less commonly used include the use of Government Property Claims Act, 10 U.S.C. 2737, Meritorious Claims Act, 31 U.S.C. 236, Admiralty Claims Settlement Act, 10 U.S.C. 9801, 9802, 9806 and article 139 of the Uniform Code of Military Justice, 10 U.S.C. 939.

For claims in favor of the United States, the Federal Claims Collection Act, 31 U.S.C. 951–953 and Federal Medical Care Recovery Act, 42 U.S.C. 2651–2653 provide significant statutory authority for effecting collectioin in behalf of the Government.

The Department of Defense has assigned responsibility in different countries to each one of the U.S. military services for the investigation of claims generated by any of the services. The assignment was made in consideration of the amount of the claims producing activities and manpower of the chosen service in the particular country. This is called assignment of "single service" claims responsibility. The Air

Force has responsibility in the United Kingdom, Luxembourg, Denmark, Norway, Saudi Arabia, Greece, Spain, Turkey, and the Netherlands for settlement of claims generated by the activities of any of the U.S. military services except those arising under the Military Personnel and Civilian Employees' Claims Act and the Admiralty Claims Act. The Navy likewise has single service responsibilities in Portugal and Italy. Single service assignment to one service does not mean the other services have no claims responsibilities in the assigned country. For example, the Air Force processes claims by Air Force military and civilian personnel wherever located, and investigative assistance is provided by the nearest Air Force claims office to the scene of an accident or incident involving an Air Force activity.

During discussions in Naples, Italy where the Navy has "single service" claims responsibility, the subcommittee was informed that their primary problem is due to the very transient nature of their activities and the need to educate the people to claims matters. For example, an incident may arise involving a foreign national which may not be brought to the attention of the appropriate naval authorities until the tortfeasor and perhaps attending witnesses, have departed the area. It may then be difficult to gather specific and proper information to adjudicate the claim.

The subcommittee was informed that at any given time there are approximately 20,000 men in the 6th Fleet afloat, involving some 50 ships. In view of this large number, it is surprising there aren't more claims incidents. Emphasis has been placed upon maintaining a favorable "Naval presence" and attempt, whenever possible, to settle claims under $500 on the spot and indeed most claims are handled in this manner. Timely and fair adjudication and payment of claims is most helpful in maintaining good relationships with the countries where U.S. ships may visit.

The commander, 6th Fleet has a judge advocate assigned to his staff to make certain there is sufficient evidence to substantiate the claim. He also maintains records to avoid duplication.

SETTLEMENT PROCEDURE

Where the service has single service responsibility and in those countries where single service responsibility is not assigned to any service, it may use foreign claims commissions to discharge its responsibilities under the Foreign Claims Act [12] and sending state claims officers to perform claims settelment duties under the International Agreements Act.[13] For example, three man claims commission may be established. The provisions of section 2734 of title 10 gives statutory authority to the services to settle claims of foreign nationals based upon damages or injuries caused by U.S. military personnel, both on and off duty. However, in NATO countries and Spain "foreign claims" are processed and paid in accordance with treaties—for example NATO and SOFA and Agreement in Implementation of Spanish Treaty. Basically, the treaties provide that meritorious claims arising out of U.S. "official duty" activities will be investigated, processed and paid by the receiving state, with the United States

---

[12] 10 U.S.C. 2734.
[13] 10 U.S.C 2734a.

reimbursing the receiving state for 75 percent of the claims so paid when solely U.S. personnel are at fault. Meritorius "non-scope" claims—non-official duty—are paid wholly by the United States after submission to appropriate host country authorities.

"Foreign claims" arising in non-NATO countries—for example, Egypt, Morocco, Tunisia—are processed and paid under the Foreign Claims Act, 10 U.S.C. 2734, by U.S. Foreign Claims Commissions appointed by appropriate U.S. authority. Foreign claims under $500 arising in any country—including NATO countries—from activities of naval forces afloat are processed under the Foreign Claims Act. Both official duty and non-scope claims are paid under the act, the purpose of which is to promote and maintain friendly relations in foreign countries through the prompt settlement of meritorious claims.

NAVAL CLAIMS ACTIVITIES IN EUROPE

The approximate number of "foreign claims" arising out of naval activities ashore and afloat in areas of substantial Navy presence are as follows:

	Calendar year—	
	1976	1977 (to date)
Forces afloat (SIXTHFLT)	[1] 93	[1] 46
Italy	31	18
Spain	14	11
United Kingdom	7	4

[1] Each under $500.

Precise dollar figures for claims arising out of solely Navy activities are not available; for example, total foreign claims in the United Kingdom for calendar year 1976 was 171 in the total amount of $107,400—the U.S. SOFA share of which was $80,370.

PERSONNEL CLAIMS

Personnel claims—claims paid under the authority of 31 U.S.C. 240–243, to officer and enlisted personnel of the Navy and Marine Corps and civilian employees of the Naval Establishment for damage, loss, destruction, capture, or abandonment of their personal property "incident to their service." These claims generally involve losses or damages to personal property in Government household goods shipments, at one's place of work, in Government quarters, or incurred while the claimant is on official duty. In overseas areas, claims for damages to personal property occurring at one's private residence may also be paid.

The number and dollar amounts of "personnel claims" paid in the areas of substantial Navy population—less Italy—are as follows:

	Fiscal year 1976		Fiscal year 1977 (to date)	
	Claims	Amount	Claims	Amount
United Kingdom [1]	340	$156,000	307	$142,125
Spain	498	136,400	386	93,300

[1] Includes Navy claims from Germany and Scandinavia

AIR FORCE CLAIMS ACTIVITIES IN EUROPE

Although there were no Air Force claims personnel present during the visit to CINCUSNAVEUR, the following claims statistics for fiscal year 1977 were provided for U.S. Air Force—Europe:

Budget authorization (appropriations money), $2,245,000; total expenditures, $2,810,771; and 13,303 claims opened as of August 28.

As of August 28, approved 14,498 claims, disapproved 865 claims, cleared 803, and transferred 73 claims (this figure higher than open due to cases in prior years).

There are 5,270 new personnel transportation claims for a total of $3,670,194, closed 5,321 personnel transportation claims for a total of $1,766,391 (this figure higher than open due to cases in prior years).

Opened 92 new foreign claims for $517,454 and closed 32 by approving them in the sum of $387,247.

Opened 247 new claims under international claims in the sum of $231,035.

Closed 353 claims for a total of $188,731.

While the delegation was generally satisfied with the manner in which the military members administered claims falling within their jurisdiction, one problem area was noted. There appeared to be a lack of uniformity in the guidelines and administration during the adjudication process. This lack of uniformity appeared both between various installations within a service as well as between the services. This is a subject which the delegation feels needs continuing and further examination.

IX. Miscellaneous Bilateral and Multilateral Issues

COMMUNICATIONS AND TELECOMMUNICATIONS

Congressman Russo, a member of the Subcommittee on Communications of the Committee on Interstate and Foreign Commerce since April 1976 and formerly a member of the Judiciary Committee, supplemented the mission's primary purpose by initiating meetings with several representatives involved in telecommunications planning, implementation and policymaking in Romania and Hungary. Efforts to meet with similar representatives in Czechoslovakia and Yugoslavia were unsuccessful.

Romania—On August 12, 1977 Congressman Russo met with Iuliu Fejes, Assistant Director of Romanian Radio-Television, Vasile Poale Lungi, Editor-in-Chief, Documentary and Public Opinions Survey Department, Ion Boariu, International Relations Editor and Stoica Meteleanu, Secretary, International Relations.

Congressman Russo described the principles of American broadcasting and explained the differences between the commercial or advertiser-supported system and the public or educational system. The distinction between affiliated and independent television stations was noted and the underlying historical justification for the American system of primarily VHF broadcasting, rather than UHF, was related. Because the broadcasting institutions in the United States, as well as individual stations, are privately owned, there are additional significant differences between American and Romanian systems of broadcasting.

Mr. Fejes explained that there are only three nationwide and five regional radio channels in Romania. Of the national channels Number 1 broadcasts primarily news and socio-economic-political information continuously on long and medium wave; Number 2 broadcasts primarily cultural programming nineteen hours per day on medium wave; and Number 3 broadcasts primarily youth programs eleven hours per day on short wave. The five regional radio channels broadcast programming geared primarily to local interests for a total of twenty-five hours per day. Foreign language programming is provided for minority language audiences on which five and a half hours per day is in Hungarian, three hours per day is in German and a few hours per week are in Serbian. Other foreign language programming intended for listeners in other countries is broadcast in thirteen languages for a total of twenty-nine hours per day. In addition to programming designed for particular geographic regions and languages, Romanian radio broadcasts special holiday programming during the summer months providing news, information and entertainment for tourists.

Romanian television broadcasts on two channels. Channel 1 covers approximately 95 percent of the country and Channel 2, which broadcasts primarily cultural programs, covers only 13 percent of the coun-

try. By 1980, however, it will be expanded to cover 50 percent. The two channels of programming are presented in black and white and broadcast for a combined total of eighty-eight hours per week. Television programming is also presented in Hungarian and German as well as in Romanian and when the coverage of Channel 2 expands, the amount of foreign language programming will also increase.

Congressman Russo explained that one of the original purposes of the American system of broadcasting is to contribute to an informed electorate, but noted that there has always been an emphasis on light entertainment, particularly in television. Mr. Fejes indicated that the main purpose of Romanian television is to provide educational programming, a purpose which he compared with our system of public or educational television. As compared to American commercial television which is advertiser supported Mr. Fejes explained that Romanian television derives virtually all its income for operating expenses from subscriber fees. Although the government finances capital investments and construction, these funds are eventually repaid with income derived from subscriber fees. A minimal amount of advertising appears on Romanian television and is a source for only 2 percent of the operating expenses. Subscribers pay 45 lei per month per household for a television set and 30 lei per month per household for a radio. (Twelve Romanian lei equal one American dollar).

As compared to the United States which has a population of about 200 million and 70.6 million television households, Mr. Fejes noted that Romania has a population of 21 million and 2.5 million television households.

Unlike in the United States, there seems to be no concern about violence on television in Romania. There is a special department in *Radioteleviziunea Romana* which is responsible for the production of programs for children which coordinates its work with that of the general production of programs for children which coordinates its work with that of the general production unit. Three categories of programs are produced: artistic, general educational, and TV-school. Fifty percent in the latter category are produced to be integrated into the school curriculum and are shown to children while they attend classes. The other half are intended to complement the school curriculum and are shown in the afternoons after the children have returned home from school. There is also a daily program for pre-school children which is shown in the morning and again in the afternoon. Pre-schoolers are also the target of additional programming on Sunday as are school-age children. Mr. Fejes also noted that there are also many special programs designed for children which are broadcast over radio on a frequent basis.

Congressman Russo described how the three commercial networks operate and transmit programming to their respective affiliates all over the country. He contrasted this type of arrangement with that of an independent television station which relies on off-network syndicated programming, films and other independently produced material. By contrast, Mr. Fejes noted, *Radioteleviziunea Romana* prepares programs which are then transmitted by the Ministry of Telecommunications on a contractual basis to broadcast stations. There are no serious transmission problems, such as those which stimulated

the growth and expansion of cable television in the United States, however certain small villages in mountainous regions do experience minor reception difficulties.

Congressman Russo discussed with Mr. Fejes the breakthroughs in satellite communication particularly those in direct satellite broadcasts and learned that Romania presently has an Intelsat 4 ground station and receives some transmissions via this medium. They are also equipped to receive programming from the Sputnik satellites. The Romanian government is interested in exploring the possibility of receiving transmissions from satellites in the Pacific as well as from ships on the high seas. Pursuing this, Mr. Fejes added, representatives of the Romanian government are participating in discussions now underway in Geneva regarding the use of regional satellites for television transmission.

Despite the fact that the primary purpose of the Romanian broadcast system is to provide educational programming, Mr. Fejes noted that a great many foreign entertainment programs are aired. American feature length films, as well as series, are shown with Romanian subtitles for approximately ten hours per week.

Mr. Fejes seemed to be particularly well-suited to addressing Congressman Russo's concerns and in a number of areas anticipated with precision subjects of mutual interest. This may have been due, in part, to the fact that Mr. Fejes had recently visited the United States to familiarize himself with the American system of broadcasting. He briefly recounted some of his experiences, particularly his meetings with the three commercial networks and PBS. He characterized American commercial television programming as "interested only in the sensational, not providing the American public with information about contemporary political development and realities around the world as does Romanian television." Congressman Russo and Mr. Fejes exchanged information and perceptions about the relationship between the Federal Communications Commission, the Congress, the regulated telecommunications industries and their trade associations. They discussed the concept of diversity of information, increasing the number of outlets of expression in the U.S. and the Subcommittee's intention to rewrite the Communications Act of 1934 so that it is more responsive to twentieth century telecommunications technology.

Hungary.—As compared to discussions held with representatives of the government of Romania concerning comparisons and differences between the American and Romanian systems of broadcasting, the discussions held with representatives of the government of Hungary dealt primarily with international and domestic common carrier issues with only attention given secondarily to concerns about broadcast issues.

On August 15, 1977 Congressman Russo met with two representatives of the government of Hungary: Gyula Krall, Chief of International Services and Dr. Laszlo Katona Kis, Chief of International Relations, both of the Hungarian General Post Office.

The discussion began with an explanation by Congressman Russo of the relationship between the U.S. Congress, the Subcommittee on Communications, the Federal Communications Commission and the regulated telecommunications industries. Congressman Russo described the present task of the Subcommittee which involves a com-

plete reexamination of the Communications Act of 1934 and a possible revision of that statute. He described the recent hearings of the Subcommittee that were designed to investigate international telecommunications policy and the relationship of the United States government and private telecommunications firms with foreign governments. Congressman Russo asked Messrs. Krall and Katona Kis to describe Hungarian relations in international telecommunications with the U.S. Mr. Krall explained that in Hungary the Post Office, which is within the Ministry of Transportation and Postal Affairs, is responsible for maintaining international communications links and that is his position he deals actively with three American firms: the American Telephone and Telegraph Corporation (AT&T), the International Telephone and Telegraph Corporation (IT&T) and RCA. These three firms are the carriers for most of Hungary's communications with non-communist countries and that the government's relations with these companies are excellent and that there are no outstanding problems. He added that Hungary makes use of undersea cables rather than satellites and currently leases circuits in both the TAT 5 and TAT 6 cables.

Congressman Russo was anxious to learn whether the government of Hungary had ever had any difficulty dealing with the American companies directly as opposed to dealing with a representative of the U.S. government to arrange for international communications links. Mr. Krall noted that all negotiations with the American companies had been very smooth, and the only difficulty encountered was in having to wait a full year for FCC approval of the contract before the circuits were actually made available to the government of Hungary. Congressman Russo asked if it would be more efficient for the government of Hungary to deal directly with the government of the U.S. in leasing the circuits and Dr. Katona Kis replied that there has been no problems in dealing with the American companies and that the fact that they were in competition with each other presented no problem. He noted, however, that the separation of the operating entities from the regulatory authority created delay and introduced an element of uncertainty in the negotiating process. Congressman Russo again mentioned that the recent hearings held by the Communications Subcommittee into international telecommunications issues looked into this particular problem and added that such review would continue and remedial action would be taken if it were deemed necessary.

The discussion moved on to the issue of domestic telephone service and Congressman Russo asked if any communication is maintained between the Office of Post and Telecommunications in Hungary and U.S. firms active in manufacturing terminal equipment or in service provision. Mr. Krall noted that Hungary had sufficient technical and manufacturing capabilities for its own domestic telephone system and therefore maintained no ties with American Firms. Mr. Krall added, however, that there are only twenty-seven telephones in Hungary per one hundred homes and that there are approximately 200,000 people currently waiting for telephone installation. In contrast, almost every household in Hungary has at least one radio and one television receiver.

Congressman Russo said that it was his understanding that telephone service in Hungary is subsidized by the government and Mr. Krall noted that new subscribers are charged only between 300 and 2,000 forints [14] depending on the distance from existing telephone lines and that monthly charges are 60 forints for a private line plus a one forint charge per local call. He explained that Hungary and the rest of Europe are on a direct dial system, but that to call the United States an operator is needed. Congressman Russo briefly explained how AT&T works domestically and described its relationship with the independent telephone companies which also operate within the borders of the U.S. He discussed briefly the kinds of cross-subsidies that occur in the American domestic common carrier system, but noted that the differences in the two approaches appeared to be fundamentally different except in ultimate goal, which is to provide an efficient, low-cost universally available system of communications to all.

MIHAILOVICH STATUE—YUGOSLAVIA

On June 29, 1977, the Senate approved a bill (S. 244) which authorized the construction and maintenance of the General Draza Mihailovich Monument in Washington, D.C. The legislative history indicated that this monument was to be erected in recognition of the role that was played by General Mihailovich in saving the lives of approximately 500 U.S. airmen in Yugoslavia during World War II. It is clear from the floor debate and the Senate Committee Report that this legislation was considered to the noncontroversial and no opposition was expressed to its enactment.

According to Mr. Sekic, Chairman of the Committee for Developing Areas of the Council of Republics and Provinces of the Parliament, General Mihailovich was a "war criminal" and his activities during World War II did not justify the erection of a monument in his behalf by the United States Government.

During the delegation's August 9 meeting with other high-level Yugoslav offiicials it was apparent that the Senate's action in approving S. 244 was of great concern to Yugoslav Government. Congressman Wiggins explained in great detail the circumstances and legislative history regarding the processing of the Senate bill and assured the Yugoslav officials that the bill will be carefully considered by the House of Representatives. Mr. Miljan Vujosevic, Chairman for the Committee for Justice, expressed his appreciation to Congressman Wiggins for his explanation of Congressional action on this bill and he further indicated that the Yugoslavia Government had brought this matter to the attention of the State Department at the time of the Senate's deliberations on his legislation.

During a later meeting with Fronjo Herljevic, Federal Secretary for Internal Affairs, the issue of the Mihailvich Statute was raised again. Mr. Herljevic reiterated the views which were expressed earlier and he added that General Mihailovich had "served Hitler and the other occupation forces." He added that Members of Congress had been misinformed on this subject and that the lives of the American

---

[14] Hungary maintains a dual exchange rate system. The commercial rate is $US 1=40.6 Ft., while the noncommercial rate is $US 1=20.28 Ft. Converting at the noncommercial rate would give a truer picture of the cost of telephone service to subscribers in Hungary.

airmen were actually saved by "Tito's Liberation Forces and Yugoslav partisans" and not by General Mihailovich.

RETURN OF ST. STEPHEN'S CROWN TO HUNGARY

The Crown of St. Stephen, considered to be that given by the Pope to Hungary's first Christian king in the year 1000, has throughout history been uniquely identified with the independence of Hungary and the legitimacy of its monarchs. It is the paramount symbol of Hungary's nationhood and its Western Christian heritage. The Crown and other items of the Hungarian coronation regalia were given over to the U.S. Army in Germany at the close of World War II by the Hungarian Crown Guard. They have ever since been in our safekeeping, in trust for the Hungarian nation.

This issue was raised by Janos Peter, Acting President of the Parliament, during discussions on the status of our bilateral relations with Hungary. Mr. Peter described it as a "delicate question", and he stated his belief that "time appears to be on our side" in resolving this issue. While this was the only official discussion on this matter, several Hungarian officials privately expressed to the members of the delegation their strong desire to have the Crown returned to Hungary.

Many Americans of Hungarian descent, Hungarian-American organizations, and the AFL–CIO strongly oppose return of the Crown until Hungary has a freely-elected government. These opponents note that the Crown has particular religious and symbolic importance and, as a result, it should not be returned to a Communist, atheistic State.

Many of these opponents recently gathered in Washington, D.C., to publicly protest against President Carter's announced plans to return the Crown to Hungary. In short, their position is that the Crown is the property of the Hungarian people and it should not be returned because there is "no legal and constitutional representation of the Hungarian people in Hungary."

"CLAIMS - GOLD" ISSUE - CZECHOSLOVAKIA

The 1946 Paris Reparations Agreement set up a Tripartite Commission (US, UK, France), which determined that the Czechoslovak share of gold recovered from loot taken by Nazi troops during World War II was 18.4 tons. The failure of Czechoslovakia to compensate U.S. citizens and firms for property nationalized after January 1, 1945 has caused the U.S. Government to refuse to concur in the return of the gold to Czechoslovakia. A long history of negotiations and almost-concluded agreements culminated in the initialing of an agreement on July 5, 1974 which provided for return of the gold and settlement of U.S. private Claims on a basis of approximately 42 cents on the dollar. The Long-Gravel amendment (Section 408) to the Trade Act of 1974, however, rejected that agreement and required that it be renegotiated and submitted to the Congress for approval.

The Czechoslovak Government takes the position that, with the enactment of Section 408, the United States reneged on a written agreement and is continuing to deprive Czechoslovakia of its rightful property.

This outstanding issue has been a primary obstacle to any improvement in our bilateral relations with that country. According to U.S.

officials it has impeded: ratification of a Consular Convention that was negotiated in 1975; implementation of an Exchange Agreement that was reached in 1976; and the opening of a U.S. Consulate in Bratislava.

During the August 17th meeting with the Czechoslovakia Parliamentarians, it was indicated that the "claims-gold" issue is a highly emotional one in that country and that the failure to conclude an acceptable agreement has had a significant psychological impact on the Czech citizenry.

The delegation was advised that the Department of State is continuing its efforts to develop a formula which will be acceptable to the Congress and negotiable with the Czechoslovaks, who have indicated their willingness to adjust the amount they are willing to pay on the U.S. claims.

LAW OF THE SEA

During the course of the trip, Congressman Zeferetti, a member of the Committee on Merchant Marine and fiisheries, inquired as to the respective positions of various foreign government officials on certain aspects of the continuing Law of the Sea (LOS) negotiations. In particular, he discussed this matter in Yugoslavia with Branko Pesic, Vice President of the Federal Assembly, and in Romania with Vasile Gliga, Deputy Foreign Minister.

Congressman Zeferetti noted that progress on a comprehensive Law of the Sea treaty had been disappointly slow over the last several years. He cited this as one of the reasons for unilateral U.S. legislation on fishing rights and on deep seabed mineral resources.

On the other hand, Mr. Gliga was optimistic that progress would be achieved before next March on an LOS treaty and he observed that unilateral action by the U.S. would be "counterproductive." According to Mr. Gliga, "two more years is not too long to wait" for a comprehensive treaty.

Appendixes

Appendix I

Universal Declaration of Human Rights

[On december 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."]

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas, it is essential to promote the development of friendly relations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore, The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2

Everyone is entitled to all the rights and freedom set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

ARTICLE 3

Everyone has the right to life, liberty and security of person.

ARTICLE 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6

Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discriminaton.

ARTICLE 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9

No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15

(1) Everyone has the right to a nationality.
(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
(2) Marriage shall be entered into only with the free and full consent of the intending spouses.
(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17

(1) Everyone has the right to own property alone as well as in association with others.
(2) No one shall be arbitrarily deprived of his property.

ARTICLE 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20

(1) Everyone has the right to freedom of peaceful assembly and association.
(2) No one may be compelled to belong to an association.

ARTICLE 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
(2) Everyone has the right of equal access to public service in his country.
(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23

(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
(2) Everyone, without any discrimination, has the right to equal pay for equal work.
(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
(4) Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

ARTICLE 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

ARTICLE 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Appendix II

GOVERNMENT OF CZECHOSLOVAKIA RESOLUTION No. 58

Directives on adjustment of legal relations between the CSSR and citizens residing abroad without the permit of Cz. authorities (passed by CSSR gov't resolution No. 58 of March 6, 1977).

Preambular Notions

ARTICLE 1

(1) The purpose of these directives is to adjust the procedure of state organs and organizations toward the Cz. citizens who are residing abroad without the

permit of Cz. authorities and to relate this procedure to their relationship with the CSSR.

(2) In adjusting legal relations with the citizen residing abroad without the permit of Cz. authorities, all the recourses afforded by the Cz. system of law will be taken, especially the following:

(*a*) Issuance of travel documents for return to the CSSR or;
(*b*) Issuance of permit for permanent residence abroad or;
(*c*) Release from the state bond; or
(*d*) Withdrawal of Cz. state citizenship.

Section 1—Issuance of travel documents for return to the CSSR

ARTICLE 2

The Cz. citizen residing abroad without the permit of Cz. authorities can at his own request be issued travel documents for return to the CSSR provided there are no grounds for withdrawal of Cz. state citizenship as defined by these directives.

Section 2—Permit of permanent residence aboard

ARTICLE 3

(1) The Cz. citizen residing abroad without the permit of Cz. authorities can at his own request be issued a permit for permanent residence abroad only five years after the start of his unauthorized stay and provided there are no grounds for withdrawal of Cz. state citizenship as defined by these directives.

(2) The request can be complied with provided the requester:

(*a*) If legally convicted of the criminal offense of leaving the republic, falls under an amnesty or receives a presidential pardon on this offense;

(*b*) Submits the papers required by the Cz. law for emigration from the CSSR; and

(*c*) Signs a statement pledging him to conduct himself and act as a citizen of the CSSR.

ARTICLE 4

The Cz. citizens who have been permitted permanently to reside abroad file requests for travel to the CSSR at the Cz. mission in the country of their permanent residence.

ARTICLE 5

Cz. citizens may be permitted to visit a person permitted permanently to reside abroad provided they meet the conditions imposed on travel to capitalist states.

Section 3—Release from the State bond

ARTICLE 6

(1) The citizen residing abroad without the permit of Cz. authorities may be released from the state bond only if he so requests and there are no grounds for withdrawal of Cz. state citizenship as defined by these directives.

(2) A request for release from the state bond may be complied with provided the requester:

(*a*) Does not intend to return to the CSSR;

(*b*) Submits evidence on acquisition of foreign state citizenship or that foreign state citizenship will be bestowed on him after his release from the state bond;

(*c*) If legally convicted of the criminal offense of leaving the republic, falls under an amnesty or receives a presidential pardon on his offense;

(*d*) Submits documents similar to those required for permit to emigrate from the CSSR.

(3) Parents can also file reqeusts for minors, provided they stay with them abroad; such requests will be considered jointly.

ARTICLE 7

In requesting permits for entry and stay on the territory of the CSSR, persons released from the state board will be treated as foreigners. Such persons may be permitted their first entry on the territory of the CSSR only five years after the

start of their unauthorized stay abroad; exceptions may be made in completely isolated cases only, such as death or serious illness in the family or other circumstances worthy of special attention.

ARTICLE 8

Cz. citizens may be allowed to visit persons released from the state bond only five years after the start of the latter's unauthorized stay abroad, provided they meet conditions imposed on travel to capitalist states.

Section 4—Withdrawal of State citizenship

ARTICLE 9

Cz. state citizenship will be withdrawn from a citizen who is residing abroad without the permit of Cz. authorities and has been or is developing any sort of activity hostile to the state or harmful to the interests of the CSSR. These persons include primarily such as make hostile statements in the foreign press or on foreign radio or TV or at meetings of organizations and institutions abroad, or participate in inimical actions, or otherwise publicly debase the socialist regime of the CSSR and its allied bonds or lower the esteem of Cz. officials and Cz. state and social institutions.

ARTICLE 10

(1) The grounds for the withdrawal of Cz. state citizenship from persons listed in Article 9 are provided for the Federal Ministry of the Interior by state organs, particularly the Federal Ministry of Foreign Affairs, Federal Ministry of Foreign Trade, General Prosecutor's Office of the CSSR, General Prosecutor's Offices of the CSR and SSR, and Ministries of Justice of the CSR and SSR on the basis of their own findings.

(2) On the grounds of such initiative or on the basis of its own findings the Federal Ministry of the Interior files a proposal for withdrawal of Cz. state citizenship from persons listed under Article 9 to either the Czech or Slovak Ministry of the Interior, depending on jurisdiction in each case.

(3) Provided the Czech or Slovak Interior Ministry obtains the grounds for withdrawal of Cz. state citizenship directly or through its own inquiry, it requires a stand of the Federal Interior Ministry before ruling on withdrawal of state citizenship.

ARTICLE 11

Persons who have been stripped of Cz. state citizenship in the sense of these directives are barred from entry and stay on the territory of the CSSR.

ARTICLE 12

Cz. citizens maintaining contact with persons stripped of Cz. state citizenship in the sense of these directives are not allowed to travel abroad.

(2) Exemptions are granted by the Cz. interior minister in completely exceptional cases, such as death or serious illness in the family or other circumstances warranting special attention.

Section 5—Concluding provisions

ARTICLE 13

(1) The Cz. citizen who even after five years of unauthorized stay abroad shows no interest in arranging his relationship with the CSSR in the sense of these directives is barred from entry on the territory of the CSSR.

(2) Cz. citizens are not allowed to visit persons listed under Paragraph 1.

ARTICLE 14

(1) Family members of Cz. citizens residing abroad without the permit of Cz. authorities are barred from visiting these persons until requests according to Section 2 and 3 are cleared.

(2) Cz. citizens at retirement age may be permitted to travel to capitalist states even before the passage of five years from the start of their family members' unauthorized stay abroad, provided they meet the conditions imposed on travel to capitalist states.

ARTICLE 15

(1) Cz. citizens up to age twenty-five who have gone abroad to join their parents—Cz. citizens—before age eighteen and whose parents have stayed abroad without the permit of Cz. authorities will as a rule be issued travel documents to go to the CSSR unless they have been stripped of Cz. state citizenship.

(2) Under age citizens living in the CSSR whose parents have remained abroad without the perimt of Cz. authorities and have not been stripped of Cz. state citizenship but failed to arrange their relationship with the Cz. state in the sense of these directives are permitted to visit their parents in only completely exceptional cases, such as the death or grave illness of family members or other circumstances warranting special consideration.

(3) Underage citizens may be permitted to emigrate from the CSSR only if it be in their interest and provided their parents, permitted to permanently reside abroad or cleared for release from the state bond, so require from the Cz. mission in the country of their permanent residence; in other cases, permits for emigration of underage citizens will be issued only completely exceptionally.

ARTICLE 16

(1) Provided requests under Article 3 or 6 are cleared, the time of stay abroad prior to the legal effect of this ruling from the viewpoint of Law No. 161/1969 on some implications of the unauthorized stay of workers abroad, Law No. 121/1975 on social security, and Par. 103/4 of the Labor Code is regarded as the time of unauthorized stay abroad.

(2) These directives do not effect legal provisions on withdrawal of Cz. state citizenship and release from the state bond.

ARTICLE 17

The directives enter into force on the day of their passage.

Appendix III

U.S. EMBASSY, CZECHOSLOVAKIA,
October 26, 1977.

HON. HENRY J. HYDE,
House of Representatives, Washington, D.C.

DEAR MR. HYDE: Thank you for your letter of October 17, which I received today, regarding the Jaroslav Nemec family.

A few days ago we received a letter from Mr. Nemec in which he mentioned his visit to the Czechoslovak Embassy. We have written back, requesting more details, so that we will know how to help him if difficulties develop.

On October 25 we telephoned Mr. Nemec's father, the children's guardian, to ask if he had heard any news about their applications for emigration. He had nothing to report, but we attach no significance to this. The Czechoslovak bureaucracy is often slow.

Please be assured that this Embassy will continue to do all that it can to reunite the Nemec family. I will inform you immediately of any developments in this matter. If you desire further information or assistance, please do not hesitate to write to me.

Sincerely,

THOMAS R. BYRNE, *Ambassador.*

OCTOBER 17, 1977.

HON. THOMAS R. BYRNE,
American Ambassador, U.S. Embassy, Prague, Czechoslovakia.

DEAR AMBASSADOR BYRNE: I am writing you in further reference to the reunification of the Jaroslav Nemec family and to bring you up to date on the developments in this case.

I am happy to advise you that on October 7 Mr. and Mrs. Nemec visited the Czechoslovakia Embassy and signed the necessary documents which was the last remaining step to be completed in order to assure their children's emigration.

The signed documents were to be sent to Prague shortly thereafter for further processing. I wanted to alert you to this fact in order to give you time to review this file and to make sure everything is in order.

Hopefully, permission for Marcel and Andrea to leave will be granted in the not too distant future. I would be grateful if you could advise me as soon as you know when this permission has been approved and when we can expect visas to be issued for these two children.

Your continued interest and assistance in this case is deeply appreciated.

Very truly yours,

HENRY J. HYDE.

VELVYSLANECTVI CESKOSLOVENSKE SOCIALISTICKE REPUBLIKY,
EMBASSY OF THE CZECHOSLOVAK SOCIALIST REPUBLIC,
Washington, D.C., September 30, 1977.

10.022/77

Hon. HENRY J. HYDE,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HYDE: I refer to your letter of September 22, 1977 addressed to Ambassador Johanes who is presently attending session of General Assembly of United Nations in New York. As I was informed by Consular Division of the Embassy the visit of Mr. and Mrs. Nemec was arranged for October 7 at 10:00 a.m. at the Embassy. I will be happy to use this opportunity to meet you personally. As far as the request for emigration of Mr. and Mrs. Raisler's son is concerned, since the Embassy up to now has not received necessary documentation from Czechoslovakia, there is nothing what could be done at present. We have already asked Czechoslovak authorities to expedite the sending of appropriate documents and we invite Mr. and Mrs. Raisler to visit Embassy as soon as we receive them. When Mr. and Mrs. Raisler were visiting Embassy on September 26, 1977 they were informed accordingly.

Sincerely,

EDUARD KUKAN,
Minister Counselor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 27, 1977.

Hon. JAROMIR JOHANES,
Embassy of the Czechoslovak Socialist Republic,
Washington, D.C.

DEAR AMBASSADOR JOHANES: It was a pleasure meeting you during my recent trip to your country. The hospitality and courtesies extended to us while visiting Czechoslovakia made our trip most enjoyable and were very much appreciated.

During my visit I met with Dr. Josef Houzvicka and discussed the emigration of the children of my constituents, Mr. and Mrs. Nemec and Mr. and Mrs. Raisler. According to Dr. Houzvicka all that remained to be done in order to assure the children's emigration was for the parents to visit your Embassy and take the necessary steps to comply with regulation 58.

My secretary has arranged for Mr. and Mrs. Nemec to meet with Mr. Jaroslav Tatar on October 7, 1977. As a courtesy to my constituents I will accompany them to the Embassy. I understand that since they are permanent residents they are not required to bring any documents with them. The Embassy does not have a file for Mr. and Mrs. Raisler, however, I am informed that the necessary papers are on their way and should be ready for signing in the not too distant future.

I would like to express my deep appreciation to the Embassy staff for their assistance in arranging this appointment for Mr. and Mrs. Nemec and for the sincere interest and help we have received from your government in bringing these two families together again.

Respectfully,

HENRY J. HYDE.

Appendix IV

Declaration of Charter 77

On October 13, 1976 in the Collection of Laws (vol. 120), were published the "International Convention on Civil and Political Rights" and the "International Convention on Economic, Social and Cultural Rights," which were in the name of our Republic signed in 1968, reaffirmed in Helsinki in 1975, and which entered into effect here in Czechoslovakia on March 23, 1976. From that time our citizens have the right, and our state has the responsibility, to be guided by them.

The liberties and rights of people, which these pacts guarantee, are important civilizing values, towards which the efforts of many progressive forces have tended, and their introduction into law can make an outstanding contribution to the humane development of our society.

We therefore welcome the fact that the Czechoslovak Socialist Republic has subscribed to these pacts.

Their publication, however, as well as a new urgency, reminds us how many basic civil rights have force in our country for the time being—unfortunately—only on paper.

Completely illusory, for example, is the right to freedom of speech, guaranteed by Article 19 of the first-mentioned pact.

Tens of thousands of citizens are unable to work in their professions only because they maintain opinions different from official views. They are in this connection the object of the most varied discrimination and harassment on the part of offices and social organizations: deprived of any way to protect themselves, they become in practice the victims of apartheid.

Hundreds of thousands of other citizens are denied "freedom from fear" (preamble of first mentioned pact), because they are forced to live in constant danger that, their views having become known, they will lose their work and other possibilities.

In conflict with Article 13 of the second pact, guaranteeing to all the right to education, innumerable young people are prevented from studying only because of their views or even on account of the views of their parents. An uncountable number of citizens must live in fear that if they were to express themselves in accordance with their convictions, they themselves or their children could be deprived of the right to education.

The enforcement of the rights to "seek, receive and distribute information and thoughts of all kinds, irrespective of borders, whether orally, in writing or in published form" or "by means of art" (point 2 of Article 13, first-mentioned pact) is hindered not only extra-legally, but also in the courts, often under the mask of criminal prosecution. (The recent trial of the young musicians bears witness to this).

The freedom of public expression is suppressed by the central direction of all information media and of the publishing and cultural establishment. No political, philosophical or scientific opinion or artistic expression, however slightly extending beyond the narrow frame of official ideology or esthetics can be published; public criticism of critical social phenomena is made impossible; the possibility of public defense against untrue and insulting accusations of the official propaganda is excluded. (Legal defense against "attacks on honor and reputation," singularly guaranteed by Article 17 of the first pact, in practice does not exist) : lying accusations cannot be refuted and any attempt to seek correction or redress through the courts is in vain : in the area of spiritual and cultural creation open discussion is ruled out. Many scientific and cultural workers and other citizens are discriminated against only because years ago they legally published or openly expressed views which the current political power condemns.

The freedom of religious belief, emphatically guaranteed by Article 18 of the first pact, is systematically limited by arbitrariness of the powers that be: by the curtailing of activity of priests, over whom constantly hangs the threat of denial or loss of State approval of the discharge of their function; existential and other persecution of people who by word or deed express their religious conviction; by the suppression of religious instruction and so forth.

The instrument of limitation and often of complete suppression of a series of civil rights is the system of factual subordination of all institutions and organizations in the state to the political directives of the apparatus of the ruling party and to the decisions of influential individuals. The constitution of the CSSR and other laws and legal norms correct neither the content and form

nor the creation and application of such decisions: they are often only spoken, unknown and uncontrolled by the citizens; their originators are responsible to no one but themselves and their own hierarchy, however in a decisive way they influence the activity of the legislative and executive organs of state administration, justice, professional, interest-group and all other social organizations, work-places, institutes, offices, schools and other establishments in the course of which their orders take precedence even before the law. Should an organization or citizens in the interpretation of their rights and responsibilities come into conflict with a directive, they cannot turn to an impartial arbiter, because none exists. By all of this, the rights flowing from Articles 21 and 22 of the first pact (right of assembly and prohibition of any limitation on this right) and Article 25 (the right to share equally in the direction of public affairs) and 26 (which rules out discrimination before the law) are seriously limited. This situation also prevents blue collar and other workers from relying, without any limitations, on trade unions and other organizations for the defense of their economic and social interests and from freely using the right to strike (part 1 of Article 8 of the second pact).

Other civil rights, including the prohibition of "arbitrary interference in personal life, the family, the home or correspondence" (Article 17 of the first pact), are dangerously violated also by the fact that the Ministry of Interior by the most varied means checks up on the life of the citizenry, for example by eavesdropping on telephones and apartments, by checking the mails, shadowing individuals, house searches, building a web of informers from the ranks of the population (recruited often by means of unadmitted threats or on the contrary, promises), and so on. Often this procedure enters into the decision-making of employers, inspires discriminatry actions by offices and organizations, influences the justice organs and directs the propaganda campaign in the media. This activity is not regulated by laws, it is secret and the citizen has no way to defend himself against it.

In cases of politically-motivated penal persecution the investigating and justice organs violate the rights of the accused and their defense, guaranteed by Article 14 of the first pact and by Czechoslovak laws. In the prisons they deal with those sentenced in such a way as to violate the human dignity of the prisoners, threaten their health and break them morally.

Point 2 of Article 12 of the first pact, guaranteeing to the citizen the right freely to leave his country, is generally observed in the breach; on the pretext of "defense of national security" (point 3). This right is restricted by various inadmissible conditions. Arbitrary measures are also taken with regard to the issuance of entry visas to foreigners, on account of which they cannot visit CSSR, for example, only because they had working or friendly contracts with persons discriminated against here.

Some citizens—be it privately, at the workplace or publicly, which is practically possible only in foreign media—are warning of the systematic violation of human rights and democratic freedoms, and are pressing for redress in concrete cases; their appeals, however, remain largely without answer or become the subject to investigation.

Responsibility for the safe-guarding of civil rights in the country obviously falls primarily on the political and state powers. But not only on them. Every person bears his share of responsibility for the situation of the community, including the upholding of pacts which have been ratified and are now law, and which, in the end, all citizens, not only the government, undertake.

A feeling of co-responsibility, a faith in the meaning of citizens' *engagement* and favor toward it, and the common need to seek a new and more effective expression of it, led us to the idea of forming Charter 77 whose establishment we today publicly announce.

Charter 77 is a free, informal and open society of people of various persuasions, various beliefs and various professions, who are joined by the desire, individually and collectively, to work for the respecting of civil and human rights in our country and in the world—of those rights which are awarded to man by both ratified international pacts, the Final Act of the Helsinki Conference, numerous other international documents against wars, violence and social and spiritual oppression, and which are summarized in the U.N. General Declaration of Human Rights.

Charter 77 grows out of the solidarity and friendship of people who share a concern for the fate of ideals, with which they have joined and continue to join their lives and their work.

Charter 77 is not a basis for oppositional political activity. It wants to serve the public interest as do many similar citizens' initiatives in various countries of West and East. It does not want to present its own programs of political or societal reforms or changes, but to carry on within the area of its activity a constructive dialogue with the political and state powers, particularly by pointing out various concrete cases of the violation of human and civil rights, preparing documentation of such cases, suggesting solutions, putting forward various prevalent suggestions, leading toward the deepening of these rights and their safe-guarding, by acting as the mediator in conflict situations which wrong-doing may evoke, and so forth.

By its symbolic name Charter 77 emphasizes that it arises on the threshold of a year which has been proclaimed the year of rights of political prisoners and in which the Belgrade Conference should examine the fulfillment of the undertakings of Helsinki.

As signatories of the declaration we entrust professor Jan Patocka, Dr. Sc. Dr. honoris causa, Vaclav Havel, and prof. Dr. Jiri Hajek, Dr. Sc, with the role of spokesmen for Charter 77. These spokesmen will represent it with full powers before state and other organizations and before our own and the world public, and by their signatures they guarantee the authenticity of their documents. In us and in other citizens who will add their signatures, they will have their co-workers who will participate in the necessary talks, take charge of apportioned tasks and share overall responsibility.

We believe that Charter 77 will contribute to the end that all citizens in Czechoslovakia should work and live as free people.

Appendix V

AGREEMENT BETWEEN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON COOPERATION IN CULTURE, EDUCATION, SCIENCE, AND TECHNOLOGY

The Government of the Hungarian People's Republic and the Government of the United States of America

Considering the historic ties of friendship between the Hungarian and American peoples;

Believing that exchanges and co-operation in culture, education, science, technology and other fields will contribute to the deepening of understanding between the Hungarian and American peoples and to the development of mutually beneficial relations between the two countries;

Recognizing that exchanges and co-operation between the cultural, educational, scientific and technological institutions of the two countries will contribute to the cultural, educational and material development of their peoples;

Considering the existing exchanges and co-operation in culture, education, science and technology between the two countries and desiring their further development;

Reaffirming their desire, in the interest of their peoples, to contribute in Europe to peace, security, justice and co-operation, as expressed in the Final Act of the Conference on Security and Co-operation in Europe;

Agree as follows:

ARTICLE I

1. The Parties shall encourage the further development of interest in the cultural heritage and a wider knowledge of the cultural achievements of the other country.

To this end, the Parties shall encourage, in the way they deem appropriate, on the basis of mutual benefit, exchanges and co-operation between the two countries in the fields of the arts, culture, education, the humanities, literature and social sciences, and provide appropriate opportunities for contracts and joint activities, between organizations, institutions and persons active in these fields.

2. The Parties shall encourage the competent bodies and institutions of their respective countries to consider activities which may include among others:

(*a*) The exchange of exhibitions and other displays of a cultural, educational and documentary nature;

(*b*) The translation and publication of artistic, literary and scientific works produced in the other country;

(*c*) The presentation of plays and musical compositions of the other country;

(*d*) The distribution and showings of feature, documentary and educational films of the other country; co-operation between film institutes and experimental film theatres of the two countries, as well as other mutually beneficial activities in the fields of cinematography, radio and television;

(*e*) The appearances of artistic groups and individual performing artists of the other country;

(*f*) The exchange of representatives in the fields of achitecture, literature, music, painting, sculpture, the theatre and other areas of the arts.

3. The Parties shall encourage and facilitate

(*a*) Co-operation in fields of common interest among universities and other institutions of higher learning, learned societies and cultural organizations;

(*b*) The exchange of books, text-books, periodicals and other documentary materials, written or demonstrative, for use by cultural and scientific organizations, universities and other institutions of learning and learned societies;

(*c*) Co-operation in the organization of joint research, conferences and symposia;

(*d*) The exchange of graduate students, instructors, lecturers, scholars, researchers, professors, as well as specialists in education and other fields.

4. The Parties will facilitate visits by participants from the other country in these exchanges to archives, libraries and museums in the receiving country which are open to the public.

5. The parties will facilitate the exchange of information concerning the comparability and equivalency of degrees.

ARTICLE II

1. The Parties shall encourage and facilitate exchanges and co-operation in the fields of pure and applied science as well as technology, on the basis of mutual benefit, and provide appropriate opportunities for contacts and joint activities in specialized areas and topics of common interest between enterprises, scientific and technological institutions and organizations, research institutes, universities and other institutions of higher learning, as well as scientists, researchers and specialists of the two countries.

2. In order to develop and expand scientific and technological co-operation as described under Item II/I, the Parties shall facilitate, among other activities:

(*a*) Visits, study-trips and consultations of researchers, scientists and other specialists;

(*b*) Joint development and implementation of programs and projects, including joint research, development, testing, and the exchange of research results and experience;

(*c*) Organization of joint courses, conferences and symposia,

(*d*) Exchange of scientific and technical films;

(*e*) Organization of scientific and technical exhibitions and displays on a non-commercial basis;

(*f*) Exchange of scientific and technical documentation and information;

(*g*) Exchange of books, periodicals and other publicly available publications of a scientific and technical nature.

ARTICLE III

1. The Parties shall encourage scientific co-operation between organizations and institutions of the two countries performing important national tasks and, to this end, shall consider, as deemed necessary, the conclusion of separate agreements to achieve the purposes of this Agreement.

2. The Parties shall take all appropriate measures to encourage and achieve the fulfillment of the Agreement between the Institute for Cultural Relations of the Hungarian People's Republic and the National Science Foundation of the United States of America.

ARTICLE IV

The Parties shall encourage co-operation between the sports organizations of the two countries, in particular, the organization of individual and team exhibitions and competitions, and the exchange of specialists in physical education and sports.

ARTICLE V

For the purpose of implementing this Agreement, periodic two-year working programs shall be concluded in the cultural, educational, scientific and technological fields. The execution of these working programs shall be entrusted to the competent agencies of the two Parties.

In order to review the implementation of this Agreement, to elaborate the aforementioned working programs and to consider future activities, designated representatives of the Parties shall meet, alternately in Budapest and Washington, at mutually agreed upon regular intervals.

ARTICLE VI

The provisions of this Agreement shall not affect the domestic laws or regulations of either Party. The responsibilities assumed by each Government under this Agreement shall be subject to its Constitution and applicable laws and regulations. Within this framework, both Parties will use their best efforts to ensure favourable conditions for the fulfillment of the provisions and objectives of this Agreement and the exchanges and co-operation under it.

ARTICLE VII

The Parties agree to encourage and facilitate, as each side deems appropriate mutually acceptable additional exchanges and co-operation initiated in accordance with the objectives of this Agreement, by interested institutions, organizations or persons of the two countries active in the fields of culture, education, science and technology.

ARTICLE VIII

Following signature, this Agreement shall enter into force upon the date of written notification from the Government of the Hungarian People's Republic to the Government of the United States of America that the Agreement has been approved by the Government of the Hungarian People's Republic.

This Agreement shall remain in force for two years. It may be modified or amended by mutual agreement of the Parties, and may be terminated by either Party upon six months' written notice to the other Party. It shall remain in force for additional periods of two years unless either Party shall have given written notice of termination not later than six months before the Agreement is due to expire.

In witness whereof the respective representatives, duly authorized for the purpose, have signed this Agreement.

Done in duplicate at ----------, this 6th day of April of 1977, in the Hungarian and English languages, both being equally authentic.

○