RECESS

Mr. McFARLAND. As in legislative session, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate took a recess until tomorrow Wednesday, June 11, 1952, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 10, 1952:

UNITED STATES DISTRICT JUDGE

Hon. Ernest A. Tolin, to be United States district judge for the southern district of California.

UNITED STATES ATTORNEY

A. Carter Whitehead, to be United States attorney for the eastern district of Virginia.

UNITED STATES MARSHALS

Benjamin F. Ellis, to be United States marshal for the middle district of Alabama.

Raymond E. Thomason, to be United States marshal for the northern district of Alabama.

John E. Hushing, to be United States marshal for the district of the Canal Zone.

Julius J. Wichser, to be United States marshal for the southern district of Indiana.

Rupert Hugo Newcomb, to be United States marshal for the southern district of Mississippi.

Frank Golden, to be United States marshal for the district of Nebraska.

William T. Brady, to be United States marshal for the district of New Jersey.

Gerald K. Nellis, to be United States marshal for the northern district of New York.

PUBLIC HEALTH SERVICE

APPOINTMENT IN THE REGULAR CORPS

William D. Sudia, to be assistant sanitarian, effective date of acceptance.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 10, 1952

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore.

Rev. John W. Inzer, D. D., past national chaplain of the American Legion, of High Acres, Sylacauga, Ala., offered the following prayer:

Our Heavenly Father, the God and Father of all mankind, as we humbly come before Thee this morning for a moment of worship and prayer, it seems most timely to remind ourselves of one of Thy great promises to Thy people, but a promise that carries with it important conditions on our part. Thou hast said: "If my people who are called by my name, shall humble themselves, and pray, and seek my faith, and turn from their wicked ways; then will I hear from heaven and will forgive their sins, and heal their land."

Oh God, help us as a nation of God-fearing people this day to meet these conditions and be in a position to receive Thy great favor.

We thank Thee for this particular branch of our National Government; that these gentlemen are by and large men of ability, vision, integrity, and high purpose; that our founding fathers were wise to set up this House of Representatives as an effective check on other branches of our Government; and that this House is answerable every 2 years directly to the people. May they and all men always keep this important fact in mind.

We thank Thee for so many men in government who will not stoop to conquer, yield to expediency, compromise convictions, or be beaten down by unscrupulous pressure groups; or fail to speak their minds or vote their convictions. We thank Thee that we have patriotic citizens from Washington to Korea who are truly willing to die, that freedom may not perish from all the earth—men who put God and country above profit and advancement and even above home and life, men who put principle above party and service above self.

Oh God, save us this day from ignorance, stupidity, littleness, folly, selfishness, and sin. Give us a will with wisdom and courage to see the whole world safely through these gray days. Help us to see that these days are gray only and to not be afraid to walk through them, and to be faithful to perform our sacred duties.

Now, Heavenly Father, forgive us not only of our sins of omission and commission but also that other sin that at times is a more perilous sin—the sin of submission. Help us all this day to do justly, to love mercy, and to walk humbly with Thee our God and in the presence of our fellow men.

In the Master's name we ask it. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Landers, its enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7005) entitled "An act to amend the Mutual Security Act of 1951, and for other purposes."

PROVISION FOR JOINT SESSION OF HOUSE AND SENATE

Mr. PRIEST. Mr. Speaker, I offer a resolution (H. Con. Res. 220) and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, June 10, 1952, at 12:30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESSES MADE IN ORDER TODAY

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker pro tempore to declare a recess subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

RECESS

The SPEAKER pro tempore. The House will stand in recess subject to the call of the Chair.

Thereupon (at 12 o'clock and 4 minutes p. m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 12 o'clock and 24 minutes p. m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 220. Concurrent resolution providing for a joint session of the two Houses of Congress on June 10, 1952.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 220 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore presided.

The Doorkeeper announced the Vice President and the Members of the United States Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker pro tempore and the Members of the Senate the seats reserved for them.

The SPEAKER pro tempore. On the part of the House the Chair appoints as members of the committee to escort the President of the United States into the Chamber, the gentleman from Tennessee, Mr. PRIEST; the gentleman from North Carolina, Mr. DOUGHTON; and the gentleman from Massachusetts, Mr. MARTIN.

The VICE PRESIDENT. On the part of the Senate, the Chair appoints as members of the committee of escort the Senator from Arizona, Mr. McFARLAND; the Senator from New Hampshire, Mr. BRIDGES; and the Senator from South Carolina, Mr. MAYBANK.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them.

At 12:30 o'clock p. m. the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER pro tempore. Members of the Congress, I have the distinguished honor of presenting to you the President of the United States.

CRISIS IN THE STEEL INDUSTRY—ADDRESS OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 496)

The PRESIDENT. Mr. President, Mr. Speaker, Members of the Congress, I should like to report to the Congress on certain events that have happened in connection with the current dispute in the steel industry since I last communicated with the Congress on that subject.

On April 9, I informed the Congress that I had taken action to provide for temporary operation of the steel mills by the Government. At that time, I indicated the reasons that had impelled me to take that action. I pointed out that the Congress might wish to take action providing for a different solution of the grave problem confronting the Nation as a result of the steel dispute. I also said that, if the Congress did not act, I would continue to do everything in my power to keep the steel industry operating and to bring about a settlement of the dispute.

The Congress took no action.

Accordingly, Government operation of the mills continued and intensive efforts were made to bring the parties into agreement. Meetings between the parties were held from April 9 to April 15, and on May 3 and 4. But their differences on a number of issues were so great that no settlement could be reached.

Meanwhile, some of the steel companies had instituted court proceedings for the purpose of challenging the President's power to keep the steel mills in operation. This case reached the Supreme Court, and on Monday, June 2, a majority of that Court decided that the President did not have the power, in this instance, to operate the mills. I immediately ordered that Government possession of the mills be relinquished.

On the same day, a strike was called and most of the steel industry was shut down. Thus, the situation that I had sought to avoid was brought about. I had managed to keep steel production going from the end of December to the second of June—a period of more than 150 days—even though the companies and the union had no collective bargaining contract. Now it has been made impossible for me to prevent a break in production.

Very shortly thereafter, I was informed there was a reasonable prospect that the parties might be able to reach a settlement of their dispute if they could be brought together again to negotiate.

I have said repeatedly that the ultimate and proper settlement of this matter can be achieved only by agreement between the parties. Consequently, I have sought at every opportunity to help bring about such an agreement. That, obviously, was the step that was called for in the circumstances prevailing last week. Moreover, it seemed essential that the negotiations be given every possible chance to succeed—that no other action be taken which would be likely to make either party unwilling or unable to negotiate in good faith.

That is the course that was followed. The parties were called back into negotiations. They met from Thursday, June 5, until Monday, June 9. Although they made some progress, they were not able to reach a final agreement. We are now, therefore, faced with the necessity of using some other means for getting the steel mills back into production.

When the negotiations were broken off last night, representatives of the parties indicated that they would "cooperate in assuring production of military requirements essential to our forces engaged in combating Communist aggressors." This morning, I have instructed Dr. Steelman, Acting Director of Defense Mobilization, and Mr. Lovett, Secretary of Defense, to arrange with the companies and the union to meet as many of our urgent military requirements as possible under this pledge.

It is impossible to determine at this time just how much steel can be obtained in this manner. We should be able to meet our most critical military needs. But, at the same time, we cannot expect to get enough steel in this way to meet all of the essential needs of the defense program.

The fact is that we need steel, not just for immediate combat requirements, but also for equipping all of our Armed Forces—and to help equip those of our allies. We need steel for constructing defense plants and new atomic energy installations. There are vital industrial requirements for steel—for such items as power generating equipment, freight cars, and oil producing equipment. These needs are urgent and must not be indefinitely delayed by a steel shut-down.

Our national security depends upon our total economic strength, and steel is a basic element in that strength.

Consequently, we are faced with the imperative need for getting most, if not all, of the Nation's steel mills back into production very promptly.

There are several possible courses of action that might be followed. However, I believe there are two main possibilities. One of these is Government operation of the steel mills. The other is the use of a labor injunction of the type authorized by the Taft-Hartley law. The Congress can choose either of these two courses. I cannot. I could only use the Taft-Hartley approach. In my judgment, that is by far the worse of the two approaches.

Consequently, I feel that I should put the facts before the Congress, recommend the course of action I deem best, and call upon the Congress—which has the power to do so—to make the choice.

I believe the Congress should make its choice with a view of bringing about three objectives: First, to secure essential steel production; second, to assure fair treatment to both parties, in accordance with sound price and wage stabilization policies; third, to encourage the parties to settle their differences through collective bargaining. Each of these objectives is important to the national interest, and the Congress should act to serve all of them.

I believe the course which is most likely to achieve these objectives is to enact legislation authorizing the Government to take over the steel plants and operate them temporarily until the parties reach a settlement. This is the course I recommend.

A seizure law, if properly drafted, can achieve the objectives of assuring steel production, treating both parties fairly, and encouraging collective bargaining. The key requirement of such a law, if it is to accomplish these ends, is to provide for fair and just compensation to the owners for the use of their property during a seizure, and fair and just compensation for the work of the employees.

The Constitution protects the owners of property during a period of Government operation by requiring that they be given just compensation—and they can appeal to the courts to enforce that requirement. The law should give similar protection to wage earners. This means that changes in wages and working conditions during seizure should not be prevented by law. If they were, the seizure would mean that workers would be compelled to work indefinitely without a change in wages, no matter how much a change might be justified. This is obviously not equal justice under law.

In order to be fair, the law must provide for a method of determining just compensation for the owners and the workers during the period of Government operation. This can be done by the establishment of special boards to work out specific proposals for the purpose, within the general framework of the Government's stabilization policies. In this way, the legislation can assure continued steel production, and fair treatment for both parties during Government operation.

Seizure should not, of course, be regarded as a means of determining the issues in dispute between management and the union. Those issues will have to be settled by the parties through their own collective bargaining. Legislation providing for Government operation will not prevent collective bargaining. As a matter of fact, the type of legislation I have described will undoubtedly increase the incentives for the parties to settle their differences through bargaining. The companies will face the possibility of receiving something less than their normal profits as just compensation. And the workers will face the prospect of getting less than they think they are entitled to. Indeed, I made this plain on May 3, when I informed the parties that Government changes in wages and working conditions would not be satisfactory to either side.

I therefore recommend that the Congress promptly enact seizure legislation such as I have described, which will restore full scale steel production, provide fair treatment for all concerned, and maintain incentives for both parties to reach agreement on the disputed issues through collective bargaining.

There is another course which the Congress could follow. That would be to enact legislation authorizing and directing the President to seek an injunction of the type authorized under the

Taft-Hartley Act, but without going through the formality of appointing a board of inquiry and waiting for its report.

I do not recommend that the Congress adopt the Taft-Hartley approach. I think it would be unwise, unfair, and quite possibly ineffective.

The Nation has already had the benefit of whatever could be gained by action under the Taft-Hartley Act. That act provides for two main things. It provides for a fact-finding board to investigate and report on the issues in dispute. In the steel case, we have already had the facts fully determined and reported by the Wage Stabilization Board. The Taft-Hartley Act also provides for injunctions against a shutdown for a total of 80 days. In the steel case the union already, even before April 8, had voluntarily postponed strike action for 99 days. Insofar as fact-finding and delay are concerned, therefore, the practical effects of the Taft-Hartley Act were achieved in this case some time ago.

Over and above these facts, however, there are other compelling reasons for not using an injunction of the Taft-Hartley type in the steel case. Its effect would be to require the workers to continue working for another long period without change in their wages and working conditions. This would be grossly unfair. The Wage Stabilization Board, the Government agency charged with responsibility in these matters, has found—and the companies have admitted—that the workers are entitled to improvements in wages and working conditions. The union members stayed at work, at Government request, during the time the case was being considered by the Wage Board, and later during the period of Government operation from April 8 to June 2. In these respects, the union and its members have cooperated fully with the Government in the public interest. And yet the effect of a Taft-Hartley labor injunction would be to penalize the workers and to give the advantage to the steel companies. I want to make it very plain to the Congress that the result of using a Taft-Hartley type injunction in this dispute would be to take sides with the companies and against the workers.

Furthermore, a Taft-Hartley injunction would take away management's incentive to bargain out the issues in dispute. The companies would have nothing to lose and everything to gain by delaying an agreement for as long as the injunction was in effect. Thus a Taft-Hartley injunction in this case would not only be unfair, it would hamper, rather than help, the collective bargaining negotiations.

Moreover, use of the Taft-Hartley law would not guarantee a restoration of full-scale steel production, which should be our primary objective. Nothing in the act can restore steel production immediately or automatically. As the Congress knows, the first step that must be taken under that act is to appoint a board of inquiry to investigate and report the facts of the matter. Previous experience indicates that it could take as much as a week or 10 days for such a board to complete its task. If such a board were appointed and made its report, and the Attorney General were directed to seek an injunction against a strike, the question would arise whether a court of equity would grant the Attorney General's request, in view of the union's previous voluntary 99-day postponement. Furthermore, even if an injunction were granted, there is no assurance that it would get the steel mills back in operation. I call the attention of the Congress to the fact that such an injunction did not get the coal mines back in operation in 1950.

If, however, the judgment of the Congress, contrary to mine, is that an injunction of the Taft-Hartley type should be used, there is a quicker way to do so than by appointing a board of inquiry under the Taft-Hartley Act. That would be for the Congress to enact legislation authorizing and directing the President to seek such an injunction, without waiting for any board to be appointed and to report.

I do not want to be misunderstood. I believe the Taft-Hartley procedure would be unfair, harmful, and futile—futile at least in helping to bring about a settlement, and perhaps also in restoring production. I hope very much that the Congress will decide that the Taft-Hartley type injunction should not be used at all and that seizure legislation should be enacted instead.

In any event, I hope the Congress will act quickly. The issue of peace or war hangs in the balance, and steel is a vital element in the outcome.

We are engaged, with other free countries, in a mighty effort to build up the military defenses of the free world. We must build up this military strength if we are to have a reasonable chance of preventing world war III. But we cannot do it without steel, for steel is the backbone of our defense production, and, indeed, of our whole industrial society.

Every action I have taken in the dispute in the steel industry, beginning last December, has been based on the paramount necessity for maintaining the production of essential steel products in the present defense emergency. When I took the extraordinary step of seizure in the absence of specific statutory authority, I pointed out that "with American troops facing the enemy on the field of battle, I would not be living up to my oath of office if I failed to do whatever is required to provide them with the weapons and ammunition they need for their survival." Now a majority of the Supreme Court have declared that I cannot take the action I believe necessary. But they have said very clearly that the Congress can.

Whatever may have been the intention of the Court's majority in setting limits on the President's powers, there can be no question of their view that the Congress can enact legislation to avoid a crippling work stoppage in the steel industry. Mr. Justice Black said the Congress "can authorize the taking of private property for public use. It can make laws regulating the relationships between employers and employees, prescribing rules designed to settle labor disputes, and fixing wages and working conditions." Mr. Justice Frankfurter said that by enacting the Taft-Hartley Act, the Congress in effect decided that "the only recourse for preventing a shutdown in any basic industry after failure of mediation, was Congress." Mr. Justice Jackson referred to "the ease, expedition and safety with which Congress can grant" emergency powers of the type needed to handle this crisis.

The issue is squarely up to the Congress. I hope the Congress will meet it by enacting fair and effective legislation. [Applause, the Members rising.]

At 12 o'clock and 50 minutes p. m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The members of the President's Cabinet retired.

JOINT SESSION DISSOLVED

The SPEAKER pro tempore. The Chair declares the joint session of the two Houses now dissolved.

Thereupon (at 12 o'clock and 52 minutes p. m.) the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

RECESS

The SPEAKER pro tempore. The House will stand in recess until 1:30 o'clock p. m., the bells to be rung at 1:15 p. m.

Thereupon (at 12 o'clock and 54 minutes p. m.) the House stood in recess until 1:30 p. m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 1 o'clock and 30 minutes p. m.

REFERENCE OF PRESIDENT'S MESSAGE

Mr. PRIEST. Mr. Speaker, I move that the message of the President delivered to the joint session of the House and Senate be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. HART. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have permission to sit during general debate in sessions of the House this afternoon.

SPECIAL ORDERS GRANTED

Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 10 minutes today, following the legislative business of the day and any special orders heretofore entered.

Mr. LANE asked and was given permission to address the House for 10 minutes today, following the special orders heretofore entered.

FEDERAL AID TO HIGHWAYS

Mr. FALLON. Mr. Speaker, I ask to have until midnight tonight to file a conference report on the bill (H. R. 7340) to amend and supplement the Federal-aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

KOJE ISLAND

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, the American people can take heart from the firm and positive steps now apparent on Koje Island. No longer is there appeasement. No longer do American generals wait upon the demands of Communist prisoners. The Reds are now made to realize they are prisoners of war and as such if there is trouble it will be of their own making. They are treated fairly and according to the rules laid down at the Geneva Conference. That is much more than can be said for the treatment accorded Americans who are prisoners of the Reds.

The shameful spectacle of the propaganda value of American abasement before Red demands on Koje cannot be erased. But the strong leadership of General Clark and General Boatner is helpful assurance that there will be no repetition.

I think much light was thrown on this matter by hearings held in my subcommittee on yesterday, and I call attention of the House to the fact that those hearings will be available in printed form on tomorrow.

ADDRESS OF PRESIDENT TRUMAN AT REUNION OF THE THIRTY-FIFTH DIVISION

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD an address made by the President of the United States at the reunion of the Thirty-fifth Division.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

(The address follows:)

Thank you very much. Governor, I thank you very much for that wonderful introduction. I hope I can live up to it. I am very happy to be with you again. I always enjoy these reunions. In my present position, I review a lot more parades, but this is one place where I can march in one, and that's unusual.

When I was in St. Louis 2 years ago at the thirtieth reunion of the Thirty-fifth Division, I talked to you about world peace, and about the necessity of building up the defensive strength of all the free nations. A great deal has happened since then. Today, I want to talk to you about the progress we have made since 1950. And I want to point out some of the dangers that now threaten us.

When I talked to you on June 10, 1950, I told you how the Soviet Union was threatening the peace of the world. I told you that the Soviet Union was engaged in a tremendous military build-up, and that we, together with our allies, had a long, hard road ahead of us. There were a lot of things on my mind when I made that speech to you in 1950.

You remember that the Soviet Union had set off its first atomic explosion in the fall of 1949. Shortly after that, I directed the top officials of our Government to make a new study of the foreign policies and the military potential of the Soviet Union, taking into account the fact that the Soviet Union now had the secret of the atomic bomb. I directed our officials to try to find out whether the Soviet Union was headed for war, and what we should do to deter and prevent such a conflict.

These officials worked together through the new National Security Council, under my direction, and came up with their preliminary answers in April 1950. These answers presented us with some very difficult problems.

A GROWING DANGER NOTED

It seemed clear, as a result of this study, that the United States and all other free nations were faced with a great and growing danger. It seemed clear that we could meet the danger only by mobilizing our strength—and the strength of our allies—to check and deter aggression.

This meant a great military effort in time of peace. It meant doubling or tripling the budget, increasing taxes heavily, and imposing various kinds of economic controls. It meant a great change in our normal peacetime way of doing things. These were the problems that were being laid on my desk at the time I spoke to you in St. Louis in 1950.

Just 3 weeks later, the Communists invaded the Republic of Korea. That made the danger clear to everyone. The invasion of Korea demonstrated to all free nations that they had to have much stronger defenses to prevent Soviet conquest.

As a result, the free nations have been moving forward since the middle of 1950 to build bigger defenses. Our own country has taken the lead, because we are the strongest of the free nations.

We have made a lot of progress in 2 years. We have reached a number of the goals we set for ourselves back in 1950. We still have a long way to go in many respects, but if we stick to our course we can create the kind of strong, free world that we need to guarantee security and peace.

We can win peace. And we are going to win the peace. Now there's been a lot of loose talk lately to the effect that our defense program has been a failure. Much of this talk is politically inspired—the kind of talk you would expect in an election year. But I want to set the record straight. I want the people to have the facts about our defense program and our national security.

AIR FORCE NOW 91 WINGS

Let me give you some examples. Two years ago we had an Air Force of 48 wings, with 400,000 men on duty and less than 9,000 planes in active use. Now we have an Air Force of 91 wings, with almost a million men on duty and nearly 15,000 planes in active use. These figures refer to the Air Force only. They do not include the big build-up of air power in the Navy and the Marine Corps.

The goal we set in 1950 called for a 95-wing Air Force by mid-summer 1952. Ninety-one of those wings are now operating, with new and better planes coming into service all the time. Within 2 months, we expect the four remaining wings to be in operation also.

In the last 2 years, we've tooled up the aircraft industry to produce the best planes being built anywhere in the world. And we are turning them out at better than four times the pre-Korea rate.

Some of you may not realize what a great accomplishment this really is. We all remember how rapidly our factories turned out planes in World War II and we are inclined to think we should be able to do the same thing now without any trouble at all.

But the program is a very different one today. There are two main reasons for this.

The first is that the planes we are building now are far heavier, far faster, and far more complicated than those we were building 7 years ago. A new jet fighter bears about as much relation to the old P–40 as a 1952 Cadillac or Chrysler does to a model T Ford. Both planes fly, and there the similarity ends. The design, the power unit, the fire controls, and everything else are different, and far more difficult to make. And it is the same way with all our new models.

The second reason is that we are in a race for technical supremacy. The nation that freezes its models too soon will be a nation with an obsolete, inferior air force.

In World War II it was my business to investigate the construction of airplanes. At that time it took 18 months to get a plane from the drawing board off the end of the line and when that plane came off the end of the line it was obsolete. We don't want to meet a situation like that and we are not going to have.

WORK FOR BETTER PLANES

The Air Force we are building now is an Air Force of the highest quality we can possibly provide. We are concentrating on production of the very latest types of planes—and we are constantly working to design and produce even better planes.

We are not trying to build the biggest air force in the world. We are trying to build the best one—backed up by the industrial capacity to expand it rapidly if need be, and keep it always up to date.

Of course, this costs money; it costs a lot of money. You may have heard some nonsense in recent days to the effect that we should save money on our national defense by building up a gigantic Air Force. Anyone who has that idea forgets that modern air power is a very expensive proposition.

Some of our new jet fighters cost as much as $600,000, nine times the price of the average fighter plane used in World War II.

A B–36 bomber costs $5,000,000 today, when everything is figured in, compared with only $800,000 for the B–29, 7 or 8 years ago.

The B–29 is just as obsolete now as the cars of 1938. We had new appropriations of more than $22,000,000,000 this coming fiscal year just for the Air Force, of which $11,000,000,000 is to buy new aircraft.

A big, powerful Air Force is an absolute necessity and we are going to have one. Don't let anybody tell you that it won't cost any money, it'll cost a lot of money.

PLANS FOR FURTHER EXPANSION

Our plans now call for building up from 95 to 143 active wings in 2 or 3 years. We have a similar expansion under way for the air units of the Navy. These will be terrifically powerful air forces when we get them all complete. And at the same time our aircraft industry will be ready to go rapidly into full-scale war production of the latest models, should that need ever arise. God forbid that it should ever arise.

We are making progress in building up our air forces here at home without in any way neglecting the needs of the forces in Korea.

There has been a terrible amount of misinformation about our situation in the air

in Korea. To hear some people talk, you would think we were completely outclassed over there—and at the mercy of the Russian-made enemy air force.

In the air combat in Korea our planes have knocked the Russians out at the rate of 8 to 1. You can read that in the newspapers if you want to. They can't prevent us from publishing that. You know that isn't true about our not being properly prepared in Korea.

Here are the facts. We have been able to maintain air supremacy over most of North Korea. That means we can bomb the enemy at will, almost anywhere in his territory. At the northern border, on the Yalu River, we do not have supremacy, but we do have clear superiority in air power—which means we can reach our objectives, even though we have to fight off opposition.

We owe a greater debt than we can ever pay to all the gallant airmen who have fought so valiantly to hold the Korea air for the United Nations. It is our duty to make sure they receive the finest and most efficient modern weapons and keep up the fight. And that we are doing. The United Nations forces in the air are being kept supplied with the planes they need for the tasks assigned to them.

All we have done and are doing to build up our air power is matched by our expanding land and sea power. The United States Army has been doubled in size these last 2 years. And it is being reequipped with the finest of modern weapons. These weapons would astonish you. We are getting these weapons now, in quantity. For example, one of our best new tanks is now coming off the production line at the rate of well over 300 a month—and the rate is rising very fast.

As for the Navy, there are twice as many ships in full operation now as before Korea. And our naval ships and weapons are improving all the time. There are some amazing new technical developments in the Navy. I shall have more to say on that subject next week, up in New London, Conn.

With all the progress we've made, we still have a long way to go before we reach the strength we now consider necessary to the national security. We have just about reached the objectives for this summer that were set out 2 years ago, when the mobilization program first began. If we can do as well in the next 2 years, we shall have a right to be proud of ourselves, and to feel that the world is safe.

Two years ago, when I was talking with you in St. Louis, I said a great deal about the need to help our allies build up their defensive power.

The study that was made by the National Security Council in 1950 made it perfectly plain we could be secure against the Communists menace only if other free nations were secure too—only if the strength of our allies was added to our own.

The North Atlantic Treaty Organization was just getting started at that time. To be effective it needed many things. It needed a more closely knit, a more clearly unified Europe behind it. And it needed real arms and real fighting forces.

Those were some of our problems 2 years ago, and great progress has been made in solving them.

TREATIES SENT TO SENATE

Just last week Secretary Acheson came back from Germany and France, and he brought with him a series of treaties and agreements vitally affecting the defense of Europe. I have sent these treaties and agreements to the Senate so that they can be ratified as soon as possible. These documents will make free Germany an equal member of the European community of free nations and will associate Germany in an integrated European defense force. This European defense force will be a part of the NATO forces under General Ridgway.

The plans for this European defense force are a tremendous step toward European unity and security. It is vitally important that we ratify the documents necessary to make this force a reality. Once these documents are in effect, there will be a new Europe, with a greater power to defend itself.

During these 2 years while this European army plan has been worked out, the European countries have been doing a great deal to build up their individual defense forces. Their air power, for example. With our help, there will be 60 wings in Europe under NATO command by the end of this year.

Within 2 years, if present plans are carried out—if everything is not ruined in this so-called economy drive—the number will have risen very substantially. Of course, these NATO forces will be equipped partly with American planes. But about 60 percent of their equipment will be French and British models. And these European planes are comparable to the best that we produce.

The story is the same with land forces and the sea forces under NATO command. Wherever you look you will find growing military strength in Europe, strength that we can count on.

This is the record of the things we have done. These last 2 years have been a period of great achievement. But our very successes have created a new danger for us—the danger of apathy and complacency.

NOTES INDIFFERENCE TO DANGER

So far, we have been able to avert world war III. Because of that fact, people are beginning to relax. Living in the middle of a world crisis for 2 years is beginning to make some of us indifferent to danger. Some people are forgetting about national security and thinking how nice it would be to economize and have lower taxes.

Well, everybody wants to economize and everybody wants lower taxes. But they don't want to economize and have lower taxes at the expense of the complete destruction of the free world and that's what we're faced with.

It is easy to fall into this attitude. You can find this attitude running through labor, through industry, through the Congress. But the cold fact is that we are still in great danger. We cannot tell what the Kremlin is planning. There may be new offensives in Korea. There may be new Koreas in other parts of the globe. The Communists may even be planning greater attacks than we have seen up to this point. We do not know. We cannot be sure.

There is no excuse for lying back and being indifferent to the national security. There is no justification for slashing appropriations for defense for the aid of our allies. But that is exactly what a group of short-sighted politicians are trying to do. And they are doing it for strictly political purposes, political propaganda, and political hooey. That's what it amounts to.

This is not the year to play around with meat axes in the field of national security. The Communists are building up forces in Korea and other parts of Asia. In Europe the Russians are threatening Berlin. Communist Parties are staging riots in Paris and Tokyo.

The Kremlin is not going to take a vacation just because we are having a presidential election in this country. Far from it. The Kremlin is going to make the most of this year to try to frighten the West—to try to undermine the morale of the free nations and split them apart.

WARNS OF PLAYING WITH FIRE

I am in favor of economy—of eliminating waste. But slashing appropriations for defense is not economy. It is playing with fire. The dollars that are saved in that way aren't going to help us much if we lack the planes—or tanks—or allies we need in the critical hour of danger.

Two years ago, when I talked to you in St. Louis, I spelled out the dangers we were facing, and the need for strong defense. Today, after 2 years of progress in building up those defenses—after 2 years of armed conflict against aggression—I am sure you will agree with me when I say we must not weaken, we must not waver, we must not relax in the effort we are making for the defense of the free world.

I think that every veteran knows what preparedness means. And I think it is the duty of every veteran to stand up and say—to his friends, to his local organization, to his Congressmen, and to his Senators:

"No false economy. No fooling around with the security of this country just for petty political gain; no trifling with the mighty effort of this great Nation to lead the world to peace."

I am sure that I can count on you people here today to take that stand.

I think you veterans also understand that the purpose of our defense program is peace. Peace is all we want in the world and that's all we have been trying to get ever since the two wars started. Peace is what I have been working for for the last seven long years.

The only reason in the world for our defense program and our Mutual Security program is to prevent aggression and to prevent another war. I am sure that goal is worth the price we are paying. I am confident that if we carry these programs forward successfully we can bring about peace in the world, and may God help us to bring it about.

COMMITTEE ON RULES

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PRISONER-OF-WAR CAMP ON KOJE ISLAND, KOREA

Mr. VINSON. Mr. Speaker, by direction of the Committee on Armed Services I present a privileged report on House Resolution 661.

The Clerk read the House resolution, as follows:

Resolved, That the Secretary of the Army is hereby requested to furnish to the House of Representatives, at the earliest practicable date, full and complete information with respect to all the circumstances surrounding—

(1) every act of insurgency or uprising of any consequence in the prisoner-of-war camp on Koje Island, Korea, and in other prisoner-of-war camps in Korea, and

(2) every Communist-inspired riot and disturbance of the peace of any consequence in Tokyo and other places in Japan, which has occurred since the departure of General of the Army Douglas MacArthur.

Mr. VINSON. Mr. Speaker, in view of the fact the report contains all of the information requested in the resolution offered by the gentlewoman from Massachusetts [Mrs. ROGERS], I move that the resolution be laid on the table.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will be gentleman yield?

Mr. VINSON. I yield to the gentlewoman from Massachusetts.

Mr. ROGERS of Massachusetts. Mr. Speaker, my understanding is that a

complete report has been made, which is what we want, so I have no objection to having it tabled. It will be printed in the RECORD?

Mr. VINSON. Yes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia.

The motion was agreed to.

A motion to reconsider was laid on the table.

Mr. VINSON. Mr. Speaker, I ask unanimous consent that the report be printed in the RECORD in its entirety at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

(The report follows:)

REQUESTING THE SECRETARY OF THE ARMY TO FURNISH TO THE HOUSE OF REPRESENTATIVES FULL AND COMPLETE INFORMATION WITH RESPECT TO INSURGENCY IN PRISONER-OF-WAR CAMPS IN KOREA AND COMMUNIST-INSPIRED DISTURBANCES OF THE PEACE IN JAPAN

Mr. VINSON, from the Committee on Armed Services, submitted the following report:

JUNE 5, 1952.

Hon. CARL VINSON,
Chairman, Committee on Armed Services House of Representatives.

DEAR MR. VINSON: Reference is made to your request to the Department of the Army for a report on House Resolution 661 and House Resolution 663, Eighty-second Congress, and to your request to the Department of Defense for a report on House Resolution 662, Eighty-second Congress. House Resolution 661 and House Resolution 662 request the Secretary of the Army and the Secretary of Defense, respectively, to furnish to the House of Representatives full information with respect to all circumstances surrounding every act of insurgency in Korean prisoner-of-war camps and every Communist-inspired riot in Japan which have occurred since the departure of General MacArthur. House Resolution 663 requests the Secretary of the Army to furnish to the House of Representatives full information with respect to all circumstances surrounding the reduction in grade of Charles F. Colson from Brigadier General to Colonel. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense on House Resolution 662.

In accordance with your requests, there are inclosed the following declassified documents:

(a) Background narrative as prepared by Gen. Mark Clark, of incidents which have occurred through May 20, 1952, at U. N. prison camps in Korea;

(b) A two-page chronological summary of events surrounding the capture of Colonel Dodd and the negotiations leading to his release;

(c) A six-page, more extensive chronological account of the events taking place principally between the capture and release of Colonel Dodd; and

(d) Statements of Colonels Dodd and Colson and General Yount, setting forth their comments on the incident.

Certain additional information on the Koje-Do incident which, in the national interest, remains classified is also being supplied your committee.

The above documents were declassified because the Congress and the public are entitled to the essential facts and because the case of Koje-Do, when appraised in the light of prior and subsequent events, clearly shows the insidious nature of the Communist enemy whom we are fighting.

With the delivery of this information to the committee, I believe that the objectives of House Resolutions 661, 662, and 663 are accomplished. Should your committee desire any further information, please do not hesitate to call on me.

Sincerely yours,

FRANK PACE, Jr.,
Secretary of the Army.

BACKGROUND NARRATIVE AS PREPARED BY THE UNITED NATIONS COMMAND OF INCIDENTS WHICH HAVE OCCURRED THROUGH MAY 20, 1952, AT U. N. PRISON CAMPS IN KOREA

In order to set the record straight once and for all, and to clarify the conflicting published accounts of incidents involving violence at U. N. prisoner-of-war camps, Headquarters, United Nations Command presents herewith a narrative account, based on official records, of what actually has transpired at U. N. prisoner-of-war camp No. 1 at Koje-Do and U. N. prisoner-of-war camp No. 10 at Pusan.

Three major attempts by fanatical Communist leaders to wrest control of the prisoner-of-war and civilian-internee compounds from U. N. authorities have erupted on Koje-Do since late in February of this year. However, it is now apparent that the build-up of trouble at the U. N. prisoner-of-of-war camp island off Korea's south shore started many months ago, and the pattern and purpose of Communist plotting have now been clearly demonstrated.

In the face of terrorism and open defiance on the part of the Communist leaders among the prisoners of war and civilian internees, the United Nations Command has adhered scrupulously to the principles of the Geneva Convention. The International Committee of the Red Cross (ICRC) has had access at times to U. N. prisoner-or-war installations; it has submitted complete reports of its findings. These reports have indicated further that incidents of violence have stemmed directly from the action of the fanatical, die hard Communists.

Despite this humane treatment, the pattern of Communist plotting and violence has now become unmistakable. The United Nations Command has indicated in no uncertain terms that a continuance of this pattern will not be tolerated and that it is taking all necessary measures to secure and maintain uncontested control of all compounds in every prisoner-of-war installation.

For a number of months, North Korean and Chinese Communists prisoners of war, along with the many civilian internees (persons of South Korean origin impressed into the North Korean Peoples' Army and captured by the United Nation Command who, after screening by ROK CIC, were determined to be in fact South Koreans who served involuntarily in the NPKA) were tractable and cooperative. Well fed, well clothed, and humanely treated, they indicated no dissatisfaction with the conditions under which they were held. However, on June 8, 1951, the two ranking North Korean Army prisoners of war, Senior Colonels Hak Ku Lee and Crol Hong, wrote a long, rambling, and completely fictional diatribe against the treatment prisoners allegedly had been receiving at the hands of the United Nations. This letter, addressed to the International Red Cross at Geneva, Switzerland, was received by the United Nations Command in mid-July of 1951, but the two colonels took matters into their own hands by implementing what now appears to have been a carefully planned campaign to gain control over all prisoners and incite them to violence.

The first incident involving violence was staged by the North Korean officers in one of their own compounds—compound No. 3 of inclosure 7—on June 18, 1951. Demanding that they be given control of all compounds in inclosures 7, 8, and 9 on Koje-Do, these fanatical Communists attacked United Nations Command work details sent into their compound and rushed the compound gate in an attempt at mass escape. Republic of Korea guards broke up this attempt by firing into the group, leaving seven Communists dead and four wounded. Thus occurred the first incident of real violence on Koje-Do.

Following the riot of June 18–19, there was a period of quiet until August 15, when trouble flared anew. On that date, shouting, singing, demonstrating Communists on Koje-Do whipped themselves into a frenzy and began to stone U. N. personnel who finally had to resort to force to control the rioting. On exactly the same day, miles away from Koje-Do, in compound No. 6 at Pusan, a carbon copy of the Koje-Do rioting took place with almost identical results. Casualties at Koje-Do included 9 prisoners killed and 25 injured: at Pusan the casualties numbered 8 prisoners dead and 22 wounded.

During September Communist leaders within the various compounds carried on systematic campaigns of intimidation and violence designed to established their leadership. Prisoners of war who resisted such attempts were often the victims of attacks during the hours of darkness which resulted in injury and occasionally death. In the period September 17–19, 1951, two compounds, 78 and 85, containing North Korean enlisted men, were the scene of violence between opposing factions battling for internal control. Casualties at the end of the period—all inflicted upon prisoners by other prisoners—totaled 31 injured and 20 killed.

On December 18, another major internal incident occurred—again created by North Korean Army enlisted men. This took place in compound 73—the first disturbance in this compound—when the prisoners started a rock fight with the Chinese Communist prisoners of war in nearby compound 72. U. N. troops quelled this disturbance after three prisoners of war had been injured. The next night 2 prisoners of war were injured by beatings in compound 73 and on December 23, U. N. medical authorities were unable to save the lives of 10 prisoners of war fatally beaten by their fellow inmates of this compound. On the same night, following the same pattern, civilian internees in compound 62 indulged in a mass demonstration, involving beatings of fellow prisoners, which brought death to 14 and injury to 24. Most, if not all of these internal incidents among prisoners of war were activated by purely factional motives. ICRC reports indicate that camp authorities did their utmost to prevent these occurrences with the means available.

It was in compound 62 that the first of the three major riots occurred which involved U. N. personnel. On February 18, 1952, approximately 1,500 of the 5,700 inmates suddenly attacked United States military personnel in the course of their duties. The revolt was crushed promptly and order restored—at a cost in lives of 1 American soldier and 75 inmates. One American soldier was wounded, 22 suffered minor injuries, and 139 inmates were injured.

The clash followed the entrance into the compound of United Nations Command personnel to ascertain which of these civilian internees were actually loyal South Koreans who had been forcibly impressed into the North Korean armed forces. It was evident that the Communists leaders in the compound were determined to block this orderly procedure by violence. Detailed planning and organization were indicated by the collection of weapons secretly manufactured by the Communist terrorists for the assault. Steel pickets, spiked wooden clubs, barbed wire flails, blackjacks, metal tent pole spikes, and sections of iron pipe were employed freely by the Communists, in addition to rocks and knives. Less than one-third of the compound inmates took part in the riot.

On March 13 violence flared anew in the second major incident involving U. N. personnel. Prisoners inside compound 92 stoned passing Republic of Korea troops and a work party from another compound, touching off an incident which resulted in the death of 12 North Korean Communist prisoners and the wounding of 26. One American officer was slightly injured and one Korean civilian was killed.

The third major incident on Koje-Do occurred on April 10 when Communist prisoners once again challenged camp authorities. This incident began with a violent Communist demonstration inside the barrier of compound 95 of inclosure No. 9. The several compounds of this inclosure containing North Korean Army enlisted men had been subjected to virulent Communist agitation, beatings, and intimidations since mid-September but never before had the leaders or the group as a whole openly challenged camp authority. In the efforts to restore order one prisoner of war was wounded. A United States Army captain and two United States soldiers, all unarmed, immediately entered the compound dispensary, just within the compound gates, to remove the wounded men to the hospital. They were forced to withdraw by the swarming Communists.

Brig. Gen. Francis T. Dodd, then camp commandant, promptly ordered the Communist leaders in the compound to permit the evacuation of the wounded Communist. When they refused, General Dodd ordered 100 guards, unarmed Republic of Korea soldiers, into the inclosure to bring out the casualty. The guards were promptly set upon with clubs and stones, and one was seized by the Communists and disappeared in the rioting mass. The armed guards outside the perimeter, in an attempt to protect the unarmed ROK soldiers, fired into the inclosure—wounding, among others, a United States Army officer and some Republic of Korea guard personnel.

At this point, the Communists staged a mass rush on the open gates. This attack was stopped by the prompt and determined action of an American officer and two American soldiers manning a jeep-mounted 30-caliber machine gun covering the gate to prevent any mass escape. In all, 3 Communists were killed and 60 wounded. Four ROK Army guards were killed, six wounded, and one American officer was slightly wounded.

Following this third major incident, on May 7, Communist prisoners of war seized General Dodd, the prison camp commandant, under circumstances which are now well known to the public. On May 20, 1952, prompt and firm action by United Nations Command personnel averted what might have been a serious incident at a hospital compound in Pusan. Communist prisoners of war who had been serving as hospital attendants in this compound had refused to admit medical personnel or to let their sick compatriots leave the compound to get medical attention. U. N. authorities directed the prisoner attendants to report to the compound gate for transfer to another inclosure, in order that the patients could later be handled without interference.

For half an hour announcements designed to segregate the agitators from the other prisoners went virtually unanswered. It soon became evident that the Communist prisoner of war leaders could resist by violence. At 7 a. m. armed United States military personnel moved into the compound where they met stiff opposition from prisoners wielding spears, barbed-wire flails, rocks, and other weapons.

The United States troops used a show of force to overcome the opposition. No shots were fired, the U. N. troops employing only riot control tactics. In gaining control of the compound, 1 prisoner was killed and 85 others suffered injuries, half of them minor. One member of the United Nations Forces suffered a minor wound. The situation was well in hand by 9 o'clock in the morning. The remaining two compounds at Pusan have now been brought under complete control by the U. N. authorities. No casualties resulted from these operations.

It is to be anticipated that hard-core Communist prisoners of war will continue their attempts to provoke the U. N. authorities into the use of force, only if for the purpose of providing the Communist propaganda machine opportunity to distort necessary disciplinary and security measures into "acts of barbarism" and other equally vicious and ridiculous allegations. The United Nations Command has indicated that it will not be deterred from its objective of implementing the provisions of the Geneva Convention and insuring that prisoners of war strictly observe their responsibilities.

SUMMARY OF EVENTS, KOJE-DO, KOREA, MAY 7 THROUGH MAY 10, 1952

The following is a chronological summary of circumstances surrounding the seizure of Brig. Gen. (now Col.) Francis T. Dodd and the negotiations resulting in his release. This summary covers only the period from May 7 through May 10. It nevertheless reveals that General Dodd's seizure was the culmination of a carefully formulated Communist plan to create incidents of violence in the prison camps which could be used for propaganda purposes and which would disrupt the United Nation's screening of prisoners that had proved so embarrassing to the Communists because such a great majority of prisoners had freely indicated that they would forcibly resist return to Communist control.

BACKGROUND

On February 20, 1952, Brig. Gen. Francis T. Dodd assumed command of United Nations Prisoner of War Camp No. 1, Koje-Do, Korea. By the time of General Dodd's seizure, approximately 100,000 prisoners had, in the screening process, already declared that they would forcibly resist return to Communist control and these had been removed from the island. Thus, at the time of General Dodd's seizure there were approximately 70,000 prisoners on this island—almost four times the total number of Federal prisoners today in penal institutions. These prisoners were housed in compounds, each of which was surrounded by a double barbed-wire fence. The compounds were so close together that prisoner communication between them was relatively easy. Although the inner gates of the sallyport to the compounds were locked, the outer gates were not always locked. Outside each compound were static and walking guards, tower guards, and perimeter lights.

In compound 76 there were 6,400 North Korean prisoners, almost all of whom were zealous Communists and violently hostile to U. N. personnel. Most of them had been able surreptitiously to arm themselves with knives and what home-made weapons they could fashion from sleeping cots, tent pegs, barbed wire and work tools. Due to this serious threat of violence U. N. personnel had not entered this compound since April when these prisoners began their violent demonstrations as they learned of the great number of prisoners in other compounds who were refusing to return to Communist control.

MAY 7, 1952

In midmorning General Dodd was informed by Lieutenant Colonel Raven, the commander of a military police battalion, that the prisoners in compound 76 were prepared to be rostered and verified provided they were granted an interview with General Dodd.

At 1:45 p. m., Colonel Raven arrived at compound 76 and, using a prisoner interpreter, began discussions through the fence with a spokesman for the prisoners.

About a half hour later, General Dodd arrived and joined the discussions which concerned certain alleged grievances of the prisoners. At that time there were present at the prison gate, in addition to General Dodd and Colonel Raven, 5 armed U. N. guards carrying weapons with fixed bayonets and loaded magazines, a truck driver and General Dodd's jeep driver. At the start of the discussions about 6 prisoners took part, but this number soon increased to about 15.

Shortly after the discussion began, a work detail of about 40 prisoners was permitted to pass through the gates under the supervision of two American noncommissioned officers. After the detail had come out, the gates were left open.

During the next 10 to 15 minutes the spokesman and leaders for the prisoners were permitted to step outside the gates. At 3:15 p. m. General Dodd decided that the interview was at an end. As he turned to leave, the prisoners closed one of the outside double gates, a whistle blew, and 20 prisoners rushed General Dodd and Colonel Raven. Colonel Raven, with the aid of the U. N. guards, managed to escape; however, General Dodd was so quickly surrounded that the guards could not use their weapons to secure his release. He was overpowered and dragged within the compound. The prisoners immediately closed the gates and raised a sign painted on ponchos, about 25 feet long which read: "We capture Dodd as long as our demand will be solved his safety is secured if there happen brutal act such as shooting, his life is danger." This sign could not have been painted in the interval between General Dodd's capture and the time it was put up. Soon after this, General Dodd sent through the wires a note in his own handwriting, saying that he was unharmed and requesting that representatives from the other compounds be sent into Compound 76 and that a telephone be installed to connect him with United States authorities on the island.

The Second Logistical Command, Brig. Gen. Paul F. Yount commanding, was immediately advised of Dodd's seizure and this command instructed that an effort be made to effect release of General Dodd through a senior PW officer. Accordingly, North Korean Col. Lee Hak Koo was summoned from another compound and directed to proceed to Compound 76 to order General Dodd's release.

In the meantime, Col. W. H. Craig, deputy commander and chief of staff, Second Logistical Command, on orders of General Yount, had left Pusan to assume temporary command at Koje. Colonel Craig had been instructed to demand General Dodd's release and to avoid any incident that was likely to cause an outbreak. Colonel Craig arrived at Koje at 4:40 p. m., directed that firearms not be used except as a last resort, placed the camp on full alert, and orally demanded General Dodd's release.

Lee Hak Koo and representatives from other compounds were then permitted to enter Compound 76 for a conference.

At 8 p. m., General Yount was informed of developments by Colonel Craig, and concurred in the actions taken. The prisoners' conference, with General Dodd present, began at 8 p. m., and lasted until approximately 11 p. m. The meeting was devoted to an attempt to gain General Dodd's authorization for formation of a prisoner-or-war association of one representative from each compound, the details to be worked out later. At 11 p. m. General Dodd reported that he was safe and that the meeting would resume at 10 o'clock the next morning. He asked that no troops be sent into the compound. He further reported at intervals during the night.

Some time in the evening Gen. Matthew B. Ridgway, U. N. Commander in the Far East,

in Tokyo, was informed of General Dodd's seizure.

MAY 8, 1952

Colonel Craig caused automatic weapons to be manned, and took other security measures. At 12:15 p. m., the prisoners' conference reconvened and, through General Dodd, submitted to Colonel Craig demands for (1) formation of a prisoner-of-war association; (2) furnishing of certain supplies, such as tents, desks, pencils, paper, mimeograph machine, and two trucks; and (3) a complete telephone net for the prisoner-of-war association. General Dodd suggested that all of the demands except that for a telephone net be satisfied. At 3:45 p. m., Colonel Craig gave the prisoners until 5 o'clock that afternoon to present a list of terms for the release of General Dodd. At 5 p. m., Lee Hak Koo refused a broadcast demand to release General Dodd. At 5:45, General Dodd telephoned to say that the prisoners had not yet formulated the conditions for his release which Colonel Craig had requested.

At 9:50 p. m., Brig. Gen. (now Col.) Charles F. Colson, Chief of Staff, First Corps, who had been made available to General Yount by Eighth Army, arrived at Koje and assumed command. Meanwhile, General Ridgway and Gen. Mark W. Clark, who was to succeed Ridgway, had flown to Korea and had discussed this problem with General Van Fleet and Admiral Joy at Munsan. And at about 4:50 p. m., General Ridgway, in a message to General Van Fleet, Commanding General of the Eighth Army: (1) directed that General Van Fleet take necessary action to bring about the release without delay of General Dodd; (2) authorized use of whatever degree of force might, in General Van Fleet's judgment, be required to accomplish this mission; (3) directed that General Van Fleet take such further action as he deemed necessary to establish uncontested control of all Communist prisoners.

Implementing these orders, General Van Fleet, at 9:30 p. m., directed General Yount to make written demand for the release of General Dodd by an hour to be specified by General Yount; to issue an ultimatum to the Communists that General Dodd was no longer in command, that force would be used to free him, and that all prisoners in compound 76 would be held accountable for any injury to General Dodd; and to enter the compound by force after full daylight if General Dodd was not released by the specified hour.

General Yount, in passing these orders on to General Colson at 11 p. m., directed him: (1) to make written and broadcasted demand for release of General Dodd; (2) if General Dodd were not released by daylight, to repeat such demands; (3) to advise General Yount of the earliest date planned for forcible entry of the compound. At 11 o'clock that evening, General Dodd sent a message to General Colson stating that if force were used, the prisoners would kill him and break out of all compounds, simultaneously.

MAY 9, 1952

At 2:30 in the morning, General Colson, pursuant to his instructions from General Yount, demanded General Dodd's release. Lee Hak Koo said he would answer later in the morning. At 3:35 a. m., General Colson requested and received General Yount's authorization to delay until daybreak sending the ultimatum threatening force in order to allow tanks to arrive from the mainland. A second demand for General Dodd's immediate release was made on the prisoners at 6:35 a. m. in response to their request for paper. At 9 a. m. Lee Hak Koo replied to the 2:30 a. m. demand for General Dodd's release by asserting that General Dodd's seizure was proper and that the United Nations had violated the Geneva Convention. Forty-five minutes later he sent a letter replacing his earlier reply, in which he alleged inhumane treatment of prisoners and demanded that General Colson attend a meeting with General Dodd.

General Colson reconnoitered the area for the forcible entry, which was then planned for May 10. General Dodd told Colonel Craig by telephone of a meeting to begin at 10 a. m. and said that the prisoners wanted to be assured they would not be attacked at 10 a. m. because they planned to release General Dodd when the meeting was over at 12 noon. General Colson authorized Colonel Craig to state that if the prisoners would release General Dodd at noon, no forcible entry would be made between 10 a. m. and noon. Later General Dodd reported that the meeting would extend beyond noon, but General Colson gave no assurance beyond that time.

At 11:10 a. m., Brig. Gen. Charles W. Christenberry, Assistant Deputy Chief of Staff for the Eighth Army, called to get General Colson's plans so that General Van Fleet could discuss the matter with General Yount. General Christenberry stated that it was the wish of Generals Ridgway, Clark, and Van Fleet that in the event force was used, announcements were to be made that any prisoner who wanted to save himself could come out with his hands over his head and move to a designated spot. General Christenberry stated that General Colson had the authority to use vigorous methods to get General Dodd out and to maintain complete control. General Christenberry also authorized delay in the use of force as long as General Colson felt he could free General Dodd without it, and so long as matters did not get out of hand.

At 11:45 a. m., General Dodd again reported by telephone from within the compound that he had been conferring with the prisoners and that he might be released by 5 p. m. that day if certain allegations of the prisoners were answered satisfactorily. He also stated that he had approved certain details concerning the prisoner-of-war association.

At 12:15 p. m., General Dodd reported the prisoners' demand for further conferences to discuss alleged past mistreatment of prisoners and also issues concerning screening and repatriation. General Dodd, in this conversation, advised against forced entry and repeated his opinion that agreement could be reached by 5 p. m. that day.

Generals Van Fleet and Yount arrived at Koje at 1:25 that afternoon to discuss with General Colson the tactics to be used in making a forcible entry. During this visit they read the transcript of General Dodd's last telephone message.

Generals Van Fleet and Yount departed at 4:20 p. m. while General Dodd's conference with the prisoners was still in session. At 4:45 p. m. General Dodd read to General Colson over the telephone a message from Lee Hak Koo promising General Dodd's release when the conference was finished.

At 7:15 p. m., General Van Fleet reported to General Ridgway that General Colson had been directed through General Yount to demand release of General Dodd at 10 a. m., May 10, and if refused, to take positive action to empty the compound.

At 7:30 p. m., General Colson reported to General Yount that the conference between General Dodd and the prisoners was apparently a trial of General Dodd by a people's court which General Dodd felt was generally favorable to him. General Colson reported that General Dodd had stated that he would probably be released by noon May 10. General Colson requested authority to delay forcible entry. General Yount stated that he would seek authority from the Eighth Army for further delay and at 8 p. m. General Yount called General Colson back and reported that the Eighth Army had authorized such a delay until 10 a. m., May 10, and directed forcible entry at that time if General Dodd had not been released by then.

MAY 10, 1952

In the early morning, preparations for forcible entry continued. Tanks were combat-serviced, and Navy gunboats and road blocks were strategically placed. At 5:32 that morning, General Colson received from Lee Hak Koo the prisoners' first formal demands for a written reply on four points, namely, (1) allegations of mistreatment of prisoners and inhumane methods of warfare such as germ warfare, (2) issues involving repatriation, (3) issues involving screening and alleged rearming of prisoners, and (4) recognition of the PW association. General Colson faced the choice on the one hand of trying to work out an answer to these false allegations which would satisfy the prisoners, thus insuring General Dodd's release, or on the other hand of using force, which might have caused a general prison break, widespread killing of prisoners and U. N. personnel, and the execution of General Dodd.

General Colson decided to attempt to draft a reply. At 8:45 a. m., General Colson reported Lee Hak Koo's message to General Yount, discussed a proposed reply with General Yount and obtained General Yount's approval to extend the 10 a. m. deadline for forcible entry. During this conversation, General Yount stated that he would seek higher approval of certain aspects of the answer and informed General Colson that Eighth Army had, in general, authorized them to agree to anything reasonable. During these negotiations, General Van Fleet was at his command post in the north and his headquarters received the general substance of the negotiations piecemeal through General Yount who was directed through Maj. Gen. Orlando C. Mood, Chief of Staff of the Eighth Army, to "admit nothing that was untrue."

At 9 o'clock General Colson read to General Dodd over the telephone his proposed reply, but General Dodd reported that the prisoners were insisting upon a written response and in return had promised his release by noon.

At 10:05 a. m., General Colson read to General Yount his first written reply. General Yount approved the reply as written. General Colson then dispatched his first reply to compound 76. At 12:04 p. m., General Dodd reported various objections that the prisoners had to this reply. In preparing his second reply, General Colson accepted General Dodd's suggestions and discussed the gist of this proposed reply with General Yount by telephone at 12:45 p. m. This second reply created the false impression that the U. N. in the past had committed acts of violence against its prisoners by saying that "in the future" prisoners can expect humane treatment. This reply also gave rise to further erroneous implications by stating that there would be no "further" violence and no "more" forcible screening or "rearming" of prisoners.

At 4:45 p. m., General Colson read the text of this second reply to General Yount. The transcript of their telephone conversation indicates that certain key words such as "future" and "further" were not received by General Yount. General Yount approved the letter as he heard it and reported it to General Mood. General Colson dispatched this second reply to compound 76, where it was received at 5:20 that afternoon.

In the meantime, at about 2:25 that afternoon, General Van Fleet informed General Ridgway's Chief of Staff, Lt. Gen. Doyle O. Hickey, that the prisoners had submitted terms for release of General Dodd, that General Colson had replied but that General Van Fleet did not have the substance of his reply; that General Van Fleet felt agreement could be reached; and that General Van Fleet had authorized delay in using force if General Dodd's release appeared imminent. General Ridgway, in a message of reply to General Van Fleet, ordered that his

directive of May 8, which authorized the use of whatever force might be required to attain the release of General Dodd, be implemented at or shortly after full daylight, May 11, unless the situation was materially altered by then.

Upon the prisoners' insistence, General Colson's second letter was rewritten to refer to KPA (Korean People's Army) instead of NKPA (North Korean People's Army) and to add a sentence which said "I do admit" that there had been past violence. These changes were not cleared with General Yount. This third reply was received by the prisoners at 6:30 p. m., and accepted by them.

General Dodd was released at 9:30 that evening.

CHRONOLOGICAL SUMMARY OF MAJOR EVENTS FROM CAPTURE TO RELEASE OF GENERAL DODD

MAY 7

(Koje time)

3:15 p. m.: General Dodd seized by prisoners.

4:40 p. m.: Colonel Craig, chief of staff and deputy commander to General Yount, arrived to assume temporary command; demanded release of Dodd.

MAY 8

12:15 p. m.: General Dodd reported to Colonel Craig the prisoners' demands for a PW association, office supplies, and telephones.

4:50 p. m.: General Ridgway directed General Van Fleet to take necessary action to release Dodd and authorized him to use whatever force might be necessary.

9:30 p. m.: Message from General Van Fleet to General Yount directing preparations of plan to release General Dodd.

9:50 p. m.: General Colson, having been made available to General Yount by Eighth Army, arrived to assume command.

MAY 9

3:55 a. m.; General Colson requested and received authority from General Yount to delay final demand for release until daybreak, May 10, in order to allow arrival of tanks from Korea.

1:25 p. m.: General Van Fleet and General Yount arrived on Koje to discuss tactics to be used in forcible entry.

4:20 p. m.: General Van Fleet and General Yount departed.

8 p. m.: General Yount informed General Colson that Eighth Army had authorized delay until 10 a. m., May 10, but directed forcible entry at that time if General Dodd not released by then.

MAY 10

5:32 a. m.: General Colson received prisoners' first formal demand for written agreement on specified terms.

8:45 a. m.: General Colson reported demands to General Yount, who extended the 10 a. m. deadline.

10:05 a. m.: General Colson read to General Yount first proposed reply; General Yount approved.

12:04 p. m.: General Dodd reported to General Colson objections of prisoners to first reply.

4:45 p. m.: General Colson read to General Yount his second proposed reply not all of which, according to the transcript of the call, was received by General Yount. General Yount cleared this letter as received by him with General Mood, Eighth Army.

5:20 p. m.: Second reply received by prisoners; returned for rewriting and correction.

6:30 p. m.: Third reply (revision of second as requested by prisoners) received by prisoners, having been dispatched by General Colson without General Yount's approval. Accepted by prisoners.

9:30 p. m.: General Dodd released.

STATEMENT OF COL. FRANCIS T. DODD

Following is submitted for consideration in connection with recent Koje incident for which I have been reduced from the temporary grade of brigadier general to the rank of colonel:

Since April 8 the command at Koje was involved in several operations of highly classified nature. In these operations speed was the essence. Operations concerned selection and segregation of certain prisoners of war, shipment of some 80,000 to new camps, and subsequent preparation and submission of rosters to Panmunjom. Tight deadlines had been placed on all these operations by higher headquarters. Many times Communist prisoners of war created small incidents with a view toward interrupting the operation in progress. Through interviews with compound leaders I was able in a number of instances to quell disturbances which would have retarded prescribed deadlines. My headquarters was an operating rather than a policy-making agency. These interviews were conducted sometimes in my office, sometimes at the compound, depending upon the need for speed. I was often able to resolve the problem and continue the operation when the efforts of my subordinates had failed. In this particular instance I had gone to the gate to try to arrange for fingerprinting, which was absolutely necessary if we were to furnish accurate rosters. From the number of queries from higher headquarters concerning submission of rosters it was apparent that they were desired promptly and accurately.

Concerning the statement signed by General Colson for which he is being so severely criticized, it was either a question of signing that or accepting large-scale bloodshed. I feel that I was in the best position to evaluate the reaction of the prisoners of war. Because of a message which I had just seen from General Ridgway to Joint Chiefs of Staff, I feel that I was justified in assuming that large-scale bloodshed was unacceptable to the United Nations cause. There can be no question that such would have been the result had force been used. Saving my life by use of force was an impossibility, therefore this matter was not the main point at issue. The solution was the very best that could be obtained. It is regretted that it is not so considered by higher headquarters.

Notwithstanding my conviction that I acted honorably and in the best interest of my country, I accept the interpretation of my superiors without resentment and will continue to perform any assigned duty to the best of my ability.

STATEMENT OF COL. CHARLES F. COLSON

In the light of events which have happened since the release of Brigadier General Dodd on May 10, 1952, and information which has been furnished me that action against me is under contemplation because of certain portions of the contents of the letter which I signed and sent to the prisoner-of-war leaders in order to secure the release of General Dodd, I am making this statement in full explanation of my action in justification thereof.

There seems to be two main issues concerned in contents of the letter which I signed and delivered to the prisoner-of-war leaders in compound 76, which was the letter finally accepted as satisfactory by them and resulted in General Dodd's release.

These issues concern the statement in paragraph 1 of the letter, reading, "I do admit that there have been instances of bloodshed where many prisoners of war have been killed and wounded by U. N. forces," and also the statement in paragraph 3, "there will be no more forcible screening or any rearming of prisoners of war in this camp."

With reference to the first point, this statement was not included in the first letter nor in the second letter. Instead the statement "I am forced to tell you that we are not [using] and have not used poison gas, germ warfare weapons, or used prisoners of war for atomic bomb tests."

The leaders refused to accept this statement and demanded that since we denied these things that the statement should be omitted from the letter. But they demanded that we admit that there had been instances of bloodshed and prisoners of war killed and wounded by U. N. guards.

I discussed this point with General Yount, commanding general, second logistical command, and I told him that they were the instances which were being used as allegations against General Dodd in the Peoples Court which was then trying him in the compound. General Dodd had advised me that he had admitted these instances, as they had occurred, and that full investigations had been made and reports rendered to the international committee of the Red Cross in each instance. The prisoner-of-war leaders would not permit any statement to be included in the letter which would clarify or modify it by indicating that these instances were brought about by their own acts, and were justified under the Geneva Convention.

In my discussion of this point with General Yount, he said that such a statement could be made provided that we did not admit committing any crime, such as those described in the first paragraph of Lee Hak Koo's message No. 2, that is: "Barbarous treatment, torture, mass murdering, germ warfare, poison gas, and using prisoners of war for atomic bomb tests."

Based on this authority, I agreed to include the statement admitting instances of bloodshed and the killing and wounding of prisoners of war by U. N. forces, and included that statement in letter No. 3.

Letter No. 3 was written twice. Through inadvertence that particular statement was omitted unintentionally. Dodd called my attention to it by phone, and I agreed to rewrite the letter to include the statement. This I had done and was about to dispatch it when Dodd called again and said that in paragraph 2 the leaders wanted the letter N deleted from abbreviation NKPA, so that it would read KPA, as in paragraph 4.

I had the letter retyped with this change, destroyed the one which used the abbreviation NKPA, and dispatched the final letter No. 3 at 1815, May 10, 1952. This letter was accepted as satisfactory by the committee and led to the subsequent release of General Dodd at 2130 hours, May 10, 1952.

Regarding the second point at issue, in paragraph 3, pertaining to forcible screening, the leaders had demanded that we include such a statement, and would not agree to any different statement. This was agreed to by General Yount, who stated that as we were not employing forcible screening, any interpretation from this statement that we were could be forcibly denied. This was agreed for inclusion in the first letter and was never subsequently changed, nor did I receive any instructions to change or delete it during the time which elapsed from the preparation of the first letter to the dispatch of the third. Forcible screening is the term used by the prisoners of war for screening by use of force. No such screening had ever been done, although it had been contemplated. It was ruled out through action of higher headquarters because of the possible bloodshed which would have ensued if force had been used. The leaders demanded that the words "no more" be inserted in the letter and would not back down from that stand.

While being fully cognizant of the interpretation which could be placed on these statements for propaganda purposes, we felt

that they were the least that the Communists would accept to meet their demands as a satisfactory answer.

We fully expected that these statements would emphatically be refuted, explained, and shown to have been made under duress, with the life of General Dodd in the balance, as well as the lives of several thousand prisoners of war, besides the lives of our own troops and of the local civilian population, if the use of force was resorted to.

Further, such action (force) which would have resulted in the killing of thousands of prisoners of war, would have provided far greater propaganda material than the statements and admissions, which were capable of refutation and denial, having been forced through threats on the life of General Dodd.

Another factor involved was the possibility of the Communists using such an incident as a basis for retaliatory action against U. N. prisoners of war held by them.

To us on Koje-Do trying to work out a solution to the situation facing us, time was an all important element and was running short. I had been instructed to start the use of force by 10 o'clock on the morning of 10 May, unless in my opinion the chances of securing Dodd's release without force seemed to be possible. Later on the 10th, I received definite instructions to start use of force by early light on the morning of May 11 if Dodd was not released by them. We were prepared to do this.

As to the results of the use of force I would like to say this:

The leaders had sent me a note on the 9th of May, when evidence of our massing force first was noticed, stating that if we used force to secure the release of General Dodd, he would be killed, they would resist, and there would be a simultaneous outbreak in every compound on the island. Further that they were willing to die for their principles. There is no doubt but that these fanatical Communists meant this.

We were preparing a force to handle the situation in compound 76 and the adjacent compounds 77 and 78. There were over 6,000 prisoners in each of these compounds and a total of over 70,000 prisoners in the 14 occupied compounds.

These compounds can easily be breached by the masses of prisoners contained therein. The fence posts in all except a very few are mostly wooden posts and small tree trunks about 4 inches in diameter. They have been in the ground for 15 months and probably rotten. Many strands of wire on the inner fences have been loosened. The posts have not been braced on the outer side of either fence. There was no question in anyone's mind that a concerted effort on the part of the prisoners would be successful in breaching the fences in spite of the fire of the guards and machine guns. A breach of the compound would result in many of the guards being overrun, their weapons and ammunition seized and turned against the troops. Whether such a simultaneous break could be contained was a serious question in our minds—so much so that we had boats available to cover the coastlines of the island and to quickly remove the nurses, female workers and hostesses. The set-up of the compound areas is such that many troops would be cut off by escaped groups of prisoners who could get between them and the camp area which leads to the dock area where the warehouses are located.

This situation was so dangerous as to have a great weight in our plans and decisions. It was considered most important not to invoke force except as a last resort.

Weighing all these matters I felt that I was justified in giving in to some degree to the leaders' demands in order to avoid having to use force.

These conditions were well known to the Army commander, as well as the danger involved if force was used. It was in view of these that a second phase of the operation was countermanded, that of driving the prisoners out of compound No. 76 into No. 74 and subsequently into smaller compartments in No. 73 and No. 72. This was to be done even if General Dodd was released. This operation has been postponed until all compounds had been made thoroughly secure so as to prevent a mass breakout.

Furthermore, since this incident, plans are being made to construct new compounds either on the island or at other locations. This is in recognition of the insecure conditions of the present compounds.

The prisoners well recognize the insecurity of their compounds, and the fact that such large masses of them in these compounds gives them an advantage. They use this to the utmost as a threat, and it is the major reason why they cannot be controlled to any degree.

Another bad feature of the Koje-Do prisoner-of-war camp is the close proximity of several native villages, bordering on the compound area. In one instance, in the central valley, a native village is between two groups of compounds. Some 7,000 South Koreans live in these villages. They fear that an outbreak of prisoners would result in many of them being killed. Among these natives there are undoubtedly agents of the Communists, who through various means contact the prisoners of war and carry messages not only between compounds but to the outer world. The CIC has been unable to stop or break up this menace.

Although not mentioned as a point of issue, I would like to explain the other portions of the letter, particularly in paragraph 1.

The leaders demanded that they be assured that in the future the prisoners would receive humane treatment according to international law. I intended to see that the camp was run according to the principles of the Geneva Convention, as it always had been run. The prisoners of war refused to accept the statement made in the first letter that I would continue to follow that policy.

Also they required a statement that I would do all in my power to eliminate further violence and bloodshed. I would do that anyhow. After control of the prisoners was regained, and they were securely confined in smaller compounds of about 500 each, they would be less likely to ignore orders, and would become more manageable.

The statement that I would be responsible if such incidents happen in the future is merely a statement of the responsibility of any commander in such a situation, but the prisoners-of-war demanded that such a statement be included.

Paragraph 2 needs no comment.

Paragraph 3 has been adequately covered in the preceding remarks.

Paragraph 4. This pertains to a prisoner-of-war organization in which the senior officer, Col. Lee Hak Koo, was to be the chief leader, and each compound to have a compound leader. These leaders were to be allowed to meet periodically and present their grievances and requests to the camp commander. General Dodd had been thinking of setting up such an organization with a view to gaining better control through holding leaders responsible for acts of the other prisoners. The system is quite similar to that with which the Italian and German prisoner-of-war compounds were run during World War II. It is firmly believed that much good could be accomplished through such an organization, and I was willing to give it a try. Higher headquarters indicated a like attitude on this matter.

From the foregoing statement of facts, and conclusions to be drawn from them, I feel, first that my actions in preparing, signing, and delivering the letter to the Communist prisoner-of-war leaders was not only justified but bore the approval of headquarters above me. Further, that use of force would have created a far more serious situation that would have been more difficult to explain and counter, than to explain and refute the contents of the letter which was obtained under duress.

After due consideration of the offer made to me to present to the Senate Armed Services Committee my side of the case involving the seizure of Brig. Gen. Frank Dodd by prisoners-of-war at Koje-Do, Korea, and his subsequent release, I request that the previous statement sent by me to the Chief of Staff, United States Army, be presented to the committee in lieu of any further statement.

STATEMENT OF BRIG. GEN. PAUL F. YOUNT

I do not desire to make any personal statement relative to the seizure and ultimate release of General Dodd. I believe that essential pertinent facts are now available to the Department of the Army.

DEPARTMENT OF THE ARMY,
Washington, D. C., June 10, 1952.

Hon. CARL VINSON,
Chairman, Committee on Armed Services, House of Representatives.

DEAR MR. VINSON: Under letter dated June 6, 1952, I sent to you certain material relating to House Resolutions 661, 662, and 663. This letter and the inclosed declassified material supplement my earlier letter by presenting material which is now available to the Department of Defense and the Department of the Army in Washington concerning Communist-inspired riots and disturbances of the peace of any consequence in Tokyo and other places in Japan which have occurred since the departure of General of the Army Douglas MacArthur.

I hope that this additional material, together with that already supplied, will provide the information contemplated by the resolutions. If you should wish any further information, we shall furnish it promptly.

Sincerely yours,

FRANK PACE, JR.,
Secretary of the Army.

REPORT ON COMMUNIST-INSPIRED RIOTS AND DISTURBANCES OF THE PEACE OF ANY CONSEQUENCE IN TOKYO AND OTHER PLACES IN JAPAN WHICH HAVE OCCURRED FROM THE DEPARTURE OF GENERAL OF THE ARMY DOUGLAS MACARTHUR THROUGH 2 JUNE 1952

In October 1951, at the Fifth National Representatives Conference, the Japanese Communist Party adopted a program of terrorism and militant antigovernment, anti-United States activity. Before that time, activities of Japanese Communists were marked by a general absence of violence; however, since October 1951, guided by periodic party directives prescribing types of activity, the Japanese Communists have carried on a campaign of riots and demonstrations. Most of these have been small incidents in which an individual policeman is attacked, a police box or tax office burned. In addition, however, there have been several incidents of greater consequence.

On February 21, 1952, demonstrations in support of the "anti-colonization" of Japan were held in approximately 21 localities in Japan. Demonstration groups of 200 to 300 students and laborers paraded carrying signs which called for opposition to Japanese rearmament and to conscription of Japanese youth for military service. Several demonstrations were held in the vicinity of United States military installations. In Tokyo, several demonstrations resulted in clashes with Japanese police in which at least 20 policemen were injured and approximately 30 demonstrators arrested.

While most May Day rallies in Japan were orderly, in several places there were disturbances. In Tokyo, 180,000 members of

labor unions and affiliated organizations gathered at Meiji Park to hear speeches by labor leaders, left wing Japanese politicians and American Socialist, Norman Thomas. The rally was sponsored by the left wing Socialist Japanese General Counsel of labor unions (SOHYO); available information indicates that members of the SOHYO unions did not participate in the violence which ensued. At approximately 11:30 before the speeches began, an estimated 50 Communists rushed the speaker's platform and caused a small riot. Within 30 minutes order was restored and the speeches were then delivered. At about 2:10 p. m., in violation of a Government regulation which prohibited demonstrations in the Palace Plaza which is near United States military installations, 7,000 Communist demonstrators, mostly students and Korean laborers armed with clubs, sticks and bamboo spears, streamed into the Plaza. Police armed with night sticks, side arms and tear gas attempted to bar the mob from the Plaza, and hand to hand clashes resulted. Before the Plaza was cleared, 33 United States vehicles were burned, and 2 United States sailors and 5 Japanese policemen were thrown into the moat but were rescued without injury. After the Plaza was cleared, the mob threw stones which broke windows in a United States dispensary and damaged 19 United States vehicles. By 10 p. m., demonstrations in Tokyo had almost ceased although small groups continued to demonstrate in outlying areas. The major targets of the rioters in these outlying areas of Tokyo were apparently Japanese police boxes. Two hundred and eighteen Japanese policemen were injured, 3 very seriously and 11 seriously. One demonstrator was fatally injured, 18 hospitalized and 60 arrested. No United States personnel suffered casualties.

In other May Day demonstrations, Communist students in Sendai clashed with police and three students were arrested. In Kyoto, 20,000 persons demonstrated and paraded. Some riots occurred in which 15 policemen were injured, a score of rioters arrested, and 1 United States Army vehicle stoned.

On May 9, 1951, in an aftermath of the May Day demonstrations, another clash between Japanese policemen and Communist students occurred in Tokyo. The National Students Self-Government Federation had taken a leading role in the May Day riots. Two policemen who entered the campus of Waseda University to check on the addresses of students who had participated in the May Day riot, were seized by university students. When the students refused to release the captured police, other police resorted to force and a clash between 1,000 students and club-swinging police followed. Fifty-six students and 25 policemen were injured.

In compliance with party directives, on May 30, 1952, Japanese Communists staged demonstrations to commemorate the 1949 killing of a Communist laborer by police. Two rioters were killed when approximately 300 demonstrators attacked the Itabaski police box. The largest demonstration in the Tokyo area occurred around the Shinjuku police station where several hundred rioters clashed with police. Smaller riots occurred in other cities, including Osaka, Sapporo, Fukuoka, and Kobe.

PRISONER-OF-WAR CAMP ON KOJE ISLAND, KOREA

Mr. VINSON. Mr. Speaker, by direction of the Committee on Armed Services, I present a privileged report on House Resolution 662.

The Clerk read the House resolution, as follows:

Resolved, That the Secretary of Defense is hereby requested to furnish to the House of Representatives, at the earliest practicable date, full and complete information with respect to all the circumstances surrounding—

(1) every act of insurgency or uprising of any consequence in the prisoner-of-war camp on Koje Island, Korea, and in other prisoner-of-war camps in Korea, and

(2) every Communist-inspired riot and disturbance of the peace of any consequence in Tokyo and other places in Japan,

which has occurred since the departure of General of the Army Douglas MacArthur.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I understand that complete information is given in the report?

Mr. VINSON. I do not know whether it is complete information. I am submitting all of the information that has been sent to the committee. I hope it is the complete information.

Mr. Speaker, in view of the fact the report contains the information called for in the resolution, I move that the resolution be laid on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia.

The motion was agreed to.

A motion to reconsider was laid on the table.

REDUCTION IN GRADE OF CHARLES F. COLSON FROM BRIGADIER GENERAL TO COLONEL

Mr. VINSON. Mr. Speaker, by direction of the Committee on Armed Services I present a privileged report on House Resolution 663.

The Clerk read the House resolution, as follows:

Resolved, That the Secretary of the Army is hereby requested to furnish to the House of Representatives, at the earliest practicable date, full and complete information with respect to all the circumstances surrounding the reduction in grade of Charles F. Colson from brigadier general to colonel resulting from his conduct of the negotiations for the release of Brig. Gen. (now Col.) Francis T. Dodd after the latter had been captured by Communist prisoners at the Koje Island, Korea, prisoner-of-war camp on May 7, 1952.

Mr. VINSON. Mr. Speaker, I ask unanimous consent that the report be printed in full in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

(The report follows:)

REQUESTING THE SECRETARY OF THE ARMY TO FURNISH TO THE HOUSE OF REPRESENTATIVES FULL AND COMPLETE INFORMATION WITH RESPECT TO THE REDUCTION IN GRADE OF COL. CHARLES F. COLSON

Mr. VINSON, from the Committee on Armed Services, submitted the following report:

DEPARTMENT OF THE ARMY,
Washington, D. C., June 5, 1952.

Hon. CARL VINSON,
Chairman, Committee on Armed Services, House of Representatives.

Dear Mr. VINSON: Reference is made to your request to the Department of the Army for a report on House Resolution 661 and House Resolution 663, Eighty-second Congress, and to your request to the Department of Defense for a report on House Resolution 662, Eighty-second Congress. House Resolution 661 and House Resolution 662 request the Secretary of the Army and the Secretary of Defense, respectively, to furnish to the House of Representatives full information with respect to all circumstances surrounding every act of insurgency in Korean prisoner-of-war camps and every Communist-inspired riot in Japan which have occurred since the departure of General MacArthur. House Resolution 663 requests the Secretary of the Army to furnish to the House of Representatives full information with respect to all circumstances surrounding the reduction in grade of Charles F. Colson from brigadier general to colonel. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense on House Resolution 662.

In accordance with your requests, there are inclosed the following declassified documents:

(a) Background narrative as prepared by General Mark Clark, of incidents which have occurred through May 20, 1952, at U. N. prison camps in Korea.

(b) A two-page chronological summary of events surrounding the capture of Colonel Dodd and the negotiations leading to his release;

(c) A six-page, more extensive chronological account of the events taking place principally between the capture and release of Colonel Dodd; and

(d) Statements of Colonels Dodd and Colson and General Yount, setting forth their comments on the incident.

Certain additional information on the Koje-Do incident which, in the national interest, remains classified is also being supplied your committee.

The above documents were declassified because the Congress and the public are entitled to the essential facts and because the case of Koje-Do, when appraised in the light of prior and subsequent events, clearly shows the insidious nature of the Communist enemy whom we are fighting.

With the delivery of this information to the committee, I believe that the objectives of House Resolutions 661, 662, and 663 are accomplished. Should your committee desire any further information, please do not hesitate to call on me.

Sincerely yours,

FRANK PACE, Jr.,
Secretary of the Army.

BACKGROUND NARRATIVE AS PREPARED BY THE UNITED NATIONS COMMAND OF INCIDENTS WHICH HAVE OCCURRED THROUGH MAY 20, 1952, AT U. N. PRISON CAMPS IN KOREA

In order to set the record straight once and for all, and to clarify the conflicting published accounts of incidents involving violence at U. N. prisoner-of-war camps, headquarters, United Nations Command, presents herewith a narrative account, based on official records, of what actually has transpired at U. N. prisoner-of-war camp No. 1 at Koje-Do and U. N. prisoner-of-war camp No. 10 at Pusan.

Three major attempts by fanatical Communist leaders to wrest control of the prisoners of war and civilian internee compounds from U. N. authorities have erupted on Koje-Do since late in February of this year. However, it is now apparent that the build-up of trouble at the U. N. prisoner-of-war camp island off Korea's south shore started many months ago, and the pattern and purpose of Communist plotting have now been clearly demonstrated.

In the face of terrorism and open defiance on the part of the Communist leaders among the prisoners of war and civilian internees, the United Nations Command has adhered scrupulously to the principles of the Geneva

Convention. The International Committee of the Red Cross (ICRC) has had access at all times to the U. N. prisoner-of-war installations; it has submitted complete reports of its findings. These reports have indicated further that incidents of violence have stemmed directly from the action of the fanatical, die-hard Communists.

Despite this humane treatment, the pattern of Communist plotting and violence has now become unmistakable. The United Nations Command has indicated in no uncertain terms that a continuance of this pattern will not be tolerated and that it is taking all necessary measures to secure and maintain uncontested control of all compounds in every prisoner-of-war installation.

For a number of months North Korean and Chinese Communist prisoners of war, along with the many civilian internees—persons of South Korean origin impressed into the North Korean Peoples Army and captured by the United Nations Command, who, after screening by ROK CIC, were determined to be, in fact, South Koreans who served involuntarily in the NKPA—were tractable and cooperative. Well fed, well clothed, and humanely treated, they indicated no dissatisfaction with the conditions under which they were held. However, on June 8, 1951, the two ranking North Korean Army prisoners of war, Senior Cols. Hak Ku Lee and Crol Hong, wrote a long, rambling, and completely fictional diatribe against the treatment prisoners allegedly had been receiving at the hands of the United Nations. This letter, addressed to the International Red Cross at Geneva, Switzerland, was received by the United Nations Command in mid-July of 1951, but the two colonels took matters into their own hands by implementing what now appears to have been a carefully planned campaign to gain control over all prisoners and incite them to violence.

The first incident involving violence was staged by the North Korean officers in one of their own compounds—compound No. 3 of enclosure 7—on June 18, 1951. Demanding that they be given control of all compounds in enclosures 7, 8, and 9, on Koje-Do, these fanatical Communists attacked United Nations Command work details sent into their compound and rushed the compound gate in an attempt at mass escape. Republic of Korea guards broke up this attempt by firing into the group, leaving seven Communists dead and four wounded. Thus occurred the first incident of real volence on Koje-Do.

Following the riot of June 18–19, there was a period of quiet until August 15, when trouble flared anew. On that date, shouting, singing, demonstrating Communists on Koje-Do whipped themselves into a frenzy and began to stone U. N. personnel who finally had to resort to force to control the rioting. On exactly the same day, miles away from Koje-Do, in compound No. 6 at Pusan, a carbon copy of the Koje-Do rioting took place with almost identical results. Casualties at Koje-Do included 9 prisoners killed and 25 injured; at Pusan the casualties numbered 8 prisoners dead and 22 wounded.

During September Communist leaders within the various compounds carried on systematic campaigns of intimidation and violence designed to establish their leadership. Prisoners of war who resisted such attempts were often the victims of attacks during the hours of darkness which resulted in injury and occasionally death. In the period September 17–19, 1951, two compounds, Nos. 78 and 85, containing North Korean enlisted men, were the scene of violence between opposing factions battling for internal control. Casualties at the end of the period—all inflicted upon prisoners by other prisoners—totaled 31 injured and 20 killed.

On December 18 another major internal incident occurred—again created by North Korean Army enlisted men. This took place in compound No. 73—the first disturbance in this compound—when the prisoners started a rock fight with the Chinese Communist prisoners of war in nearby compound No. 72. U. N. troops quelled this disturbance after three prisoners of war had been injured. The next night 2 prisoners of war were injured by beatings in compound No. 73, and on December 23 U. N. medical authorities were unable to save the lives of 10 prisoners of war fatally beaten by their fellow inmates of this compound. On the same night, following the same pattern, civilian internees in compound No. 62 indulged in a mass demonstration, involving beatings of fellow prisoners, which brought death to 14 and injury to 24. Most, if not all, of these internal incidents among the prisoners of war were activated by purely factional motives. ICRC reports indicate that camp authorities did their utmost to prevent these occurrences with the means available.

It was in compound No. 62 that the first of the three major riots occurred which involved U. N. personnel. On February 18, 1952, approximately 1,500 of the 5,700 inmates suddenly attacked United States military personnel in the course of their duties. The revolt was crushed promptly and order restored—at a cost in lives of 1 American soldier and 75 inmates. One American soldier was wounded, 22 suffered minor injuries, and 139 inmates were injured.

The clash followed the entrance into the compound of United Nations Command personnel to ascertain which of these civilian internees were actually loyal South Koreans who had been forcibly impressed into the North Korean Armed Forces. It was evident that the Communist leaders in the compound were determined to block this orderly procedure by violence. Detailed planning and organization were indicated by the collection of weapons secretly manufactured by the Communist terrorists for the assault. Steel pickets, spiked wooden clubs, barbed-wire flails, blackjacks, metal tent-pole spikes, and sections of iron pipe were employed freely by the Communists, in addition to rocks and knives. Less than one-third of the compound inmates took part in the riot.

On March 13 violence flared anew in the second major incident involving U. N. personnel. Prisoners inside compound 92 stoned passing Republic of Korea troops and a work party from another compound, touching off an incident which resulted in the deaths of 12 North Korean Communist prisoners and the wounding of 26. One American officer was slightly injured and one Korean civilian was killed.

The third major incident on Koje-Do occurred on April 10 when Communist prisoners once again challenged camp authorities. This incident began with a violent Communist demonstration inside the barrier of compound 95 of enclosure No. 9. The several compounds of this enclosure containing North Korean Army enlisted men had been subjected to virulent Communist agitation, beatings, and intimidations since mid-September but never before had the leaders or the group as a whole openly challenged camp authority. In the efforts to restore order one prisoner of war was wounded. A United States Army captain and two United States soldiers, all unarmed, immediately entered the compound dispensary, just within the compound gates, to remove the wounded man to the hospital. They were forced to withdraw by the swarming Communists.

Brig. Gen. Francis T. Dodd, then camp commandant, promptly ordered the Communist leaders in the compound to permit the evacuation of the wounded Communist. When they refused, General Dodd ordered 100 guards, unarmed Republic of Korea soldiers, into the enclosure to bring out the casualty. The guards were promptly set upon with clubs and stones, and one was seized by the Communists and disappeared in the rioting mass. The armed guards outside the perimeter, in an attempt to protect the unarmed ROK soldiers, fired into the enclosure—wounding, among others, a United States Army officer and some Republic of Korea guard personnel.

At this point, the Communists staged a mass rush on the open gates. This attack was stopped by the prompt and determined action of an American officer and two American soldiers manning a jeep-mounted 30-caliber machine gun covering the gate to prevent any mass escape. In all, 3 Communists were killed and 60 wounded. Four ROK Army guards were killed, six wounded, and one American officer was slightly wounded.

Following this third major incident, on May 7, Communist prisoners of war seized General Dodd, the prison camp commandant, under circumstances which are now well known to the public. On May 20, 1952, prompt and firm action by United Nations Command personnel averted what might have been a serious incident at a hospital compound in Pusan. Communist prisoners of war who had been serving as hospital attendants in this compound had refused to admit medical personnel or to let their sick compatriots leave the compound to get medical attention. U. N. authorities directed the prisoner attendants to report to the compound gate for transfer to another enclosure, in order that the patients could later be handled without interference.

For half an hour announcements designed to segregate the agitators from the other prisoners went virtually unanswered. It soon became evident that the Communist prisoners-of-war leaders could resist by violence. At 7 a. m. armed United States military personnel moved into the compound where they met stiff opposition from prisoners wielding spears, barbed-wire flails, rocks, and other weapons.

The United States troops used a show of force to overcome the opposition. No shots were fired, the U. N. troops employing only riot-control tactics. In gaining control of the compound, 1 prisoner was killed and 85 others suffered injuries, half of them minor. One member of the United Nations Forces suffered a minor wound. The situation was well in hand by 9 o'clock in the morning. The remaining two compounds at Pusan have now been brought under complete control by the U. N. authorities. No casualties resulted from these operations.

It is to be anticipated that hard-core Communist prisoners of war will continue their attempts to provoke the U. N. authorities into the use of force, only if for the purpose of providing the Communist propaganda machine opportunity to distort necessary disciplinary and security measures into "acts of barbarism" and other equally vicious and ridiculous allegations. The United Nations Command has indicated that it will not be deterred from its objective of implementing the provisions of the Geneva Convention and insuring that prisoners of war strictly observe their responsibilities.

SUMMARY OF EVENTS, KOJE-DO, KOREA, MAY 7 THROUGH MAY 10, 1952

The following is a chronological summary of circumstances surrounding the seizure of Brig. Gen. (now Col.) Francis T. Dodd and the negotiations resulting in his release. This summary covers only the period from May 7 through May 10. It nevertheless reveals that General Dodd's seizure was the culmination of a carefully formulated Communist plan to create incidents of violence in the prison camps which could be used for propaganda purposes and which would disrupt the United Nations screening of prisoners that had proved so embarrassing to the Communists because such a great majority of prisoners had freely indicated that they would forcibly resist return to Communist control.

BACKGROUND

On February 20, 1952, Brig. Gen. Francis T. Dodd assumed command of United Nations Prisoner of War Camp No. 1, Koje-Do, Korea. By the time of General Dodd's seizure, approximately 100,000 prisoners had, in the screening process, already declared that they would forcibly resist return to Communist control and these had been removed from the island. Thus, at the time of General Dodd's seizure there was approximately 70,000 prisoners on this island—almost four times the total number of Federal prisoners today in penal institutions. These prisoners were housed in compounds, each of which was surrounded by a double barbed-wire fence. The compounds were so close together that prisoner communication between them was relatively easy. Although the inner gates to the sallyport to the compounds were locked, the outer gates were not always locked. Outside each compound were static and walking guards, tower guards, and perimeter lights.

In compound 76 there were 6,400 North Korean prisoners, almost all of whom were zealous Communists and violently hostile to U. N. personnel. Most of them had been able surreptitiously to arm themselves with knives and what homemade weapons they could fashion from sleeping cots, tent pegs, barbed wire and work tools. Due to this serious threat of violence U. N. personnel had not entered this compound since April when these prisoners began their violent demonstrations as they learned of the great number of prisoners in other compounds who were refusing to return to Communist control.

MAY 7, 1952

In midmorning General Dodd was informed by Lieutenant Colonel Raven, the commander of a military police battalion, that the prisoners in compound 76 were prepared to be rostered and verified provided they were granted an interview with General Dodd.

At 1:45 p. m., Colonel Raven arrived at compound 76 and, using a prisoner interpreter, began discussion through the fence with a spokesman for the prisoners.

About a half hour later, General Dodd arrived and joined the discussions which concerned certain alleged grievances of the prisoners. At that time there were present at the prison gate, in addition to General Dodd and Colonel Raven, 5 armed U. N. guards carrying weapons with fixed bayonets and loaded magazines, a truck driver and General Dodd's jeep driver. At the start of the discussions about six prisoners took part, but this number soon increased to about 15.

Shortly after the discussion began, a work detail of about 40 prisoners was permitted to pass through the gates under the supervision of two American noncommissioned officers. After the detail had come out, the gates were left open.

During the next 10 to 15 minutes the spokesman and leaders for the prisoners were permitted to step outside the gates. At 3:15 p. m. General Dodd decided that the interview was at an end. As he turned to leave, the prisoners closed one of the outside double gates, a whistle blew, and 20 prisoners rushed General Dodd and Colonel Raven. Colonel Raven, with the aid of the U. N. guards, managed to escape; however, General Dodd was so quickly surrounded that the guards could not use their weapons to secure his release. He was overpowered and dragged within the compund. The prisoners immediately closed the gates and raised a sign painted on ponchos, about 25 feet long which read: "We capture Dodd as long as our demand will be solved his safety is secured if there happen brutal act such as shooting, his life is danger." This sign could not have been painted in the interval between General Dodd's capture and the time it was put up. Soon after this, General Dodd sent through the wires a note in his own handwriting, saying that he was unharmed and requesting that representatives from the other compounds be sent into compound 76 and that a telephone be installed to connect him with United States authorities on the island.

The Second Logistical Command, Brig. Gen. Paul F. Yount commanding, was immediately advised of Dodd's seizure and this command instructed that an effort be made to effect release of General Dodd through a senior PW officer. Accordingly, North Korean Col. Lee Hak Koo was summoned from another compound and directed to proceed to compound 76 to order General Dodd's release.

In the meantime Col. W. H. Craig, deputy commander and chief of staff, Second Logistical Command, on orders of General Yount, had left Pusan to assume temporary command at Koje. Colonel Craig had been instructed to demand General Dodd's release and to avoid any incident that was likely to cause an outbreak. Colonel Craig arrived at Koje at 4:40 p. m., directed that firearms not be used except as a last resort, placed the camp on full alert, and orally demanded General Dodd's release.

Lee Hak Koo and representatives from other compounds were then permitted to enter compound 76 for a conference.

At 8 p. m., General Yount was informed of developments by Colonel Craig and concurred in the actions taken. The prisoners' conference, with General Dodd present, began at 8 p. m. and lasted until approximately 11 p. m. The meeting was devoted to an attempt to gain General Dodd's authorization for formation of a prisoner-of-war association of one representative from each compound, the details to be worked out later. At 11 p. m., General Dodd reported that he was safe and that the meeting would resume at 10 o'clock the next morning. He asked that no troops be sent into the compound. He further reported at intervals during the night.

Sometime in the evening Gen. Matthew B. Ridgway, U. N. commander in the Far East, in Tokyo was informed of General Dodd's seizure.

MAY 8, 1952

Colonel Craig caused automatic weapons to be manned and took other security measures. At 12:15 p. m. the prisoners' conference reconvened and, through General Dodd, submitted to Colonel Craig demands for (1) formation of a prisoner-of-war association; (2) furnishing of certain supplies, such as tents, desks, pencils, paper, mimeograph machine and two trucks; and (3) a complete telephone net for the prisoner-of-war association. General Dodd suggested that all of the demands except that for a telephone net be satisfied. At 3:45 p. m. Colonel Craig gave the prisoners until 5 o'clock that afternoon to present a list of terms for the release of General Dodd. At 5 p. m. Lee Hak Koo refused a broadcast demand to release General Dodd. At 5:45 p. m. General Dodd telephoned to say that the prisoners had not yet formulated the conditions for his release which Colonel Craig had requested.

At 9:50 p. m. Brig. Gen. (now Col.) Charles F. Colson, chief of staff, First Corps, who had been made available to General Yount by Eighth Army, arrived at Koje and assumed command. Meanwhile, General Ridgway and Gen. Mark W. Clark, who was to succeed General Ridgway, had flown to Korea and had discussed this problem with General Van Fleet and Admiral Joy at Munsan. And at about 4:50 p. m. General Ridgway, in a message to General Van Fleet, commanding general of the Eighth Army: (1) Directed that General Van Fleet take necessary action to bring about the release without delay of General Dodd; (2) authorized use of whatever degree of force might, in General Van Fleet's judgment, be required to accomplish this mission; (3) directed that General Van Fleet take such further action as he deemed necessary to establish uncontested control of all Communist prisoners.

Implementing these orders, General Van Fleet, at 9:30 p. m., directed General Yount to make written demand for the release of General Dodd by an hour to be specified by General Yount; to issue an ultimatum to the Communists that General Dodd was no longer in command, that force would be used to free him, and that all prisoners in compound 76 would be held accountable for any injury to General Dodd; and to enter the compound by force after full daylight if General Dodd was not released by the specified hour.

General Yount, in passing these orders on to General Colson at 11 p. m., directed him: (1) to make written and broadcasted demand for release of General Dodd; (2) if General Dodd were not released by daylight, to repeat such demands; (3) to advise General Yount of the earliest date planned for forcible entry of the compound. At 11 o'clock that evening, General Dodd sent a message to General Colson stating that if force were used, the prisoners would kill him and break out of all compounds, simultaneously.

MAY 9, 1952

At 2:30 in the morning, General Colson, pursuant to his instructions from General Yount, demanded General Dodd's release. Lee Hak Koo said he would answer later in the morning. At 3:35 a. m., General Colson requested and received General Yount's authorization to delay until daybreak sending the ultimatum threatening force in order to allow tanks to arrive from the mainland. A second demand for General Dodd's immediate release was made on the prisoners at 6:35 a. m. in response to their request for paper. At 9 a. m., Lee Hak Koo replied to the 2:30 a. m. demand for General Dodd's release by asserting that General Dodd's seizure was proper and that the United Nations had violated the Geneva Convention. Forty-five minutes later he sent a letter replacing his earlier reply, in which he alleged inhumane treatment of prisoners and demanded that General Colson attend a meeting with General Dodd.

General Colson reconnoitered the area for the forcible entry, which was then planned for May 10. General Dodd told Colonel Craig by telephone of a meeting to begin at 10 a. m. and said that the prisoners wanted to be assured they would not be attacked at 10 a. m. because they planned to release General Dodd when the meeting was over at 12 noon. General Colson authorized Colonel Craig to state that if the prisoners would release General Dodd at noon, no forcible entry would be made between 10 a. m. and noon. Later General Dodd reported that the meeting would extend beyond noon, but General Colson gave no assurances beyond that time.

At 11:10 a m., Brig. Gen. Charles W. Christenberry, Assistant Deputy Chief of Staff for the Eighth Army, called to get General Colson's plans so that General Van Fleet could discuss the matter with General Yount. General Christenberry stated that it was the wish of Generals Ridgway, Clark, and Van Fleet that in the event force was used, announcements were to be made that any prisoner who wanted to save himself could come out with his hands over his head and move to a designated spot. General Christenberry stated that General Colson had the authority to use vigorous methods to get General Dodd out and to maintain complete control. General Christenberry also authorized delay in the use of force as long as General Colson felt he could free General Dodd without it, and so long as matters did not get out of hand.

At 11:45 a. m., General Dodd again reported by telephone from within the compound that he had been conferring with the

prisoners and that he might be released by 5 p. m. that day if certain allegations of the prisoners were answered satisfactorily. He also stated that he had approved certain details concerning the prisoner of war association.

At 12:15 p. m., General Dodd reported the prisoners' demand for further conferences to discuss alleged past mistreatment of prisoners and also issues concerning screening and repatriation. General Dodd, in this conversation, advised against forced entry and repeated his opinion that agreement could be reached by 5 p. m. that day.

Generals Van Fleet and Yount arrived at Koje at 1:25 that afternoon to discuss with General Colson the tactics to be used in making a forcible entry. During this visit they read the transcript of General Dodd's last telephone message.

Generals Van Fleet and Yount departed at 4:20 p. m., while General Dodd's conference with the prisoners was still in session. At 4:45 p. m. General Dodd read to General Colson over the telephone a message from Lee Hak Koo promising General Dodd's release when the conference was finished.

At 7:15 p. m., General Van Fleet reported to General Ridgway that General Colson had been directed through General Yount to demand release of General Dodd at 10 a. m., May 10, and if refused, to take positive action to empty the compound.

At 7:30 p. m., General Colson reported to General Yount that the conference between General Dodd and the prisoners was apparently a trial of General Dodd by a "people's court" which General Dodd felt was generally favorable to him. General Colson reported that General Dodd had stated that he would probably be released by noon May 10. General Colson requested authority to delay forcible entry. General Yount stated that he would seek authority from the Eighth Army for further delay and at 8 p. m. General Yount called General Colson back and reported that the Eighth Army had authorized such a delay until 10 a. m. May 10, and directed forcible entry at that time if General Dodd had not been released by then.

MAY 10, 1952

In the early morning, preparations for forcible entry continued. Tanks were combat-serviced, and Navy gunboats and road blocks were strategically placed. At 5:32 that morning, General Colson received from Lee Hak Koo the prisoners' first formal demands for a written reply on four points, namely, (1) allegations of mistreatment of prisoners and inhumane methods of warfare such as germ warfare, (2) issues involving repatriation, (3) issues involving screening and alleged rearming of prisoners, and (4) recognition of the PW Association. General Colson faced the choice on the one hand of trying to work out an answer to the false allegations which would satisfy the prisoners, thus insuring General Dodd's release, or on the other hand of using force, which might have caused a general prison break, widespread killing of prisoners and U. N. personnel, and the execution of General Dodd.

General Colson decided to attempt to draft a reply. At 8:45 a. m., General Colson reported Lee Hak Koo's message to General Yount, discussed a proposed reply with General Yount and obtained General Yount's approval to extend the 10 a. m. deadline for forcible entry. During this conversation, General Yount stated that he would seek higher approval of certain aspects of the answer and informed General Colson that Eighth Army had, in general, authorized them to agree to anything reasonable. During these negotiations, General Van Fleet was at his command post in the North and his headquarters received the general substance of the negotiations piecemeal through General Yount who was directed through Maj. Gen. Orlando C. Mood, Chief of Staff of Eighth Army, to "admit nothing that was untrue."

At 9 o'clock General Colson read to General Dodd over the telephone his proposed reply, but General Dodd reported that the prisoners were insisting upon a written response and in return had promised his release by noon.

At 10:05 a. m., General Colson read to General Yount his first written reply. General Yount approved the reply as written. General Colson then dispatched his first reply to compound 76. At 12:04 p. m., General Dodd reported various objections that the prisoners had to this reply. In preparing his second reply, General Colson accepted General Dodd's suggestions and discussed the gist of this proposed reply with General Yount by telephone at 12:45 p. m. This second reply created the false impression that the U. N. in the past had committed acts of violence against its prisoners by saying that "in the future" prisoners can expect humane treatment. This reply also gave rise to further erroneous implications by stating that there would be no "further" violence and no "more" forcible screening or "rearming" of prisoners.

At 4:45 p. m., General Colson read the text of this second reply to General Yount. The transcript of their telephone conversation indicates that certain key words such as "future" and "further" were not received by General Yount. General Yount approved the letter as he heard it and reported it to General Mood. General Colson dispatched this second reply to Compound 76, where it was received at 5:20 that afternoon.

In the meantime, at about 2:25 that afternoon, General Van Fleet informed General Ridgway's Chief of Staff, Lt. Gen. Doyle O. Hickey, that the prisoners had submitted terms for release of General Dodd, that General Colson had replied but that General Van Fleet did not have the substance of his reply; that General Van Fleet felt agreement could be reached; and that General Van Fleet had authorized delay in using force if General Dodd's release appeared imminent. General Ridgway, in a message of reply to General Van Fleet, ordered that his directive of May 8, which authorized the use of whatever force might be required to attain the release of General Dodd, be implemented at or shortly after full daylight, May 11, unless the situation was materially altered by then.

Upon the prisoners' insistence, General Colson's second letter was rewritten to refer to KPA (Korean People's Army) instead of NKPA (North Korean People's Army) and to add a sentence which said "I do admit" that there had been past violence. These changes were not cleared with General Yount. This third reply was received by the prisoners at 6:30 p. m., and accepted by them.

General Dodd was released at 9:30 that evening.

CHRONOLOGICAL SUMMARY OF MAJOR EVENTS FROM CAPTURE TO RELEASE OF GENERAL DODD

MAY 7

(Koje time)

3:15 p. m.: General Dodd seized by prisoners.

4:40 p. m.: Colonel Craig, chief of staff and deputy commander to General Yount, arrived to assume temporary command; demanded release of Dodd.

MAY 8

12:15 p. m.: General Dodd reported to Colonel Craig the prisoners' demands for a POW association, office supplies, and telephones.

4:50 p. m.: General Ridgway directed General Van Fleet to take necessary action to release Dodd and authorized him to use whatever force might be necessary.

9:30 p. m.: Message from General Van Fleet to General Yount directing preparations of plan to release General Dodd.

9:50 p. m.: General Colson, having been made available to General Yount by Eighth Army, arrived to assume command.

MAY 9

3:55 a. m.: General Colson requested and received authority from General Yount to delay final demand for release until daybreak, May 10, in order to allow arrival of tanks from Korea.

1:25 p. m.: General Van Fleet and General Yount arrived on Koje to discuss tactics to be used in forcible entry.

4:20 p. m.: General Van Fleet and General Yount departed.

8:00 p. m.: General Yount informed General Colson that Eighth Army had authorized delay until 10 a. m., May 10, but directed forcible entry at that time if General Dodd not released by then.

MAY 10

5:32 a. m.: General Colson received prisoners' first formal demand for written agreement on specified terms.

8:45 a. m.: General Colson reported demands to General Yount, who extended the 10 a. m. deadline.

10:05 a. m.: General Colson read to General Yount first proposed reply; General Yount approved.

12:04 p. m.: General Dodd reported to General Colson objections of prisoners to first reply.

4:45 p. m.: General Colson read to General Yount his second proposed reply not all of which, according to the transcript of the call, was received by General Yount. General Yount cleared this letter as received by him with General Mood, Eighth Army.

5:20 p. m.: Second reply received by prisoners; returned for rewriting and correction.

6:30 p. m.: Third reply (revision of second as requested by prisoners) received by prisoners, having been dispatched by General Colson without General Yount's approval. Accepted by prisoners.

9:30 p. m.: General Dodd released.

STATEMENT OF COL. FRANCIS T. DODD

Following is submitted for consideration in connection with recent Koje incident for which I have been reduced from the temporary grade of brigadier general to the rank of colonel:

Since April 8 the command at Koje was involved in several operations of highly classified nature. In these operations speed was the essence. Operations concerned selection and segregation of certain prisoners of war, shipment of some 80,000 to new camps, and subsequent preparation and submission of rosters to Panmunjom. Tight deadlines had been placed on all these operations by higher headquarters. Many times Communist prisoners of war created small incidents with a view toward interrupting the operation in progress. Through interviews with compound leaders I was able in a number of instances to quell disturbances which would have retarded prescribed deadlines. My headquarters was an operating rather than a policy-making agency. These interviews were conducted sometimes in my office, sometimes at the compound, depending upon the need for speed. I was often able to resolve the problem and continue the operation when the efforts of my subordinates had failed. In this particular instance I had gone to the gate to try to arrange for fingerprinting, which was absolutely necessary if we were to furnish accurate rosters. From the number of queries from higher headquarters concerning submission of rosters it was apparent that they were desired promptly and accurately.

Concerning the statement signed by General Colson for which he is being so severely

criticized, it was either a question of signing that or accepting large-scale bloodshed. I feel that I was in the best position to evaluate the reaction of the prisoners of war. Because of a message which I had just seen from General Ridgway to Joint Chiefs of Staff, I feel that I was justified in assuming that large-scale bloodshed was unacceptable to the United Nations cause. There can be no question that such would have been the result had force been used. Saving my life by use of force was an impossibility, therefore this matter was not the main point at issue. The solution was the very best that could be obtained. It is regretted that it is not so considered by higher headquarters.

Notwithstanding my conviction that I acted honorably and in the best interest of my country, I accept the interpretation of my superiors without resentment and will continue to perform any assigned duty to the best of my ability.

STATEMENT OF COL. CHARLES F. COLSON

In the light of events which have happened since the release of Brigadier General Dodd on May 10, 1952, and information which has been furnished me that action against me is under contemplation because of certain portions of the contents of the letter which I signed and sent to the POW leaders in order to secure the release of General Dodd, I am making this statement in full explanation of my action and in justification thereof.

There seems to be two main issues concerned in contents of the letter which I signed and delivered to the prisoner-of-war leaders in compound 76, which was the letter finally accepted as satisfactory by them and resulted in General Dodd's release.

These issues concern the statement in paragraph 1 of the letter, reading "I do admit that there have been instances of bloodshed where many prisoners of war have been killed and wounded by U. N. forces," and also the statement in paragraph 3 "there will be no more forcible screening or any rearming of prisoners of war in this camp."

With reference to the first point, this statement was not included in the first letter nor in the second letter. Instead the statement "I am forced to tell you that we are not (using) and have not used poison gas, germ warfare weapons, or used prisoners of war for atomic bomb tests."

The leaders refused to accept this statement and demanded that since we denied these things that the statement should be omitted from the letter. But they demanded that we admit that there had been instances of bloodshed and prisoners of war killed and wounded by U. N. guards.

I discussed this point with General Yount, commanding general, Second Logistical Command, and I told him that they were the instances which were being used as allegations against General Dodd in the peoples court which was then trying him in the compound. General Dodd had advised me that he had admitted these instances, as they had occurred, and that full investigations had been made and reports rendered to the International Committee of the Red Cross in each instance. The prisoner-of-war leaders would not permit any statement to be included in the letter which would clarify or modify it by indicating that these instances were brought about by their own acts and were justified under the Geneva Convention.

In my discussion of this point with General Yount, he said that such a statement could be made provided that we did not admit committing any crime, such as those described in the first paragraph of Lee Hak Koos message No. 2, i. e.: Barbarous treatment, torture, mass murdering, germ warfare, poison gas, and using prisoners of war for atomic-bomb tests.

Based on this authority I agreed to include the statement admitting instances of bloodshed and the killing and wounding of prisoners of war by U. N. forces and included that statement in letter No. 3.

Letter No. 3 was written twice. Through inadvertence that particular statement was omitted unintentionally. Dodd called my attention to it by phone and I agreed to rewrite the letter to include the statement. This I had done and was about to dispatch it when Dodd called again and said that in paragraph 2, the leaders wanted the letter "N" deleted from abbreviation NKPA, so that it would read KPA as in paragraph 4.

I had the letter retyped with this change, destroyed the one which used the abbreviation NKPA, and dispatched the final letter No. 3 at 1815, May 10, 1952. This letter was accepted as satisfactory by the committee and led to the subsequent release of General Dodd at 2130 hours, May 10, 1952.

Regarding the second point at issue, in paragraph 3, pertaining to "forcible screening," the leaders had demanded that we include such a statement and would not agree to any different statement. This was agreed to by General Yount who stated that as we were not employing forcible screening, any interpretation from this statement that we were could be forcibly denied later. This was agreed for inclusion in the first letter and was never subsequently changed, nor did I receive any instructions to change or delete it during the time which elapsed from the preparation of the first letter to the dispatch of the third. Forcible screening is the term used by the PW's for screening by use of force. No such screening had ever been done, although it had been contemplated. It was ruled out through action of higher headquarters because of the possible bloodshed which would have ensued if force had been used. The leaders demanded that the words "no more" be inserted in the letter and would not back down from that stand.

While being fully cognizant of the interpretation which could be placed on these statements for propaganda purposes, we felt that they were the least that the Communists would accept to meet their demands as a satisfactory answer.

We fully expected that these statements would be emphatically refuted, explained, and shown to have been made under duress, with the life of General Dodd in the balance, as well as the lives of several thousand prisoners of war, besides the lives of our own troops and of the local civilian population, if the use of force was resorted to.

Further, such action (force), which would have resulted in the killing of thousands of prisoners of war, would have provided for greater propaganda material than the statements and admissions, which were capable of refutation and denial, having been forced through threats on the life of General Dodd.

Another factor involved was the possibility of the Communists using such an incident as a basis for retaliatory action against U. N. prisoners of war held by them.

To us on Koje-Do trying to work out a solution to the situation facing us time was an all-important element and was running short. I had been instructed to start the use of force by 10 o'clock on the morning of May 10, unless in my opinion the chances of securing Dodd's release without force seemed to be possible. Later on the 10th, I received definite instructions to start use of force by early light on the morning of May 11 if Dodd was not released by them. We were prepared to do this.

As to the results of the use of force, I would like to say this:

The leaders had sent me a note on the 9th of May, when evidence of our massing force first was noticed, stating that if we used force to secure the release of General Dodd, he would be killed, they would resist, and there would be a simultaneous outbreak in every compound on the island. Further, that they were willing to die for their principles. There is no doubt but that these fanatical Communists meant this.

We were preparing a force to handle the situation in compound 76 and the adjacent compounds 77 and 78. There were over 6,000 prisoners in each of these compounds and a total of over 70,000 prisoners in the 14 occupied compounds.

These compounds can easily be breached by the masses of prisoners contained therein. The fence posts in all except a very few are mostly wooden posts and small tree trunks about 4 inches in diameter. They have been in the ground for 15 months and probably rotten. Many strands of wire on the inner fences have been loosened. The posts have not been braced on the outer side of either fence. There was no question in anyone's mind that a concerted effort on the part of the prisoners would be successful in breaching the fences in spite of the fire of the guards and machine guns. A breach of the compound would result in many of the guards being overrun, their weapons and ammunition seized and turned against the troops. Whether such a simultaneous break could be contained was a serious question in our minds—so much so that we had boats available to cover the coastlines of the island and to quickly remove the nurses, female workers, and hostesses. The set-up of the compound areas is such that many troops would be cut off by escaped groups of prisoners who could get between them and the camp area which leads to the dock area where the warehouses are located.

This situation was so dangerous as to have a great weight in our plans and decisions. It was considered most important not to invoke force except as a last resort.

Weighing all these matters I felt that I was justified in giving in to some degree to the leaders' demands in order to avoid having to use force.

These conditions were well known to the Army commander, as well as the danger involved if force was used. It was in view of these that a second phase of the operation was countermanded, that of driving the prisoners out of compound 76 into No. 74 and subsequently into smaller compartments in 73 and 72. This was to be done even if General Dodd was released. This operation has been postponed until all compounds had been made thoroughly secure so as to prevent a mass breakout.

Furthermore, since this incident, plans are being made to construct new compounds either on the island or at other locations. This is in recognition of the insecure conditions of the present compounds.

The prisoners well recognize the insecurity of their compounds, and the fact that such large masses of them in these compounds gives them an advantage. They use this to the utmost as a threat, and it is the major reason why they cannot be controlled to any degree.

Another bad feature of the Koje-Do prisoner-of-war camp is the close proximity of several native villages, bordering on the compound area. In one instance, in the central valley, a native village is between two groups of compounds. Some 7,000 South Koreans live in these villages. They fear that an outbreak of prisoners would result in many of them being killed. Among these natives there are undoubtedly agents of the Communists, who through various means contact the prisoners of war and carry messages not only between compounds but to the outer world. The CIC has been unable to stop or break up this menace.

Although not mentioned as a point of issue, I would like to explain the other portions of the letter, particularly in paragraph 1.

The leaders demanded that they be assured that in the future the prisoners would receive humane treatment according to international law. I intended to see that the camp was run according to the principles of the Geneva Convention, as it always had been run. The prisoners of war refused to accept the statement made in the first letter that I would continue to follow that policy.

Also they required a statement that I would do all in my power to eliminate further violence and bloodshed. I would do that anyhow. After control of the prisoners was regained, and they were securely confined in smaller compounds of about 500 each, they would be less likely to ignore orders, and would become more manageable.

The statement that I would be responsible if such incidents happen in the future is merely a statement of the responsibility of any commander in such a situation, but the prisoners of war demanded that such a statement be included.

Paragraph 2 needs no comment.

Paragraph 3 has been adequately covered in the preceding remarks.

Paragraph 4. This pertains to a prisoner of war organization in which the senior officer, Col. Lee Hak Koo, was to be the chief leader, and each compound to have a compound leader. These leaders were to be allowed to meet periodically and present their grievances and requests to the camp commander. General Dodd had been thinking of setting up such an organization with view to gaining better control through holding leaders responsible for acts of the other prisoners. The system is quite similar to that with which the Italian and German prisoner of war compounds were run during World War II. It is firmly believed that much good could be accomplished through such an organization, and I was willing to give it a try. Higher headquarters indicated a like attitude on this matter.

From the foregoing statement of facts, and conclusions to be drawn from them, I feel, first that my actions in preparing, signing and delivering the letter to the Communist prisoners of war leaders was not only justified, but bore the approval of headquarters above me. Further, that use of force would have created a far more serious situation that would have been more difficult to explain and counter, than to explain and refute the contents of the letter which was obtained under duress.

After due consideration of the offer made to me to present to the Senate Armed Services Committee my side of the case involving the seizure of Brig. Gen. Frank Dodd by prisoners of war at Koje-Do, Korea, and his subsequent release, I request that the previous statement sent by me to the Chief of Staff, United States Army, be presented to the committee in lieu of any further statement.

STATEMENT OF BRIG. GEN. PAUL F. YOUNT

I do not desire to make any personal statement relative to the seizure and ultimate release of General Dodd. I believe that essential pertinent facts are now available to the Department of the Army.

Mr. VINSON. Mr. Speaker, in view of the fact that the report contains all of the information submitted to the Armed Services Committee, I move that the resolution be laid on the table.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. VINSON. Yes.

Mrs. ROGERS of Massachusetts. I would like to know if the gentleman feels that the matter is covered in the report.

Mr. VINSON. Well, I will say to the gentlewoman that I have not read all of the facts. It was sent in this morning, and the 7 days run out today. But, I assure the gentlewoman that when these statements have been read in the RECORD and they do not contain what the resolution seeks to accomplish, we will try to get it.

Mrs. ROGERS of Massachusetts. I am sure the committee will try to get it. I think General Colson is an extremely fine man, and I have always felt that he was taking the blame for what was done by somebody else.

Mr. VINSON. Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

Mr. VINSON. Mr. Speaker, in view of the fact that the reports on House resolutions 661 and 662 are identical, I ask unanimous consent that they be printed in only one instance.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PRISONER-OF-WAR CAMP ON KOJE ISLAND, KOREA

Mr. MANSFIELD. Mr. Speaker, by direction of the Committee on Foreign Affairs I offer a privileged resolution (H. Res. 664) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of State is hereby requested to furnish to the House of Representatives, at the earliest practicable date, full and complete information with respect to all the circumstances surrounding—

(1) every act of insurgency or uprising of any consequence in the prisoner-of-war camp on Koje Island, Korea, and in other prisoner-of-war camps in Korea, and

(2) every Communist-inspired riot and disturbance of the peace of any consequence in Tokyo and other places in Japan,

which has occurred since the departure of General of the Army Douglas MacArthur.

Mr. MANSFIELD. Mr. Speaker, I send to the Clerk's desk the unanimous report of the Committee on Foreign Affairs and ask unanimous consent that the report be printed in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

(The report follows:)

MR. MANSFIELD, from the Committee on Foreign Affairs, submitted the following report:

DEPARTMENT OF STATE,
Washington, June 9, 1952.

The Honorable JAMES P. RICHARDS,
Chairman, Committee on Foreign Affairs, House of Representatives.

MY DEAR MR. RICHARDS: Reference is made to your letter of May 29, 1952, requesting the comments of the Department of State on House Resolution 664. With respect to that portion of the resolution relating to uprisings in prisoner-of-war camps in Korea, I must point out that this is a matter pertaining primarily to responsibilities of the Department of Defense. I understand that the Department of Defense has made available to the appropriate committees of the Congress detailed information on this subject and has commented on House Resolutions 661 and 662 at the request of the Armed Services Committee.

With regard to that portion of the resolution relating to Communist-inspired riots in Tokyo, I must point out that any such occurrences during the period between the assumption by General Ridgway of his responsibilities as Supreme Commander for the Allied Powers in Japan and the effective date of the Treaty of Peace with Japan on April 28, 1952, would also relate primarily to the responsibilities of the Department of Defense. However, I have no knowledge of any serious riots or disturbances during that period. The disturbances that have taken place following April 28, 1952, relate, of course, to the internal affairs of a sovereign government. The Department of State has in the past made available to the Committee on Foreign Affairs all possible information relating to developments in foreign countries of interest to the committee, and will be glad to continue to do so in the future.

According to our information, the Communist-inspired riots which took place in Tokyo on May 1, 1952, and the subsequent, relatively minor, occurrence on May 30 were less serious than first reports in the press seemed to indicate. The May 1 disturbance resulted when approximately 7,000 Communist rioters took advantage of a normal, orderly May Day rally by Japanese labor. It was promptly repudiated by the labor organizations which the Communists had attempted to involve. The second incident, much narrower in scope, was a largely abortive attempt on the part of the Communists to develop violence in connection with a memorial service for certain so-called labor "martyrs." The Japanese Government, through its police, handled both situations in an effective manner.

Mr. Allison, Assistant Secretary for Far Eastern Affairs, will be glad to discuss either of these events with the Committee on Foreign Affairs. If additional information is desired, the Department of State will, of course, do everything possible to obtain and make available to the committee such information.

Sincerely yours,

DEAN ACHESON.

Information has been received by the committee both from the Department of State and the Department of Defense which is pertinent to this resolution. The committee believes, however, that a more complete and coordinated report should be made available to the Congress.

CALL OF THE HOUSE

Mr. WITHROW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 97]

Aandahl	Bray	Dawson
Abbitt	Brehm	Deane
Abernethy	Brooks	Delaney
Adair	Brown, Ohio	Denny
Albert	Buckley	Dingell
Anderson, Calif.	Burdick	Dorn
Anfuso	Bush	Eaton
Bates, Ky.	Carlyle	Ellsworth
Beall	Carnahan	Elston
Beckworth	Case	Engle
Belcher	Chudoff	Fenton
Betts	Cole, N. Y.	Fernandez
Blackney	Crawford	Frazier

Fugate	Latham	Sabath
Fulton	Lesinski	Sheppard
Furcolo	Magee	Short
Gore	Merrow	Smith, Miss.
Gwinn	Miller, Calif.	Spence
Hale	Miller, Md.	Springer
Hall, Edwin Arthur	Morano	Stanley
	Morgan	Steed
Hall, Leonard W.	Morris	Stigler
	Morrison	Stockman
Halleck	Morton	Sutton
Harden	Multer	Tackett
Harvey	Nelson	Teague
Hays, Ohio	O'Neill	Thomas
Heffernan	Ostertag	Vursell
Herter	O'Toole	Welch
James	Potter	Wickersham
Jenkins	Powell	Wier
Johnson	Rabaut	Williams, Miss.
Kennedy	Reece, Tenn.	Wilson, Ind.
Keogh	Riehlman	Wolverton
Kerr	Robeson	Wood, Ga.
King, Calif.	Roosevelt	

The SPEAKER pro tempore. On this roll call 322 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PRISONER-OF-WAR CAMPS ON KOJE ISLAND

Mr. MANSFIELD. Mr. Speaker, House Resolution 664 is similar to the two resolutions which have been reported out by the Armed Services Committee and tabled. Information has been received by the committee from both the Department of State and Department of Defense which is pertinent to this resolution. The committee feels, however, that a more complete and coordinated report should be made available to the Congress, and the committee reports favorably and unanimously on House Resolution 664 without amendment and recommends that the resolution do pass.

Mr. Speaker, on May 15, 1952, I introduced House Resolution 641 to authorize the Committee on Armed Services to investigate and study the capture of Brig. Gen. Francis T. Dodd by Communist prisoners at Koje Island, and the concessions made to such prisoners in return for his release. Some 2 weeks ago I stated in a speech on the floor that if action in this matter was not forthcoming soon, I would introduce a resolution of inquiry to the Armed Services Committee. I find that a resolution of this nature has already been introduced and considered by that committee.

I am again calling on the Armed Services Committee for a complete and thorough investigation of the Koje incident, and I am taking this occasion to urgently request of it that Colonel Dodd, Colonel Colson, and Brigadier General Yount be recalled to this country for personal interrogation. The Koje affair now, more than ever, calls for a searching congressional inquiry.

Mr. Speaker, a copy of House Resolution 641, follows:

House Resolution 641

Resolved, That the Committee on Armed Services, acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation and study of all the circumstances surrounding the capture of Brig. Gen. Francis T. Dodd by Communist prisoners at the Koje Island (Korea) prisoner-of-war camp on May 7, 1952, and the concessions subsequently made to such prisoners, in return for his release, by Brig. Gen. Charles F. Colson.

The committee shall report to the House (or to the Clerk of the House if the House is not in session), on or before July 1, 1952, the results of its investigation and study together with such recommendations as it deems advisable.

For the purpose of carrying out this resolution the committee or subcommittee is authorized to sit and act during the present Congress at such times and places within the United States, it Territories, and possessions, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and doucments, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by an person designated by such chairman or member.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL PRIVILEGE

Mr. HOFFMAN of Michigan. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore. The gentleman from Michigan will state his point of personal privilege.

Mr. HOFFMAN of Michigan. Mr. Speaker, in the CIO News of January 21, 1952, on page 12, the following statement was made:

CONGRESS PAL COMES TO AID OF JOE KAMP

It took 4 years for the Federal Government to get Joseph P. Kamp, operating head of the notorious Constitutional Educational League, into a jail cell after Congress cited him for contempt in 1947.

Now it looks as if it might take Uncle Sam that much more time to get him behind the bars again on another contempt citation, this one voted over the screaming protests of tory Republicans in 1950.

Kamp was cited on both occasions for the same offense—refusing to tell a congressional committee investigating lobbying, where he got the money to pay for the anti-labor, anti-Semitic, anti-New Deal and neo-Fascist propaganda his CEL has been dumping on the country.

Kamp fought his first conviction all the way to the United States Supreme Court. He was aided in his stalling, according to rumors, by wealthy and highly-placed friends who couldn't see anything wrong with his pro-Nazi vocalizing for big business and reaction.

He was convicted of the second offense last June.

Mr. Speaker, in addition to the above statements with reference to antilabor and anti-Semitism is the further statement:

And last week Representative HOFFMAN (Republican, Michigan), one of the average American's bitterest enemies in Congress sponsored a resolution to rescind the second contempt citation. Kamp, he explained, has been granted a new trial.

The citation itself, he piously maintained, "resulted from an inquiry initiated at the instance of subversive elements," which he failed to identify.

The statement reflects upon the integrity and the patriotism in his official capacity of the Member from the Fourth Congressional District of Michigan and raises the question of personal privilege.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan on the question of personal privilege.

Mr. HOFFMAN of Michigan. Mr. Speaker, this time is taken, not because of any particular light which might be thrown on pending legislation to lessen the use of butter and which it is assumed will shortly be adopted, but in protest against the false and sometimes malicious charges of the CIO and other labor organizations so often carried in their publications against all who refuse to ever do their bidding. Their contention seems to be that any time anyone in Congress opposes anything they suggest he is un-American, lacks patriotism and ought to be in jail. This notwthstanding that often Members are in accord with their recommendations as for example those on UMT.

That matter with reference to Joseph Kamp comes about as follows: Members who were here at that time will recall that in 1945, I think it was, he refused to answer certain questions before the Elections Committee of the House. The committee at that time was headed by Mr. ANDERSON, who represented New Mexico, who was later Secretary of Agriculture and who is now a Member of the other body. There were Republicans, of course, on that committee. But it was then the fashion to ridicule any charge however well documented that an activity was dominated by Communists and that was a charge then made by Kamp, who was pro-American.

Mr. Kamp at that time refused to tell the committee where he received funds to put out the publications which he was issuing and many of which deplored the power of Communists in labor unions. It has always been my contention, many times stated on the floor of the House, that committees of Congress are without authority to inquire as to where individuals or corporations organizations of any kind receive their funds as long as the material put out by those committees, corporations and organizations does not come in conflict or is not in violation of any postal regulation, any municipal ordinance, any State statute or any Federal law, is not profane or vulgar; that any attempt on the part of Congress to curtain such activities by intimidating those who contribute to the publications which are being published is a denial of free speech and of free press. At least a partial denial of free thought, the expression of political or other opinion.

It will be recalled by those who are familiar with the situation that among the books put out by Mr. Kamp was one on the Constitution by Professor Norton. There were other books of like character. None of those books or none of those publications violated any law; nor was it claimed that they carried either profane, offensive, or obscene language or thought, but yet a committee of the Congress undertook by indirect means to stop the publication and the distribution of articles of that kind principally because they were anti-New Deal. No one seriously contended that they were a violation of

any lobbying or other statute or that there was anything unethical or offensive in any of them.

Then this second conviction came along for a second like refusal. I recall the House voted on the citation. I happened to be absent at the time, but there was a rather large number—I think 125 votes, on both sides of the aisle; it was not a partisan issue exactly—against citing Mr. Kamp. Nevertheless, he was cited by the House, he was tried here in Washington, and he was convicted. Later the conviction was reversed, the indictment quashed, and Kamp was discharged. Later in the appellate court, and under a similar indictment against Mr. Rumely for the same offense, the appellate court held that the Congress had no authority to make the investigation and Mr. Rumely vindicated. The power of Congress to limit a free press was denied. Recently hearings held and testimony taken by a so-called committee of the present Congress in California were, in my opinion, wholly without authority. I will put into the RECORD sometime with reference to that testimony the record where one member of the committee, not having been authorized by the chairman of the committee or by the committee itself, proceeded with an investigator to subpena books and papers and to examine files and records with reference to personal business.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I notice in the statement here it says that Representative HOFFMAN is one of the average American's bitterest enemies in Congress. This same group has frequently charged that those who voted for the Taft-Hartley bill and voted to override the President's veto as being enemies of the average American. I noticed the President this morning did not want to use the Taft-Hartley law. I suppose you and I and those who voted for the Taft-Hartley law would be classified as sort of an enemy of the average American. I do not know why the President does not want to use that law, and I think this group throws us into the same category relative to who our friends and our enemies are as to how we voted on this particular legislation.

Mr. HOFFMAN of Michigan. Some of the officials of CIO unions so classified all who voted for Taft-Hartley. You may remember that at least six CIO unions were finally thrown out of the CIO because they were controlled or dominated by Communists. You know that Lee Pressman, their general counsel, for years finally admitted he was a Communist. I do not know what the writer of this article in the CIO News had in mind at this particular time, but I do recall—well, I remember the A. F. of L., I think it was, down in New Jersey, at their annual convention, gave the executive committee of that organization authority to use as much as $4,000,000 to defeat Members of Congress, and I happened to be one of those named, as the committee might desire. I know that the CIO in this publication has time and time again characterized every Member of Congress, Members of the House and Members of the Senate, who voted in favor of the Taft-Hartley Act—and my colleagues will recall that the President's veto was overridden by both Houses by more than a two-thirds majority—there was a substantial number in both Houses over and above the two-thirds majority which rejected that veto which the President is now apparently attempting to enforce by his refusal to enforce the law of the land.

I recall that notwithstanding the President's statement that he would enforce the Taft-Hartley Act, he has failed to do so, that he seems to be dominated by a desire not only to have his own way but to trade his duty to enforce the law for political support. I recall that the CIO continued to characterize those who voted for it, those who spoke out against violence, which deprived Americans who should be free of their right to work, as enemies of the country, and I assume, of course, one of the reasons back of this publication was not only to bring about my defeat—which would not be of any importance except to me—but to defeat all other Members of the House who supported that remedial legislation and to bring to them fear of and obedience to the CIO. And I noticed since that in Ohio the judgment of the people there has been taken as to whether or not those who supported the Taft-Hartley Act were enemies of the country. The verdict of the employees was to the contrary. I notice that influential and supposedly wealthy industrialists, such as Paul Hoffman and Ernest Weir and those in similar businesses have repudiated the author of that law which they so long and so loudly demanded and which TAFT had so much to do with getting it adopted. I notice that while Senator TAFT has been charged with acting for them, for employers, that they have repudiated him in this campaign, and that the workers, the CIO members—now mark you—the CIO members, the workers, and the A. F. of L. boys, they have gone ahead—at least they did in Ohio—and convinced of the merit of that act, supported the Senator. My information is that the Senator, and, by the way, he is a candidate for the presidential nomination on the Republican ticket, I understand, received an overwhelming majority of the votes cast by the laboring men and women of Ohio, notwithstanding the fact that the officers of the organizations representing them having before that time bitterly denounced him and the law. That fact, to my mind, proves that one who supported that act was not, is not an enemy of America but in reality is a friend of America, of the employee, is trying to bring to this country what we might say we hear so much about, peace, not only peace abroad but here at home in industry, where if a man or woman wants to work, really desires to work—and I have been given to understand that not too many people now want to work—at hard work, but if they do, that then they should have the privilege of going to and from their places of work without being confronted with an armed picket line.

Phil Murray is and for years has been an advocate and an employer of violence on the picket line.

We have in Michigan a statute which makes it an offense to prevent men and women going freely to and from their places of employment. If that or similar laws were enforced, undoubtedly many of these strikes, perhaps even the steel strike, never would have been called, or at least would not extend over a long period of time, and it would not be necessary for the Congress to enact legislation, it would not be necessary for a President of the United States to come here, for perhaps the first time, so far as I know, though I am not a very good student of history, for a President to come before the Congress and ask whether or not he should enforce the law now on the books or whether some other legislation should be enacted. What a spectacle—a President who has twice taken an oath to enforce the law comes publicly before the Congress and, like a child, asks us to tell him to do his duty. A sorry confession of incompetency, a humiliating admission of cowardice, a shameful defiance of the law of the land, and because, he says, he thinks there is a better way.

CALL OF THE HOUSE

Mr. SMITH of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 98]

Aandahl	Ellsworth	Morgan
Abbitt	Elston	Morris
Abernethy	Engle	Morrison
Adair	Evins	Morton
Albert	Fenton	Nelson
Anderson, Calif.	Frazier	O'Neill
Anfuso	Fugate	Ostertag
Bates, Ky.	Fulton	O'Toole
Beall	Gore	Potter
Beckworth	Gwinn	Powell
Belcher	Hale	Rabaut
Blackney	Hall, Edwin Arthur	Reece, Tenn.
Bray	Hall, Leonard W.	Richards
Brehm	Halleck	Riehlman
Brooks	Harden	Robeson
Brown, Ohio	Hart	Rogers, Fla.
Buckley	Harvey	Roosevelt
Burdick	Hays, Ohio	Sabath
Butler	Hébert	Sasscer
Carlyle	Heffernan	Sheppard
Carnahan	Herter	Short
Case	Jenkins	Spence
Celler	Johnson	Springer
Chiperfield	Kennedy	Stanley
Chudoff	Keogh	Stigler
Cole, N. Y.	Kerr	Stockman
Cox	Lesinski	Sutton
Crawford	McKinnon	Tackett
Dawson	Magee	Teague
Deane	Merrow	Thomas
deGraffenried	Miller, Calif.	Welch
Delaney	Miller, Md.	Wickersham
Denny	Morano	Williams, Miss.
Dingell		Wilson, Ind.
Dorn		Wolverton

The SPEAKER pro tempore. On this roll call 326 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL PRIVILEGE

Mr. HOFFMAN of Michigan. Mr. Speaker, just before the quorum call, which was made, I understand, so that in the event I did finish within a reasonable time, the bill which would enable the Navy to give the men in that service oleomargarine instead of butter, if brought up, might be given consideration by a majority of the House, I was speaking about the unusual situation which existed when a President of the United States appeared before the Congress asking whether or not he could use the existing law or whether the Congress should give him additional legislation which would permit him to evade his clear duty.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield gladly to our distinguished colleague who contributes so much to good legislation.

Mr. MASON. I am wondering whether the gentleman is speaking to a point of personal privilege or the privilege of the House, and my wonder is caused from this, that as I understand the article, while it named the gentleman from Michigan, it also said that anyone, practically speaking, who voted for the Taft-Hartley Act—and more than two-thirds of the House did—whether or not it was not the privilege of the House that he was invoking because of the attack upon better than two-thirds of both Houses? Is that the understanding?

Mr. HOFFMAN of Michigan. Well, there are two questions there. Of course, the article carries the charge by inference at least, that all Members who advocate free speech, a free press, or who supported the Taft-Hartley Act are enemies of America if they do it in opposition to the CIO. I was speaking to the question of personal privilege and I did not send a resolution to the Clerk's desk as I would have been forced to do if it was a question of the privilege of the House that was raised. I did not speak to the question of privilege of the House because the House was not directly named. And, again, answering the second question, the attitude of the CIO as indicated by this and other publications applies not only to your humble servant from the Fourth Congressional District of Michigan but to every other Member, I assume, those on the majority side and over on our side of the aisle, and over in the other body who voted first to pass the act and then to override it or who failed to assist in the attempt to silence those who support constitutional government or who oppose any demand made by the CIO—so far as Phil Murray is concerned—there is no gray; everything is either black or white. If one does not do his bidding, he is a bad, bad man. You can do his bidding 99 times; if you fail on the one hundredth time, you are a traitor.

Mr. MASON. This is what I am leading up to, really. If the great majority of both Houses have had reflection, at least, upon their judgment by the CIO in their statements, by the same token whenever the President of the United States says that the great majority of both Houses, having voted for the Taft-Hartley Act, and that the Taft-Hartley Act is not the answer to our problems even if it has not been used, and asks for something else in place of the Taft-Hartley Act—is that not reflecting upon the judgment of the great majority of both Houses of the Congress and placing the judgment of one man above the judgment of the great majority of the Members of both Houses?

Mr. HOFFMAN of Michigan. I know of no other conclusion that can be reached but I do not want to question the purpose of the President in calling for special legislation. It may be that he is unduly influenced by his advisers—you get my point? It may be he does not understand, as he might, the purpose of the Taft-Hartley Act, or whether or not it would prove efficient. I gathered from his remarks that he had some doubt as to the wisdom of the law, that he did not want or intend to use or enforce it unless ordered to do so but I thought that the question of the wisdom of the Act was not now up to him; that the Congress in its wisdom, or its ignorance, having passed that act, it was his duty as with hand on the Bible he said he would execute the law—to now do so. But, again in these days and times I may be mistaken, because I notice one of the Supreme Court Justices said the other day that times have changed and gave that as an excuse or reason if you prefer—for his opinion that the provisions of the Constitution might be evaded. So, I do not know but my opinion would be that the President is trying to tell Murray and those who will follow his lead that he, the President, is willing to give them what they demand—law or no law—and is trying to throw upon the Congress the blame for a situation which he created.

Mr. MASON. I am not raising the question of the purpose of the President, I am raising the question as to the implication he has made that the great majority of both Houses of Congress do not know what they are doing or do not know what is effective legislation and, therefore, we must accept the judgment of one man in the place of that. It is not the purpose, it is the judgment that I am wondering about.

Mr. HOFFMAN of Michigan. Well, there can be no uncertainty as to the answer to that query. It is evident from the President's veto of the Taft-Hartley Act, from his failure to use the Taft-Hartley Act, from his attempt to win the favor of union officials, turn their resentment against the Congress, that he not only thinks or pretends to think the Congress lacks judgment, but that he serves under Phil Murray in this matter. My only purpose in rising at this time was to refute the implication that a man was an enemy of his country just because the CIO news thought so or pretended to think so. I wanted to go further on that statement, and I tried to indicate that before. The workers in Ohio, the members of the two unions, or the three unions, or of all unions for that matter, the rank and file, do not now so construe that law, for by their votes they endorsed the Taft-Hartley Act, gave its author, BOB TAFT, such generous support when they last elected him Senator.

I know in my own district a majority of the union members go along with the law and are happy to have it, because it means they now have an opportunity to call in question as they never did before the acts of their own officers. It also gives them a better opportunity to call for an accounting of the funds which they pay into the union.

Another purpose which I had in mind was this: A man is not necessarily an enemy of his country just because he perhaps is overanxious to insist upon an adherence not only to laws but to rules and regulations of which he has approved, for example, to the rules of the House. I know that at times I have been a trial to some of my colleagues because I thought we should follow the adopted rules as set forth in our rule book in our committee hearings; because I have sometimes protested at what I have thought was an arbitrary and maybe an overbearing manner on the part of some, including myself, Members of the House in questioning witnesses, or going, as I suggested a while ago, clear across the continent to California, where one member of a committee, and an investigator, who admittedly received a fee of some $5,000 from individuals who were interested and participated in the hearings, engaging in what I considered unlawful searches and seizures. In my own committee I sometimes irritate some of my associates by insisting that they have a quorum present as required by the rule. For that irritation I am sorry, but must, at least on occasion, continue that course.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. CURTIS of Missouri. I wonder if the gentleman would comment on what is happening in our committee right now.

Mr. HOFFMAN of Michigan. Does the gentleman mean what happened today?

Mr. CURTIS of Missouri. Yes. I tried to get the committee not to hold a meeting at 2 o'clock on the ground that we were going to have matters under consideration on the floor. I was overruled. I do not quite understand what sort of committee is holding a meeting there now anyway. It is a special committee composed of whoever shows up; is that what the situation is? I wonder if the gentleman would explain that.

Mr. HOFFMAN of Michigan. Did the gentleman object to the absence of a quorum?

Mr. CURTIS of Missouri. I did. There were only three other Members present.

Mr. HOFFMAN of Michigan. How many?

Mr. CURTIS of Missouri. Three besides myself and the chairman.

Mr. HOFFMAN of Michigan. That is, five of you?

Mr. CURTIS of Missouri. Yes. What I would like to ask the gentleman, however, is this: What sort of a committee is this that is meeting, because I under-

stand it is a sort of special committee, to which nobody has been named, but whoever shows up immediately becomes a member. I wonder if the gentleman, being the ranking Republican on that committee, could explain to me and the rest of the House what rules govern it. What rules of the House or of the committee are they following in those hearings; does the gentleman know?

Mr. HOFFMAN of Michigan. What are they holding hearings on? Is it the same session where I was present this morning?

Mr. CURTIS of Missouri. Yes; it is to act on these various recommendations of the Hoover Commission, which have been sitting over there for some 8 or 9 months, and on which we have not had hearings. I am interested in the rules of procedure of a committee in the House, which they are supposed to be following. I wonder if the gentleman could throw some light on that?

Mr. HOFFMAN of Michigan. With reference to that special committee, I was advised by the chairman—I do not know whether he is here or not, but I think I can quote him fairly accurately, I was advised by the chairman of the committee, the gentleman from Illinois [Mr. DAWSON] that it was a special committee, and when I asked as to who was on that special committee, he said that he was chairman of that special committee, as of course is his right, and the gentleman conducts the hearings very efficiently, as we all know, and with due regard to the presence or absence of members of the committee—I always thought—and he said that the special committee consisted of the chairman and all those members of the full but only those members who were present at the time he called the committee to order. There were no members of the committee named. Whoever came in was a member of the special committee. When a member went out he ceased to be a member of the special committee—it was a kind of a now you see it—now you do not—an on again, off again Finnegan affair. I confess it to me is something new and novel in the way of special committees, but I am never too old to learn. Now, I am glad to attempt to be of assistance if I can to my young, able, inquiring, and industrious colleague from Missouri.

Mr. CURTIS of Missouri. I am sure that a member who is objecting to that sort of procedure, and insisting upon following orderly procedure, certainly is not an enemy of the House or an enemy of our country.

Mr. HOFFMAN of Michigan. I did not think I was, and I think that the committee rules should be followed, and then we would know whether our action would be acceptable to the House.

Mr. CURTIS of Missouri. I thank the gentleman because that was my view too.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. HARDY. Does not the gentleman think that this kind of thing can better be straightened out by the committee than it can on the floor of the House? I mean the question that the gentleman from Missouri has raised is a matter of committee procedure, which I do not believe has been presented to the whole committee, and if there is objection to it, it ought to be considered by the whole committee.

Mr. HOFFMAN of Michigan. Certainly the committee can and in my judgment should handle it, but it is my inference drawn from what our colleague said that he made such an attempt but got just nowhere. If the committee sanctions something the gentleman contends is a violation of the rules, then his only remedy is to call the situation to the attention of the House, as he has just done. Of course, one difficulty grows out of the fact that the gentleman from Virginia, a subcommittee chairman, being afflicted, well, with an irresistible, commendable impulse to work all the time and to hold committee hearings when the full committee is sitting. Sometimes on these quorum calls I go down to his subcommittee to help him get a quorum, and then I am called up to the parent committee to help establish a quorum there. Well, we have a chairman and the subcommittee chairman, the gentleman from Virginia, working at the same time, and they want the rest, or at least some of us, to do the same thing, to be at the hearings each is holding, which is all right with me, but I cannot work in two places at the same minute. Many, many times at the full committee hearings Republicans outnumber Democrats 3 to 1, though on a vote the Democrats are either present in person or by proxy. This morning there were seven Republicans once and once one Democrat present.

Mr. HARDY. I just want to make this observation. I want to express my appreciation to the gentleman from Michigan for his cooperation in assisting me to establish a quorum along with myself and anyone else, and he has been most helpful.

Mr. HOFFMAN of Michigan. The gentleman has always been very courteous. I go there and report "present" and then he says, "Now you can go any time you want to. We do not need you any longer."

Mr. HARDY. The gentleman will agree that that is an understanding which we have had between ourselves.

Mr. HOFFMAN of Michigan. Right you are; and it tends toward peace and harmony.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. REED of New York. The Taft-Hartley Act has not had the opportunity in this case for us to see whether it would work or not. I am wondering whether or not the President has some doubts, criticizing the act, as to whether or not, if he did put it into operation, that labor would vote against the strike. I find that in my district that many of the laboring people are becoming very impatient with strikes.

Mr. HOFFMAN of Michigan. Of course, I doubt very much whether some labor leaders want to go along with the bill introduced by the gentleman from Virginia [Mr. SMITH], which, as I read it, authorizes the seizure of industry and the seizure of the union. I also understand that the last thing that labor wants is the Government saying that wages can be lowered. But, that is getting rather far afield from the original topic which I rose to discuss. I understand that proposed legislation having to do with the curtailment of the use of butter by the Navy will be postponed perhaps for this session, and that will give me time to collect my thoughts for another talk on this subject on another occasion. Therefore I now yield back the balance of my time.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

IMMIGRATION AND NATIONALITY ACT

Mr. WALTER. Mr. Speaker, I call up the conference report on the bill (H. R. 5678) to revise the laws relating to immigration, naturalization, and nationality; and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2096)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5678) to revise the laws relating to immigration, naturalization, and nationality, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act, divided into titles, chapters, and sections according to the following table of contents, may be cited as the 'Immigration and Nationality Act'.

"TABLE OF CONTENTS

"TITLE I—GENERAL

"TITLE II—IMMIGRATION

"Chapter 1—quota system

"TITLE I—GENERAL

"Definitions

"SECTION 101. (a) As used in this Act—

"(1) The term 'administrator' means the administrator of the Bureau of Security and Consular Affairs of the Department of State.

"(2) The term 'advocates' includes, but is not limited to, advises, recommends, furthers by overt act, and admits belief in.

"(3) The term 'alien' means any person not a citizen or national of the United States.

"(4) The term 'application for admission' has reference to the application for admission into the United States and not to the application for the issuance of an immigrant or nonimmigrant visa.

"(5) The term 'Attorney General' means the Attorney General of the United States.

"(6) The term 'border crossing identification card' means a document of identity bearing that designation issued to an alien who is lawfully admitted for permanent residence, or to an alien who is a resident in foreign contiguous territory, by a consular officer or an immigration officer for the purpose of crossing over the borders between the United States and foreign contiguous territory in accordance with such conditions for its issuance and use as may be prescribed by regulations.

"(7) The term 'clerk of court' means a clerk of a naturalization court.

"(8) The terms 'Commissioner' and Deputy Commissioner' mean the Commissioner of Immigration and Naturalization and a Deputy Commissioner of Immigration and Naturalization, respectively.

"(9) The term 'consular officer' means any consular, diplomatic, or other officer of the United States designated under regulations prescribed under authority contained in this Act, for the purpose of issuing immigrant or nonimmigrant visas. In cases of aliens, in the Canal Zone and the outlying possessions of the United States, the term 'consular officer' means an officer designated by the Governor of the Canal Zone, or the governors of the outlying possessions, for the purpose of issuing immigrant or nonimmigrant visas under this Act.

"(10) The term 'crewman' means a person serving in any capacity on board a vessel or aircraft.

"(11) The term 'diplomatic visa' means a nonimmigrant visa bearing that title and issued to a nonimmigrant in accordance with such regulations as the Secretary of State may prescribe.

"(12) The term 'doctrine' includes, but is not limited to, policies, practices, purposes, aims, or procedures.

"(13) The term 'entry' means any coming of an alien into the United States, from a foreign port or place or from an outlying possession, whether voluntarily or otherwise, except that an alien having a lawful permanent residence in the United States shall not be regarded as making an entry into the United States for the purposes of the immigration laws if the alien proves to the satisfaction of the Attorney General that his departure to a foreign port or place or to an outlying possession was not intended or reasonably to be expected by him or his presence in a foreign port or place or in an outlying possession was not voluntary: *Provided*, That no person whose departure from the United States was occasioned by deportation proceedings, extradition, or other legal process shall be held to be entitled to such exception.

"(14) The term 'foreign state' includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.

"(15) The term 'immigrant' means every alien except an alien who is within one of the following classes of nonimmigrant aliens—

"(A) (i) an ambassador, public minister, or career diplomatic or consular officer who has been accredited by a foreign government recognized de jure by the United States and who is accepted by the President or by the Secretary of State, and the members of the alien's immediate family;

"(ii) upon a basis of reciprocity, other officials and employees who have been accredited by a foreign government recognized de jure by the United States, who are accepted by the Secretary of State, and the members of their immediate families; and

"(iii) upon a basis of reciprocity, attendants, servants, personal employees, and members of their immediate families, of the officials and employees who have a nonimmigrant status under (i) and (ii) above;

"(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure;

"(C) an alien in immediate and continuous transit through the United States, or an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District and foreign countries, under the provisions of paragraphs (3), (4), and (5) of section 11 of the Headquarters Agreement with the United Nations (61 Stat. 758);

"(D) an alien crewman serving in good faith as such in any capacity required for normal operation and service on board a vessel (other than a fishing vessel having its home port or an operating base in the United States) or aircraft, who intends to land temporarily and solely in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft;

"(E) an alien entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national, and the spouse and children of any such alien if accompanying or following to join him: (i) solely to carry on substantial trade, principally between the United States and the foreign state of which he is a national; or (ii) solely to develop and direct the operations of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital;

"(F) an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him and approved by the Attorney General after consultation with the Office of Education of the United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn;

"(G) (i) a designated principal resident representative of a foreign government recognized de jure by the United States, which foreign government is a member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669), accredited resident members of the staff of such representatives, and members of his or their immediate family;

"(ii) other accredited representatives of such a foreign government to such international organizations, and the members of their immediate families;

"(iii) an alien able to qualify under (i) or (ii) above except for the fact that the government of which such alien is an accredited representative is not recognized de jure by the United States, or that the government of which he is an accredited representative is not a member of such international organization, and the members of his immediate family;

"(iv) officers, or employees of such international organizations, and the members of their immediate families;

"(v) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees;

"(H) an alien having a residence in a foreign country which he has no intention of abandoning (i) who is of distinguished merit and ability and who is coming temporarily to the United States to perform temporary services of an exceptional nature requiring such merit and ability; or (ii) who is coming temporarily to the United States to perform other temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country; or (iii) who is coming temporarily to the United States as an industrial trainee;

"(I) upon a basis of reciprocity, an alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation, and the spouse and children of such a representative, if accompanying or following to join him.

"(16) The term 'immigrant visa' means an immigrant visa required by this Act and properly issued by a consular officer at his

office outside of the United States to an eligible immigrant under the provisions of this Act.

"(17) The term 'immigration laws' includes this Act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens.

"(18) The term 'immigration officer' means any employee or class of employees of the Service or of the United States designated by the Attorney General, individually or by regulation, to perform the functions of an immigration officer specified by this Act or any section thereof.

"(19) The term 'ineligible to citizenship,' when used in reference to any individual, means, notwithstanding the provisions of any treaty relating to military service, an individual who is, or was at any time, permanently debarred from becoming a citizen of the United States under section 3 (a) of the Selective Training and Service Act of 1940, as amended (54 Stat. 885; 55 Stat. 844), or under section 4 (a) of the Selective Service Act of 1948, as amended (62 Stat. 605; 65 Stat. 76), or under any section of this Act, or any other Act, or under any law amendatory of, supplementary to, or in substitution for, any of such sections or Acts.

"(20) The term 'lawfully admitted for permanent residence' means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

"(21) The term 'national' means a person owing permanent allegiance to a state.

"(22) The term 'national of the United States' means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

"(23) The term 'naturalization' means the conferring of nationality of a state upon a person after birth, by any means whatsoever.

"(24) The term 'naturalization court', unless otherwise particularly described, means a court authorized by section 310 (a) of title III to exercise naturalization jurisdiction.

"(25) The term 'noncombatant service' shall not include service in which the individual is not subject to military discipline, court martial, or does not wear the uniform of any branch of the armed forces.

"(26) The term 'nonimmigrant visa' means a visa properly issued to an alien as an eligible nonimmigrant by a competent officer as provided in this Act.

"(27) The term 'nonquota immigrant' means—

"(A) an immigrant who is the child or the spouse of a citizen of the United States;

"(B) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

"(C) an immigrant who was born in Canada, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and the spouse or the child of any such immigrant, if accompanying or following to join him;

"(D) an immigrant who was a citizen of the United States and may, under section 324 (a) or 327 of title III, apply for reacquisition of citizenship;

"(E) an immigrant included within the second proviso to section 349 (a) (1) of title III;

"(F) (i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him; or

"(G) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided*, That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of nonquota status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status.

"(28) The term 'organization' means, but is not limited to, an organization, corporation, company, partnership, association, trust, foundation, or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together with joint action on any subject or subjects.

"(29) The term 'outlying possessions of the United States' means American Samoa and Swains Island.

"(30) The term 'passport' means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the entry of the bearer into a foreign country.

"(31) The term 'permanent' means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.

"(32) The term 'quota immigrant' means any immigrant who is not a nonquota immigrant. An alien who is not particularly specified in this Act as a nonquota immigrant or a nonimmigrant shall not be admitted or considered in any manner to be either a nonquota immigrant or a nonimmigrant notwithstanding his relationship to any individual who is so specified or by reason of being excepted from the operation of any other law regulating or forbidding immigration.

"(33) The term 'residence' means the place of general abode; the place of general abode of a person means his principal actual dwelling place in fact, without regard to intent. Residence shall be considered continuous for the purposes of sections 350 and 352 of title III where there is a continuity of stay but not necessarily an uninterrupted physical presence in a foreign state or states or outside the United States.

"(34) The term 'Service' means the Immigration and Naturalization Service of the Department of Justice.

"(35) The term 'spouse', 'wife', or 'husband' do not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.

"(36) The term 'State' includes (except as used in section 310 (a) of title III) Alaska, Hawaii, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.

"(37) The term 'totalitarian party' means an organization which advocates the establishment in the United States of a totalitarian dictatorship or totalitarianism. The terms 'totalitarian dictatorship' and 'totalitarianism' mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party.

"(38) The term 'United States', except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

"(39) The term 'unmarried', when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

"(40) The term 'world communism' means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist political movement.

"(b) As used in titles I and II—

"(1) The term 'child' means an unmarried person under twenty-one years of age who is—

"(A) a legitimate child; or

"(B) a stepchild, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred; or

"(C) a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of 18 years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation.

"(2) The terms 'parents', 'father', or 'mother' mean a parent, father, or mother only where the relationship exists by reason of any of the circumstances set forth in (1) above.

"(3) The term 'person' means an individual or an organization.

"(4) The term 'special inquiry officer' means any immigration officer who the Attorney General deems specially qualified to conduct specified classes of proceedings, in whole or in part, required by this Act to be conducted by or before a special inquiry officer and who is designated and selected by the Attorney General, individually or by regulation, to conduct such proceedings. Such special inquiry officer shall be subject to such supervision, and shall perform such duties, not inconsistent with this Act, as the Attorney General shall prescribe.

"(5) The term 'adjacent islands' includes Saint Pierre, Miquelon, Cuba, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea.

"(c) As used in title III—

"(1) The term 'child' means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in the United States or elsewhere, and, except as otherwise provided in sections 320, 321, 322, and 323 of title III, a child adopted in the United States, if such legitimation or adoption takes place before the child reaches the age of sixteen years, and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimation or adoption.

"(2) The terms 'parent,' 'father,' and 'mother' include in the case of a posthumous child a deceased parent, father, and mother.

"(d) As used in chapter 3 of title III—

"(1) The term 'veteran' means a person who served in the armed forces of the United States at any time in an active-duty status during the period from April 21, 1898, to August 12, 1898, or from April 6, 1917, to November 11, 1918, or from December 7, 1941, to December 31, 1946, all dates inclusive, and who was discharged therefrom under honorable conditions. The records of the armed forces shall be conclusive as to type of a discharge and as to whether the conditions

under which a discharge was given were honorable.

"(2) (A) The term 'Spanish-American War' relates to the period from April 21, 1898, to August 12, 1898; (B) the term 'World War I' relates to the period from April 6, 1917, to November 11, 1918; and (C) the term 'World War II' relates to the period from December 7, 1941, to December 31, 1946, all dates inclusive.

"(e) For the purposes of this Act—

"(1) The giving, loaning, or promising of support or of money or any other thing of value to be used for advocating any doctrine shall constitute the advocating of such doctrine; but nothing in this paragraph shall be construed as an exclusive definition of advocating.

"(2) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

"(3) Advocating the economic, international, and governmental doctrines of world communism means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

"(f) For the purposes of this Act—

"No person shall be regarded as, or found to be, a person of good moral character who, during the period for which good moral character is required to be established, is, or was—

"(1) a habitual drunkard;

"(2) one who during such period has committed adultery;

"(3) a member of one or more of the classes of persons, whether excludable or not, described in paragraphs (11), (12), and (31) of section 212 (a) of this Act; or paragraphs (9), (10), and (23) of section 212 (a), if the offense described therein, for which such person was convicted or of which he admits the commission, was committed during such period;

"(4) one whose income is derived principally from illegal gambling activities;

"(5) one who has been convicted of two or more gambling offenses committed during such period;

"(6) one who has given false testimony for the purpose of obtaining any benefits under this Act,

"(7) one who during such period has been confined, as a result of conviction, to a penal institution for an aggregate period of one hundred and eighty days or more, regardless of whether the offense, or offenses, for which he has been confined were committed within or without such period;

"(8) one who at any time has been convicted of the crime of murder.

"The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.

"(g) For the purposes of this Act any alien ordered deported (whether before or after the enactment of this Act) who has left the United States, shall be considered to have been deported in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

"Applicability of title II to certain nonimmigrants

"SEC. 102. Except as otherwise provided in this Act, for so long as they continue in the nonimmigrant classes enumerated in this section, the provisions of this Act relating to ineligibility to receive visas and the exclusion or deportation of aliens shall not be construed to apply to nonimmigrants—

"(1) within the class described in paragraph (15) (A) (i) of section 101 (a), except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish their qualifications under such paragraph (15) (A) (i), and, under such rules and regulations as the President may deem to be necessary, the provisions of paragraph (27) of section 212 (a);

"(2) within the class described in paragraph (15) (G) (i) of section 101 (a), except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish their qualifications under such paragraph (15) (G) (i), and the provisions of paragraph (27) of section 212 (a); and

"(3) within the classes described in paragraphs (15) (A) (ii), (15) (G) (ii), (15) (G) (iii), or (15) (G) (iv) of section 101 (a), except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish their qualifications under such paragraphs, and the provisions of paragraphs (27) and (29) of section 212 (a).

"Powers and duties of the Attorney General and the Commissioner

"SEC. 103. (a) The Attorney General shall be charged with the administration and enforcement of this act and all other laws relating to the immigration and naturalization of aliens, except insofar as this act or such laws relate to the powers, functions, and duties conferred upon the President, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers: *Provided, however,* That determination and ruling by the Attorney General with respect to all questions of law shall be controlling. He shall have control, direction, and supervision of all employees and of all the files and records of the Service. He shall establish such regulations; prescribe such forms of bond, reports, entries, and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of this Act. He is authorized, in accordance with the civil-service laws and regulations and the Classification Act of 1949, to appoint such employees of the Service as he deems necessary, and to delegate to them or to any officer or employee of the Department of Justice in his discretion any of the duties and powers imposed upon him in this Act; he may require or authorize any employee of the Service or the Department of Justice to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon any other employee of the Service. He shall have the power and duty to control and guard the boundaries and borders of the United States against the illegal entry of aliens and shall, in his discretion, appoint for that purpose such number of employees of the Service as to him shall appear necessary and proper. He is authorized to confer or impose upon any employee of the United States, with the consent of the head of the Department or other independent establishment under whose jurisdiction the employee is serving, any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service. He may, with the concurrence of the Secretary of State, establish offices of the Service in foreign countries; and, after consultation with the Secretary of State, he may, whenever in his judgment such action may be necessary to accomplish the purposes of this Act, detail employees of the Service for duty in foreign countries.

"(b) The Commissioner shall be a citizen of the United States and shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of $17,500 per annum. He shall be charged with any and all responsibilites and authority in the administration of the Service and of this Act which are conferred upon the Attorney General as may be delegated to him by the Attorney General or which may be prescribed by the Attorney General.

"Powers and duties of the Secretary of State; Bureau of Security and Consular Affairs

"SEC. 104. (a) The Secretary of State shall be charged with the administration and the enforcement of the provisions of this Act and all other immigration and nationality laws relating to (1) the powers, duties and functions of diplomatic and consular officers of the United States, except those powers, duties and functions conferred upon the consular officers relating to the granting or refusal of visas; (2) the powers, duties and functions of the Bureau of Security and Consular Affairs; and (3) the determination of nationality of a person not in the United States. He shall establish such regulations; prescribe such forms of reports, entries and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out such provisions. He is authorized to confer or impose upon any employee of the United States, with the consent of the head of the department or independent establishment under whose jurisdiction the employee is serving, any of the powers, functions, or duties conferred or imposed by this act or regulations issued thereunder upon officers or employees of the Department of State or of the American Foreign Service.

"(b) There is hereby established in the Department of State a Bureau of Security and Consular Affairs, to be headed by an administrator (with an appropriate title to be designated by the Secretary of State), with rank and compensation equal to that of an Assistant Secretary of State. The administrator shall be a citizen of the United States, qualified by experience, and shall maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this Act by consular officers. He shall be charged with any and all responsibility and authority in the administration of the Bureau and of this Act which are conferred on the Secretary of State as may be delegated to him by the Secretary of State or which may be prescribed by the Secretary of State. He shall also perform such other duties as the Secretary of State may prescribe.

"(c) Within the Bureau there shall be a Passport Office, a Visa Office, and such other offices as the Secretary of State may deem to be appropriate, each office to be headed by a director. The Directors of the Passport Office and the Visa Office shall be experienced in the administration of the nationality and immigration laws.

"(d) The functions heretofore performed by the Passport Division and the Visa Division of the Department of State shall hereafter be performed by the Passport Office and the Visa Office, respectively, of the Bureau of Security and Consular Affairs.

"(e) There shall be a General Counsel of the Visa Office, who shall be appointed by the Secretary of State and who shall serve under the general direction of the Legal Adviser of the Department of State. The General Counsel shall have authority to maintain liaison with the appropriate officers of the Service with a view to securing uniform interpretations of the provisions of this Act.

"(f) The Bureau shall be under the immediate jurisdiction of the Deputy Under Secretary of State for Administration.

"Liaison with internal security officers

"Sec. 105. The Commissioner and the administrator shall have authority to maintain

direct and continuous liaison with the Directors of the Federal Bureau of Investigation and the Central Intelligence Agency and with other internal security officers of the Government for the purpose of obtaining and exchanging information for use in enforcing the provisions of this Act in the interest of the internal security of the United States. The Commissioner and the administrator shall maintain direct and continuous liaison with each other with a view to a coordinated, uniform, and efficient administration of this Act, and all other immigration and nationality laws.

"TITLE II—IMMIGRATION

"CHAPTER 1—QUOTA SYSTEM

"Numerical limitations; annual quota based upon national origin; minimum quotas

"Sec. 201. (a) The annual quota of any quota area shall be one-sixth of 1 per centum of the number of inhabitants in the continental United States in 1920, which number, except for the purpose of computing quotas for quota areas within the Asia-Pacific triangle, shall be the same number heretofore determined under the provisions of section 11 of the Immigration Act of 1924, attributable by national origin to such quota area: *Provided*, That the quota existing for Chinese persons prior to the date of enactment of this Act shall be continued, and, except as otherwise provided in section 202 (e), the minimum quota for any quota area shall be one hundred.

"(b) The determination of the annual quota of any quota area shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly. Such officials shall, jointly, report to the President the quota of each quota area, and the President shall proclaim and make known the quotas so reported. Such determination and report shall be made and such proclamation shall be issued as soon as practicable after the date of enactment of this Act. Quotas proclaimed therein shall take effect on the first day of the fiscal year, or the next fiscal half year, next following the expiration of six months after the date of the proclamation, and until such date the existing quotas proclaimed under the Immigration Act of 1924 shall remain in effect. After the making of a proclamation under this subsection the quotas proclaimed therein shall continue with the same effect as if specifically stated herein and shall be final and conclusive for every purpose, except (1) insofar as it is made to appear to the satisfaction of such officials and proclaimed by the President, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in section 202 (e).

"(c) There shall be issued to quota immigrants chargeable to any quota (1) no more immigrant visas in any fiscal year than the quota for such year, and (2) in any calendar month of any fiscal year, no more immigrant visas than 10 per centum of the quota for such year; except that during the last two months of any fiscal year immigrant visas may be issued without regard to the 10 per centum limitation contained herein.

"(d) Nothing in this Act shall prevent the issuance (without increasing the total number of quota immigrant visas which may be issued) of an immigrant visa to an immigrant as a quota immigrant even though he is a nonquota immigrant.

"(e) The quota numbers available under the annual quotas of each quota area proclaimed under this Act shall be reduced by the number of quota numbers which have been ordered to be deducted from the annual quotas authorized prior to the effective date of the annual quotas proclaimed under this Act under—

"(1) section 19 (c) of the Immigration Act of 1917, as amended;

"(2) the Displaced Persons Act of 1948, as amended; and

"(3) any other Act of Congress enacted prior to the effective date of the quotas proclaimed under this Act.

"Determination of quota to which an immigrant is chargeable

"Sec. 202. (a) Each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions and the countries specified in section 101 (a) (27) (C), shall be treated as a separate quota area when approved by the Secretary of State. All other inhabited lands shall be attributed to a quota area specified by the Secretary of State. For the purposes of this Act, the annual quota to which an immigrant is chargeable shall be determined by birth within a quota area, except at—

"(1) an alien child, when accompanied by his alien parent or parents may be charged to the quota of the accompanying parent or of either accompanying parent if such parent has received or would be qualified for an immigrant visa, if necessary to prevent the separation of the child from the accompanying parent or parents, and if the quota to which such parent has been or would be chargeable is not exhausted for that fiscal year;

"(2) if an alien is chargeable to a different quota from that of his accompanying spouse, the quota to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the quota of the accompanying spouse, if such spouse has received or would be qualified for an immigrant visa and if the quota to which such spouse has been or would be chargeable is not exhausted for that fiscal year;

"(3) an alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he had his residence as determined by the consular officer;

"(4) an alien born within any quota area in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the quota area of either parent;

"(5) notwithstanding the provisions of paragraphs (2), (3), and (4) of this subsection, any alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle defined in subsection (b) of this section, unless such alien is entitled to a nonquota immigrant status under paragraph (27) (A), (27) (B), (27) (D), (27) (E), (27) (F), or (27) (G) of section 101 (a), shall be chargeable to a quota as specified in subsection (b) of this section: *Provided*, That the child of an alien defined in section 101 (a) (27) (C), if accompanying or following to join him, shall be classified under section 101 (a) (27) (C), notwithstanding the provisions of subsection (b) of this section.

"(b) With reference to determination of the quota to which shall be chargeable an immigrant who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle comprising all quota areas and all colonies and other dependent areas situate wholly east of the meridian sixty degrees east of Greenwich, wholly west of the meridian one hundred and sixty-five degrees west, and wholly north of the parallel twenty-five degrees south latitude—

"(1) there is hereby established, in addition to quotas for separate quota areas comprising independent countries, self-governing dominions, and territories under the international trusteeship system of the United Nations situate wholly within said Asia-Pacific triangle, an Asia-Pacific quota of one hundred annually, which quota shall not be subject to the provisions of subsection (e);

"(2) such immigrant born within a separate quota area situate wholly within such Asia-Pacific triangle shall not be chargeable to the Asia-Pacific quota, but shall be chargeable to the quota for the separate quota area in which he was born;

"(3) such immigrant born within a colony or other dependent area situate wholly within said Asia-Pacific triangle shall be chargeable to the Asia-Pacific quota;

"(4) such immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to not more than one separate quota area, situate wholly within the Asia-Pacific triangle, shall be chargeable to the quota of that quota area;

"(5) such immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to one or more colonies or other dependent areas situate wholly within the Asia-Pacific triangle, shall be chargeable to the Asia-Pacific quota;

"(6) such immigrant born outside the Asia-Pacific triangle, who is attributable by as much as one-half of his ancestry to peoples indigenous to two or more separate quota areas situate wholly within the Asia-Pacific triangle, or to a quota area or areas and one or more colonies and other dependent areas situate wholly therein, shall be chargeable to the Asia-Pacific quota.

"(c) Any immigrant born in a colony or other component or dependent area of a governing country for which no separate or specific quota has been established, unless a nonquota immigrant as provided in section 101 (a) (27) of this Act, shall be chargeable to the quota of the governing country, except that (1) not more than one hundred persons born in any one such colony or other component or dependent area overseas from the governing country shall be chargeable to the quota of its governing country in any one year, and (2) any such immigrant, if attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, shall be chargeable to a quota as provided in subsection (b) of this section.

"(d) The provision of an immigration quota for a quota area shall not constitute recognition by the United States of the political transfer of territory from one country to another, or recognition of a government not recognized by the United States.

"(e) After the determination of quotas has been made as provided in section 201, revision of the quotas shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, whenever necessary, to provide for any change of boundaries resulting in transfer of territory from one sovereignty to another, a change of administrative arrangements of a colony or other dependent area, or any other political change, requiring a change in the list of quota areas or of the territorial limits thereof, but any increase in the number of minimum quota areas above twenty within the Asia-Pacific triangle shall result in a proportionate decrease in each minimum quota of such area in order that the sum total of all minimum quotas within the Asia-Pacific triangle shall not exceed two thousand. In the case of any change in the territorial limits of quota areas, not requiring a change in the quotas for such areas, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all consular offices concerning the change in the territorial limits of the quota areas involved.

"Allocation of immigrant visas within quotas

"SEC. 203. (a) Immigrant visas to quota immigrants shall be alloted in each fiscal year as follows:

"(1) The first 50 per centum of the quota of each quota area for such year, plus any portion of such quota not required for the issuance of immigrant visas to the classes specified in paragraphs (2) and (3), shall be made available for the issuance of immigrant visas (A) to qualified quota immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States, and (B) to qualified quota immigrants who are the spouse or children of any immigrant described in clause (A) if accompanying him.

"(2) The next 30 per centum of the quota for each quota area for such year, plus any portion of such quota not required for the issuance of immigrant visas to the classes specified in paragraphs (1) and (3), shall be made available for the issuance of immigrant visas to qualified quota immigrants who are the parents of citizens of the United States, such citizens being at least twenty-one years of age.

"(3) The remaining 20 per centum of the quota for each quota area for such year, plus any portion of such quota not required for the issuance of immigrant visas to the classes specified in paragraphs (1) and (2), shall be made available for the issuance of immigrant visas to qualified quota immigrants who are the spouses or the children of aliens lawfully admitted for permanent residence.

"(4) Any portion of the quota for each quota area for such year not required for the issuance of immigrant visas to the classes specified in paragraphs (1), (2), and (3) shall be made available for the issuance of immigrant visas to other qualified quota immigrants chargeable to such quota. Qualified quota immigrants of each quota area who are the brothers, sisters, sons, or daughters of citizens of the United States shall be entitled to a preference of not exceeding 25 per centum of the immigrant visas available for issuance for each quota area under this paragraph.

"(b) Quota immigrant visas issued pursuant to paragraph (1) of subsection (a) shall, in the case of each quota area, be issued to eligible quota immigrants in the order in which a petition on behalf of each such immigrant is filed with the Attorney General as provided in section 204; and shall be issued in the first calendar month after receipt of notice of approval of such petition in which a quota number is available for an immigrant chargeable to such quota area.

"(c) Quota immigrant visas issued to aliens in the classes designated in paragraphs (2), (3), and (4) of subsection (a) shall, in the case of each quota, be issued to qualified quota immigrants strictly in the chronological order in which such immigrants are registered in each class on quota waiting lists which shall be maintained for each quota in accordance with regulations prescribed by the Secretary of State.

"(d) In determining the order for consideration of applications for quota immigrant visas under subsection (a), consideration shall be given first to applications under paragraph (1), second to applications under paragraph (2), third to applications under paragraph (3), and fourth to applications under paragraph (4).

"(e) Every immigrant shall be presumed to be a quota immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and to the immigration officers, at the time of application for admission, that he is a nonquota immigrant. Every quota immigrant shall be presumed to be a nonpreference quota immigrant until he establishes to the satisfaction of the consular officer and the immigration officers that he is entitled to a preference quota status under paragraph (1), (2), or (3) of subsection (a) or to a preference under paragraph (4) of such subsection.

"Procedure for granting immigrant status under section 101 (A) (27) (F) (i) or section 203 (a) (1) (A)

"SEC. 204. (a) In the case of any alien claiming in his application for an immigrant visa to be entitled to an immigrant status under section 101 (a) (27) (F) (i) or section 203 (a) (1) (A), the consular officer shall not grant such status until he has been authorized to do so as provided in this section.

"(b) Any person, institution, firm, organization, or governmental agency desiring to have an alien classified as an immigrant under section 101 (a) (27) (F) (i) or section 203 (a) (1) (A) shall file a petition with the Attorney General for such classification of the alien. The petition shall be in such form as the Attorney General may by regulations prescribe and shall state the basis for the need of the services of such alien and contain such additional information and be supported by such documentary evidence as may be required by the Attorney General. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer.

"(c) After an investigation of the facts in each case and after consultation with appropriate agencies of the Government, the Attorney General shall, if he determines that the facts stated in the petition are true and that the alien in respect of whom the petition is made is eligible for an immigrant status under section 101 (a) (27) (F) (i) or section 203 (a) (1) (A), approve the petition and forward one copy thereof to the Department of State. The Secretary of State shall then authorize the consular officer concerned to grant such immigrant status.

"(d) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is approved, to enter the United States as an immigrant under section 101 (a) (27) (F) (i) or section 203 (a) (1) (A) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification.

"Procedure for granting nonquota status or preference by reason of relationship

"SEC. 205. (a) In the case of any alien claiming in his application for an immigrant visa to be entitled to a nonquota immigrant status under section 101 (a) (27) (A), or to a quota immigrant status under section 203 (a) (2) or 203 (a) (3), or to a preference under section 203 (a) (4), the consular officer shall not grant such status or preference until he has been authorized to do so as provided in this section.

"(b) Any citizen of the United States claiming that any immigrant is his spouse or child and that such immigrant is entitled to a nonquota immigrant status under section 101 (a) (27) (A), or any citizen of the United States claiming that any immigrant is his parent and that such immigrant is entitled to a quota immigrant status under section 203 (a) (2), or any alien lawfully admitted for permanent residence claiming that any immigrant is his spouse or child and that such immigrant is entitled to a quota immigrant status under section 203 (a) (3), or any citizen of the United States claiming that any immigrant is his brother, sister, son, or daughter and that such immigrant is entitled to a preference under section 203 (a) (4) may file a petition with the Attorney General. The petition shall be in such form and shall contain such information and be supported by such documentary evidence as the Attorney General may by regulations prescribe. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer.

"(c) After an investigation of the facts in each case the Attorney General shall, if he determines the facts stated in the petition are true and that the alien in respect of whom the petition is made is eligible for a nonquota immigrant status under section 101 (a) (27) (A), or for a quota immigrant status under section 203 (a) (2) or 203 (a) (3), or for a preference under section 203 (a) (4), approve the petition and forward one copy thereof to the Department of State. The Secretary of State shall then authorize the consular officer concerned to grant the nonquota immigrant status, quota immigrant status, or preference, as the case may be.

"(d) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is approved, to enter the United States as a nonquota immigrant under section 101 (a) (27) (A) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification, or to enter the United States as a quota immigrant under section 203 (a) (2) or 203 (a) (3) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification, or to enter the United States as a preference quota immigrant under section 203 (a) (4) if upon his arrival at a port of entry in the United States he is found not to be entitled to such preference.

"Revocation of approval of petitions

"SEC. 206. The Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204, section 205, or section 214 (c) of this title. Such revocation shall be effective as of the date of approval of any such petition. In no case, however, shall such revocation have effect unless there is mailed to the petitioner's last known address a notice of the revocation and unless notice of the revocation is communicated through the Secretary of State to the beneficiary of the petition before such beneficiary commences his journey to the United States. If notice of revocation is not so given, and the beneficiary applies for admission to the United States, his admissibility shall be determined in the manner provided for by sections 235 and 236.

"Unused quota immigrant visas

"SEC. 207. If a quota immigrant having an immigrant visa is excluded from admission to the United States and deported, or does not apply for admission to the United States before the expiration of the validity of the immigrant visa, or if an alien having an immigrant visa issued to him as a quota immigrant is found not to be a quota immigrant, no immigrant visa shall be issued in lieu thereof to any other immigrant.

"CHAPTER 2—QUALIFICATIONS FOR ADMISSION OF ALIENS; TRAVEL CONTROL OF CITIZENS AND ALIENS

"Documentary requirements

"SEC. 211. (a) No immigrant shall be admitted into the United States unless at the time of application for admission he (1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such immigrant visa of the accompanying parent, (2) is properly chargeable to the quota specified in the immigrant visa, (3) is a nonquota immigrant if specified as such in the immigrant visa, (4) is of the proper status under the

quota specified in the immigrant visa, and (5) is otherwise admissible under this Act.

"(b) Notwithstanding the provisions of section 212 (a) (20) of this Act, in such cases or in such classes of cases and under such conditions as may be by regulations prescribed, otherwise admissible aliens lawfully admitted for permanent residence who depart from the United States temporarily may be readmitted to the United States by the Attorney General in his discretion without being required to obtain a passport, immigrant visa, reentry permit or other documentation.

"(c) The Attorney General may in his discretion, subject to subsection (d), admit to the United States any otherwise admissible immigrant not admissible under clause (2), (3), or (4) of subsection (a), if satisfied that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such immigrant prior to the departure of the vessel or aircraft from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

"(d) No quota immigrant within clause (2) or (3) of subsection (a) shall be admitted under subsection (c) if the entire number of immigrant visas which may be issued to quota immigrants under the same quota for the fiscal year, or the next fiscal year, has already been issued. If such entire number of immigrant visas has not been issued, the Secretary of State, upon notification by the Attorney General of the admission under subsection (c) of a quota immigrant within clause (2) or (3) of subsection (a), shall reduce by one the number of immigrant visas which may be issued to quota immigrants under the same quota during the fiscal year in which such immigrant is admitted, or, if the entire number of immigrant visas which may be issued to quota immigrants under the same quota for the fiscal year has been issued, then during the next following fiscal year.

"(e) Every alien making application for admission as an immigrant shall present a valid unexpired passport, or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General.

"General classes of aliens ineligible to receive visas and excluded from admission

"SEC. 212. (a) Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:

"(1) Aliens who are feeble-minded;

"(2) Aliens who are insane;

"(3) Aliens who have had one or more attacks of insanity;

"(4) Aliens afflicted with psychopathic personality, epilepsy, or a mental defect;

"(5) Aliens who are narcotic drug addicts or chronic alcoholics;

"(6) Aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease;

"(7) Aliens not comprehended within any of the foregoing classes who are certified by the examining surgeon as having a physical defect, disease, or disability, when determined by the consular or immigration officer to be of such a nature that it may affect the ability of the alien to earn a living, unless the alien affirmatively establishes that he will not have to earn a living;

"(8) Aliens who are paupers, professional beggars, or vagrants;

"(9) Aliens who have been convicted of a crime involving moral turpitude (other than a purely political offense), or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime; except that aliens who have committed only one such crime while under the age of eighteen years may be granted a visa and admitted if the crime was committed more than five years prior to the date of the application for a visa or other documentation, and more than five years prior to date of application for admission to the United States, unless the crime resulted in confinement in a prison or correctional institution, in which case such alien must have been released from such confinement more than five years prior to the date of the application for a visa or other documentation, and for admission, to the United States;

"(10) Aliens who have been convicted of two or more offenses (other than purely political offenses), regardless of whether the conviction was in a single trial or whether the offenses arose from a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences to confinement actually imposed were five years or more;

"(11) Aliens who are polygamists or who practice polygamy or advocate the practice of polygamy;

"(12) Aliens who are prostitutes or who have engaged in prostitution, or aliens coming to the United States solely, principally, or incidentally to engage in prostitution; aliens who directly or indirectly procure or attempt to procure, or who have procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution or for any other immoral purpose; and aliens who are or have been supported by, or receive or have received, in whole or in part, the proceeds of prostitution or aliens coming to the United States to engage in any other unlawful commercialized vice, whether or not related to prostitution;

"(13) Aliens coming to the United States to engage in any immoral sexual act;

"(14) Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor, if the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) sufficient workers in the United States who are able, willing, and qualified are available at the time (of application for a visa and for admission to the United States) and place (to which the alien is destined) to perform such skilled or unskilled labor, or (B) the employment of such aliens will adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply only to the following classes: (i) those aliens described in the nonpreference category of section 203 (a) (4), (ii) those aliens described in section 101 (a) (27) (C), (27) (D), or (27) (E) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), unless their services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interest or welfare of the United States;

"(15) Aliens who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission, are likely at any time to become public charges;

"(16) Aliens who have been excluded from admission and deported and who again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Attorney General has consented to their reapplying for admission;

"(17) Aliens who have been arrested and deported, or who have fallen into distress and have been removed pursuant to this or any prior act, or who have been removed as alien enemies, or who have been removed at Government expense in lieu of deportation pursuant to section 242 (b), unless prior to their embarkation or reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Attorney General has consented to their applying or reapplying for admission;

"(18) Aliens who are stowaways;

"(19) Any alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation, or seeks to enter the United States, by fraud, or by willfully misrepresenting a material fact;

"(20) Except as otherwise specifically provided in this Act, any immigrant who at the time of application for admission is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General pursuant to section 211 (e);

"(21) Except as otherwise specifically provided in this Act, any quota immigrant at the time of application for admission whose visa has been issued without compliance with the provisions of section 203;

"(22) Aliens who are ineligible to citizenship, except aliens seeking to enter as nonimmigrants; or persons who have departed from or who have remained outside the United States to avoid or evade training or service in the armed forces in time of war or a period declared by the President to be a national emergency, except aliens who were at the time of such departure nonimmigrant aliens and who seek to reenter the United States as nonimmigrants;

"(23) Any alien who has been convicted of a violation of any law or regulation relating to the illicit traffic in narcotic drugs, or who has been convicted of a violation of any law or regulation governing or controlling the taxing, manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, exportation, or the possession for the purpose of the manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation or exportation of opium, coca leaves, heroin, marihuana, or any salt derivative or preparation of opium or coca leaves, or isonipecaine or any addiction-forming or addiction-sustaining opiate; or any alien who the consular officer or immigration officers know or have reason to believe is or has been an illicit trafficker in any of the aforementioned drugs;

"(24) Aliens (other that those aliens who are native-born citizens of countries enumerated in section 101 (a) (27) (C) and aliens described in section 101 (a) (27) (B)) who seek admission from foreign contiguous territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory line, or if signatory, a noncomplying transportation line under section 238 (a) and who have not resided for at least two years subsequent to such arrival in such territory or adjacent islands;

"(25) Aliens (other than aliens who have been lawfully admitted for permanent residence and who are returning from a temporary visit abroad) over sixteen years of age, physically capable of reading, who cannot read and understand some language or dialect;

"(26) Any nonimmigrant who is not in possession of (A) a passport valid for a minimum period of six months from the date of the expiration of the initial period of his admission or contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period;

and (B) at the time of application for admission a valid nonimmigrant visa or border crossing identification card;

"(27) Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States;

"(28) Aliens who are, or at any time have been, members of any of the following classes:

"(A) Aliens who are anarchists;

"(B) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

"(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States, (ii) any other totalitarian party of the United States, (iii) the Communist Political Association, (iv) the Communist or any other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state, (v) any section, subsidiary, branch, affiliate, or subdivision of any such association or party, or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt: Provided, That nothing in this paragraph, or in any other provision of this Act, shall be construed as declaring that the Communist Party does not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means;

"(D) Aliens not within any of the other provisions of this paragraph who advocate the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, or who are members of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under the authority of such organization or paid for by the funds of, or funds furnished by, such organization;

"(E) Aliens not within any of the other provisions of this paragraph, who are members of or affiliated with any organization during the time it is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, unless such aliens establish that they did not have knowledge or reason to believe at the time they became members of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered have such knowledge or reason to believe) that such organization was a Communist organization;

"(F) Aliens who advocate or teach or who are members of or affiliated with any organization that advocates or teaches (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage;

"(G) Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, distribution, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating or teaching (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage; or (v) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship;

"(H) Aliens who are members of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (G);

"(I) Any alien who is within any of the classes described in subparagraphs (B), (C), (D), (E), (F), (G), and (H) of this paragraph because of membership in or affiliation with a party or organization or a section, subsidiary, branch, affiliate, or subdivision thereof, may, if not otherwise ineligible, be issued a visa if such alien establishes to the satisfaction of the consular officer when applying for a visa and the consular officer finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and where necessary for such purposes, or (ii) (a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for a visa, actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. Any such alien to whom a visa has been issued under the provisions of this subparagraph may, if not otherwise inadmissible, be admitted into the United States if he shall establish to the satisfaction of the Attorney General when applying for admission to the United States and the Attorney General finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and when necessary for such purposes, or (ii) (a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for admission, actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. The Attorney General shall promptly make a detailed report to the Congress in the case of each alien who is or shall be admitted into the United States under (ii) of this subparagraph;

"(29) Aliens with respect to whom the consular officer or the Attorney General knows or has reasonable ground to believe probably would, after entry, (A) engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security, (B) engage in any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States, by force, violence, or other unconstitutional means, or (C) join, affiliate with, or participate in the activities of any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950;

"(30) Any alien, accompanying another alien ordered to be excluded and deported and certified to be helpless from sickness or mental or physical disability or infancy pursuant to section 237 (e), whose protection or guardianship is required by the alien ordered excluded and deported;

"(31) Any alien who at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law.

"(b) The provisions of paragraph (25) of subsection (a) shall not be applicable to any alien who (1) is the parent, grandparent, spouse, daughter, or son of an admissible alien, or any alien lawfully admitted for permanent residence, or any citizen of the United States, if accompanying such admissible alien, or coming to join such citizen or alien lawfully admitted, and if otherwise admissible, or (2) proves that he is seeking admission to the United States to avoid religious persecution in the country of his last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against such alien or any group to which he belongs because of his religious faith. For the purpose of ascertaining whether an alien can read under paragraph (25) of subsection (a), the consular officers and immigration officers shall be furnished with slips of uniform size, prepared under direction of the Attorney General, each containing not less than thirty nor more than forty words in ordinary use, printed in plainly legible type, in one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made and shall be required to read and understand the words printed on the slip in such language or dialect.

"(c) Aliens lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation, and who are returning to a lawful unrelinquished domicile of seven consecutive years, may be admitted in the discretion of the Attorney General without regard to the provisions of paragraph (1) through (25) and paragraphs (30) and (31) of subsection (a). Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion vested in him under section 211 (b).

"(d) (1) The provisions of paragraphs (11) and (25) of subsection (a) shall not be applicable to any alien who in good faith is seeking to enter the United States as a nonimmigrant.

"(2) The provisions of paragraph (28) of subsection (a) of this section shall not be applicable to any alien who is seeking to enter the United States temporarily as a nonimmigrant under paragraph (15) (A) (iii) or (15) (G) (v) of section 101 (a).

"(3) Except as provided in this subsection, an alien (A) who is applying for a nonimmigrant visa and is known or believed by the consular officer to be ineligible for such visa under one or more of the paragraphs enumerated in subsection (a) (other than paragraphs (27) and (29)), may, after approval by the Attorney General of a recommendation by the Secretary of State or by the consular officer that the alien be admitted temporarily despite his inadmissibility, be granted such a visa and may be admitted

into the United States temporarily as a nonimmigrant in the discretion of the Attorney General, or (B) who is inadmissible under one or more of the paragraphs enumerated in subsection (a) (other than paragraphs (27) and (29)), but who is in possession of appropriate documents or is granted a waiver thereof and is seeking admission, may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General.

"(4) Either or both of the requirements of paragraph (26) of subsection (a) may be waived by the Attorney General and the Secretary of State acting jointly (A) on the basis of unforeseen emergency in individual cases, or (B) on the basis of reciprocity with respect to nationals of foreign contiguous territory or of adjacent islands and residents thereof having a common nationality with such nationals, or (C) in the case of aliens proceeding in immediate and continuous transit through the United States under contracts authorized in section 238 (d).

"(5) The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in public interest any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

"(6) The Attorney General shall prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of excludable aliens applying for temporary admission under this subsection. The Attorney General shall make a detailed report to the Congress in any case in which he exercises his authority under paragraph (3) of this subsection on behalf of any alien excludable under paragraphs (9), (10), and (28) of subsection (a).

"(7) The provisions of subsection (a) of this section, except paragraphs (20), (21), and (26), shall be applicable to any alien who shall leave Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States: *Provided*, That persons who were admitted to Hawaii under the last sentence of section 8 (a) (1) of the Act of March 24, 1934, as amended (48 Stat. 456), and aliens who were admitted to Hawaii as nationals of the United States shall not be excepted by this paragraph from the application of paragraphs (20) and (21) of subsection (a) of this section, unless they belong to a class declared to be nonquota immigrants under the provisions of section 101 (a) (27) of this Act, other than subparagraph (C) thereof, or unless they were admitted to Hawaii with an immigration visa. The Attorney General shall by regulations provide a method and procedure for the temporary admission to the United States of the aliens described in this proviso. Any alien described in this paragraph, who is excluded from admission to the United States, shall be immediately deported in the manner provided by section 237 (a) of this Act.

"(8) Upon a basis of reciprocity accredited officials of foreign governments, their immediate families, attendants, servants, and personal employees may be admitted in immediate and continuous transit through the United States without regard to the provisions of this section except paragraphs (26), (27), and (29) of subsection (a) of this section.

"(e) Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.

"Admission of aliens on giving bond or cash deposit

"SEC. 213. Any alien excludable because he is likely to become a public charge or because of physical disability other than tuberculosis in any form, leprosy, or a dangerous contagious disease may, if otherwise admissible, be admitted in the discretion of the Attorney General upon the giving of a suitable and proper bond or undertaking approved by the Attorney General, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. In lieu of such bond such alien may deposit in cash with the Attorney General such amount as the Attorney General may require, which amount shall be deposited by him in the United States Postal Savings System, a receipt therefor to be given the person furnishing such sums showing the fact and object of its receipt and such other information as the Attorney General may deem advisable. All accruing interest on such deposit during the time it shall be held in the United States Postal Savings System shall be paid to the person furnishing such sum. In the event such alien becomes a public charge, the Attorney General shall dispose of such deposit in the same manner as if it had been collected under a bond as provided in this section. In the event of the permanent departure from the United States, the naturalization, or the death of such alien, such sum shall be returned to the person by whom furnished, or to his legal representatives. The admission of such alien shall be a consideration for the giving of such bond, undertaking, or cash deposit. Suit may be brought thereon in the name and by the proper law officers of the United States for the use of the United States, or of any State, Territory, district, county, town, or municipality in which such alien becomes a public charge.

"Admission of nonimmigrants

"SEC. 214. (a) The admission to the United States of any alien as a nonimmigrant shall be for such time and under such conditions as the Attorney General may by regulations prescribe, including when he deems necessary the giving of a bond with sufficient surety in such sum and containing such conditions as the Attorney General shall prescribe, to insure that at the expiration of such time or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248, such alien will depart from the United States.

"(b) Every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a nonimmigrant status under section 101 (a) (15). An alien who is an officer or employee of any foreign government or of any international organization entitled to enjoy privileges, exemptions, and immunities under the International Organizations Immunities Act, or an alien who is the attendant, servant, employee, or member of the immediate family of any such alien shall not be entitled to apply for or receive an immigrant visa, or to enter the United States as an immigrant unless he executes a written waiver in the same form and substance as is prescribed by section 247 (b).

"(c) The question of importing any alien as a nonimmigrant under section 101 (a) (15) (H) in any specific case or specific cases shall be determined by the Attorney General, after consultation with appropriate agencies of the Government, upon petition of the importing employer. Such petition shall be made and approved before the visa is granted. The petition shall be in such form and contain such information as the Attorney General shall prescribe. The approval of such a petition shall not, of itself, be construed as establishing that the alien is a nonimmigrant.

"Travel control of aliens and citizens in time of war or national emergency

"SEC. 215. (a) When the United States is at war or during the existence of any national emergency proclaimed by the President, or, as to aliens, whenever there exists a state of war between or among two or more states, and the President shall find that the interests of the United States require that restrictions and prohibitions in addition to those provided otherwise than by this section be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or the Congress, be unlawful—

"(1) for any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe;

"(2) for any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this section;

"(3) for any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another;

"(4) for any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use;

"(5) for any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use;

"(6) for any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States;

"(7) for any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid.

"(b) After such proclamation as is provided for in subsection (a) has been made and published and while such proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States unless he bears a valid passport.

"(c) Any person who shall willfully violate any of the provisions of this section, or of any order or proclamation of the President promulgated, or of any permit, rule, or

regulation issued thereunder, shall, upon conviction, be fined not more than $5,000, or, if a natural person, imprisoned for not more than five years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle, vessel, or aircraft together with its appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

"(d) The term 'United States' as used in this section includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States. The term 'person' as used in this section shall be deemed to mean any individual, partnership, association, company, or other incorporated body of individuals, or corporation, or body politic.

"(e) Nothing in this section shall be construed to entitle an alien to whom a permit to enter the United States has been issued to enter the United States, if, upon arrival in the United States, he is found to be inadmissible under any of the provisions of this Act, or any other law, relating to the entry of aliens into the United States.

"(f) The revocation of any proclamation, rule, regulation, or order issued in pursuance of this section shall not prevent prosecution for any offense committed, or the imposition of any penalties or forfeitures, liability for which was incurred under this section prior to the revocation of such proclamation, rule, regulation, or order.

"(g) Passports, visas, reentry permits, and other documents required for entry under this Act may be considered as permits to enter for the purposes of this section.

"CHAPTER 3—ISSUANCE OF ENTRY DOCUMENTS

"Issuance of visas

"SEC. 221. (a) Under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations issued thereunder, a consular officer may issue (1) to an immigrant who has made proper application therefor, an immigrant visa which shall consist of one copy of the application provided for in section 222, visaed by such consular officer, and shall specify the quota, if any, to which the immigrant is charged, the immigrant's particular status under such quota, the particular nonquota category in which the immigrant is classified, if a nonquota immigrant, the date on which the validity of the visa shall expire, and such additional information as may be required; and (2) to a nonimmigrant who has made proper application therefor, a nonimmigrant visa, which shall specify the classification under section 101 (a) (15) of the nonimmigrant, the period during which the nonimmigrant visa shall be valid, and such additional information as may be required.

"(b) Each alien who applies for a visa shall be registered and fingerprinted in connection with his application, and shall furnish copies of his photograph signed by him for such use as may be by regulations required. The requirements of this subsection may be waived in the discretion of the Secretary of State in the case of any alien who is within that class of nonimmigrants enumerated in sections 101 (a) (15) (A), and 101 (a) (15) (G), or in the case of any alien who is granted a diplomatic visa on a diplomatic passport or on the equivalent thereof.

"(c) An immigrant visa shall be valid for such period, not exceeding four months, as shall be by regulations prescribed. A nonimmigrant visa shall be valid for such periods, as shall be by regulations prescribed. In prescribing the period of validity of a nonimmigrant visa in the case of nationals of any foreign country who are eligible for such visas, the Secretary of State shall, insofar as practicable, accord to such nationals the same treatment upon a reciprocal basis as such foreign country accords to nationals of the United States who are within a similar class. An immigrant visa may be replaced under the original quota number during the quota year in which the original visa was issued for a quota immigrant who establishes to the satisfaction of the consular officer that he was unable to use the original immigrant visa during the period of its validity because of reasons beyond his control and for which he was not responsible: Provided, the consular officer is in possession of the duplicate signed copy of the original visa, the immigrant is found by the consular officer to be eligible for an immigrant visa and the immigrant pays again the statutory fees for an application and an immigrant visa.

"(d) Prior to the issuance of an immigrant visa to any alien, the consular officer shall require such alien to submit to a physical and mental examination in accordance with such regulations as may be prescribed. Prior to the issuance of a nonimmigrant visa to any alien, the consular officer may require such alien to submit to a physical or mental examination, or both, if in his opinion such examination is necessary to ascertan whether such alien is eligible to receive a visa.

"(e) Each immigrant shall surrender his immigrant visa to the immigration officer at the port of entry, who shall endorse on the visa the date and the port of arrival, the identity of the vessel or other means of transportation by which the immigrant arrived, and such other endorsements as may be by regulations required.

"(f) Each nonimmigrant shall present or surrender to the immigration officer at the port of entry such documents as may be by regulation required. In the case of an alien crewman not in possession of any individual documents other than a passport and until such time as it becomes practicable to issue individual documents, such alien crewman may be admitted, subject to the provisions of this title, if his name appears in the crew list of the vessel or aircraft on which he arrives and the crew list is visaed by a consular officer, but the consular officer shall have the right to exclude any alien crewman from the crew list visa.

"(g) No visa or other documentation shall be issued to an alien if (1) it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law, (2) the application fails to comply with the provisions of this Act, or the regulations issued thereunder, or (3) the consular officer knows or has reason to believe that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law: Provided, That a visa or other documentation may be issued to an alien who is within the purview of section 212 (a) (7), or section 212 (a) (15), if such alien is otherwise entitled to receive a visa or other documentation, upon receipt of notice by the consular officer from the Attorney General of the giving of a bond or undertaking providing indemnity as in the case of aliens admitted under section 213.

"(h) Nothing in this Act shall be construed to entitle any alien, to whom a visa or other documentation has been issued, to enter the United States, if, upon arrival at a port of entry in the United States, he is found to be inadmissible under this Act, or any other provision of law. The substance of this subsection shall appear upon every visa application.

"(i) After the issuance of a visa or other documentation to any alien, the consular officer or the Secretary of State may at any time, in his discretion, revoke such visa or other documentation. Notice of such revocation shall be communicated to the Attorney General, and such revocation shall invalidate the visa or other documentation from the date of issuance; *Provided*, That carriers or transportation companies, and masters, commanding officers, agents, owners, charterers, or consignees, shall not be penalized under section 273 (b) for action taken in reliance on such visas or other documentation unless they received due notice of such revocation prior to the alien's embarkation.

"Applications for visas

"SEC. 222. (a) Every alien applying for an immigrant visa and for alien registration shall make application therefor in such form and manner and at such place as shall be by regulations prescribed. In the application the immigrant shall state his full and true name, and any other name which he has used or by which he has been known; age and sex; race and ethnic classification; the date and place of his birth; present address and places of previous residence; whether married or single, and the names and places of residence of spouse and children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); languages he can speak, read, or write; names and addresses of parents, and if neither parent living, then the name and address of his next of kin in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, the name and complete address of such relative or friend; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to remain in the United States permanently; whether he was ever arrested, convicted or was ever in prison or almshouse; whether he has ever been the beneficiary of a pardon or an amnesty; whether he has ever been treated in an institution or hospital or other place for insanity or other mental disease; if he claims to be a preference quota or a nonquota immigrant, the facts on which he bases such claim; whether or not he is a member of any class of individuals excluded from admission into the United States, or whether he claims to be exempt from exclusion under the immigration laws; and such additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.

"(b) Every alien applying for an immigrant visa shall present a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Secretary of State. The immigrant shall furnish to the consular officer with his application two copies of a certification by the appropriate police authorities stating what their records show concerning the immigrant; two certified copies of any existing prison record, military record, and record of his birth; and two certified copies of all other records or documents concerning him or his case which may be required by the consular officer. One copy of each document so furnished shall be permanently attached to each copy of the application and become a part thereof. In the event that the immigrant establishes to the satisfaction of the consular officer that any document or record required by this subsection is unobtainable, the consular officer may permit the immigrant to submit in lieu of such document or record other satisfactory evidence of the fact to which such document or record would, if obtainable, pertain.

"(c) Every alien applying for a nonimmigrant visa and for alien registration shall make application therefor in such form and manner as shall be by regulations prescribed. In the application the alien shall state his full and true name, the date and place of his birth, his nationality, his race and ethnic

classification; the purpose and length of his intended stay in the United States; personal description (including height, complexion, color of hair and eyes, and marks of identification); his marital status; and such additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.

"(d) Every alien applying for a nonimmigrant visa and alien registration shall furnish to the consular officer, with his application, a certified copy of such documents pertaining to him as may be by regulations required.

"(e) Except as may be otherwise prescribed by regulations, each copy of an application required by this section shall be signed by the applicant in the presence of the consular officer, and verified by the oath of the applicant administered by the consular officer. One copy of the application for an immigrant visa, when visaed by the consular officer, shall become the immigrant visa, and the other copy shall be disposed of as may be by regulations prescribed. The application for a nonimmigrant visa or other documentation as a nonimmigrant shall be disposed of as may be by regulations prescribed. The issuance of a nonimmigrant visa shall, except as may be otherwise by regulations prescribed, be evidenced by a stamp placed by the consular officer in the alien's passport.

"(f) The records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States, except that in the discretion of the Secretary of State certified copies of such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interest of the ends of justice in a case pending before the court.

"Reentry permits

"SEC. 223. (a) (1) Any alien lawfully admitted for permanent residence, or (2) any alien lawfully admitted to the United States pursuant to clause 6 of section 3 of the Immigration Act of 1924, between July 1, 1924, and July 5, 1932, both dates inclusive, who intends to depart temporarily from the United States may make application to the Attorney General for a permit to reenter the United States, stating the length of his intended absence or absences, and the reasons therefor. Such applications shall be made under oath, and shall be in such form, contain such information, and be accompanied by such photographs of the applicant as may be by regulations prescribed.

"(b) If the Attorney General finds (1) that the applicant under subsection (a) (1) has been lawfully admitted to the United States for permanent residence, or that the applicant under subsection (a) (2) has since admission maintained the status required of him at the time of his admission and such applicant desires to visit abroad and to return to the United States to resume the status existing at the time of his departure for such visit, (2) that the application is made in good faith, and (3) that the alien's proposed departure from the United States would not be contrary to the interests of the United States, the Attorney General may, in his discretion, issue the permit, which shall be valid for not more than one year from the date of issuance: *Provided*, That the Attorney General may in his discretion extend the validity of the permit for a period or periods not exceeding one year in the aggregate. The permit shall be in such form as shall be by regulations prescribed for the complete identification of the alien.

"(c) During the period of validity, such permit may be used by the alien in making one or more applications for reentry into the United States.

"(d) Upon the return of the alien to the United States the permit shall be presented to the immigration officer at the port of entry, and upon the expiration of its validity, the permit shall be surrendered to the Service.

"(e) A permit issued under this section in the possession of the person to whom issued, shall be accepted in lieu of any visa which otherwise would be required from such person under this Act. Otherwise a permit issued under this section shall have no effect under the immigration laws except to show that the alien to whom it was issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning.

"Nonquota immigrant visas

"SEC. 224. A consular officer, may, subject to the limitations provided in sections 204, 205, and 221, issue an immigrant visa to a nonquota immigrant as such upon satisfactory proof, under regulations prescribed under this Act, that the applicant is entitled to a nonquota immigrant status.

"CHAPTER 4—PROVISIONS RELATING TO ENTRY AND EXCLUSION

"Lists of alien and citizen passengers arriving or departing; record of resident aliens and citizens leaving permanently for foreign country

"SEC. 231. (a) Upon the arrival of any person by water or by air at any port within the United States from any place outside the United States, it shall be the duty of the master or commanding officer, or authorized agent, owner, or consignee of the vessel or aircraft, having any such person on board to deliver to the immigration officers at the port of arrival typewritten or printed lists or manifests of the persons on board such vessel or aircraft. Such lists or manifests shall be prepared at such time, be in such form and shall contain such information as the Attorney General shall prescribe by regulation as being necessary for the identification of the persons transported and for the enforcement of the immigration laws. This subsection shall not require the master or commanding officer, or authorized agent, owner, or consignee of a vessel or aircraft to furnish a list or manifest relating (1) to an alien crewman or (2) to any other person arriving by air on a trip originating in foreign contiguous territory, except (with respect to such arrivals by air) as may be required by regulations issued pursuant to section 239.

"(b) It shall be the duty of the master or commanding officer or authorized agent of every vessel or aircraft taking passengers on board at any port of the United States, who are destined to any place outside the United States, to file with the immigration officers before departure from such port a list of all such persons taken on board. Such list shall be in such form, contain such information, and be accompanied by such documents, as the Attorney General shall prescribe by regulation as necessary for the identification of the persons so transported and for the enforcement of the immigration laws. No master or commanding officer of any such vessel or aircraft shall be granted clearance papers for his vessel or aircraft until he or the authorized agent has deposited such list or lists and accompanying documents with the immigration officer at such port and made oath that they are full and complete as to the information required to be contained therein, except that in the case of vessels or aircraft which the Attorney General determines are making regular trips to ports of the United States, the Attorney General may, when expedient, arrange for the delivery of lists of outgoing persons at a later date. This subsection shall not require the master or commanding officer, or authorized agent, owner, or consignee of a vessel or aircraft to furnish a list or manifest relating (1) to an alien crewman or (2) to any other person departing by air on a trip originating in the United States who is destined to foreign contiguous territory, except (with respect to such departures by air) as may be required by regulations issued pursuant to section 239.

"(c) The Attorney General may authorize immigration officers to record the following information regarding every resident person leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Names, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen or national, the facts on which claim to that status is based.

"(d) If it shall appear to the satisfaction of the Attorney General that the master or commanding officer, owner, or consignee of any vessel or aircraft, or the agent of any transportation line, as the case may be, has refused or failed to deliver any list or manifest required by subsections (a) or (b), or that the list or manifest delivered is not accurate and full, such master or commanding officer, owner, or consignee, or agent, as the case may be, shall pay to the collector of customs at the port of arrival or departure the sum of $10 for each person concerning whom such accurate and full list or manifest is not furnished, or concerning whom the manifest or list is not prepared and sworn to as prescribed by this section or by regulations issued pursuant thereto. No vessel or aircraft shall be granted clearance pending determination of the question of the liability to the payment of such penalty, or while it remains unpaid, and no such penalty shall be remitted or refunded, except that clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such penalty.

"(e) The Attorney General is authorized to prescribe the circumstances and conditions under which the list or manifest requirements of subsections (a) and (b) may be waived.

"Detention of aliens for observation and examination

"SEC. 232. For the purpose of determining whether aliens (including alien crewmen) arriving at ports of the United States belong to any of the classes excluded by this Act, by reason of being afflicted with any of the diseases or mental or physical defects or disabilities set forth in section 212 (a), or whenever the Attorney General has received information showing that any aliens are coming from a country or have embarked at a place where any of such diseases are prevalent or epidemic, such aliens shall be detained on board the vessel or at the airport of arrival of the aircraft bringing them, unless the Attorney General directs their detention in a United States immigration station or other place specified by him at the expense of such vessel or aircraft except as otherwise provided in this Act, as circumstances may require or justify, for a sufficient time to enable the immigration officers and medical officers to subject such aliens to observation and an examination sufficient to determine whether or not they belong to the excluded classes.

"Temporary removal for examination upon arrival

"SEC. 233. (a) Upon the arrival at a port of the United States of any vessel or air-

craft bringing aliens (including alien crewmen) the immigration officers may order a temporary removal of such aliens for examination and inspection at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve vessels or aircraft, the transportation lines, or the masters, commanding officers, agents, owners, or consignees of the vessel or aircraft upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act bind such vessels or aircraft, transportation lines, masters, commanding officers, agents, owners, or consignees. A temporary removal of aliens from such vessels or aircraft ordered pursuant to this subsection shall be made by an immigration officer at the expense of the vessels or aircraft or transportation lines, or the masters, commanding officers, agents, owners, or consignees of such vessels, aircraft or transportation lines, as provided in subsection (b) and such vessels, aircraft, transportation lines, masters, commanding officers, agents, owners, or consignees, shall, so long as such removal lasts, be relieved of responsibility for the safekeeping of such aliens: *Provided,* That such vessels, aircraft, transportation lines, masters, commanding officers, agents, owners, or consignees may with the approval of the Attorney General assume responsibility for the safekeeping of such aliens during their removal to a designated place for examination and inspection, in which event, such removal need not be made by an immigration officer.

"(b) Whenever a temporary removal of aliens is made under this section, the vessels or aircraft or transportation lines which brought them, and the masters, commanding officers, owners, agents, and consignees of the vessel, aircraft, or transportation line upon which they arrived shall pay all expenses of such removal to a designated place for examination and inspection or other place of detention and all expenses arising during subsequent detention, pending a decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the transportation line or to the vessel or aircraft which brought them. Such expenses shall include maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel, aircraft, or transportation line in the event of deportation, except where such expenses arise under section 237 (d), or in such cases as the Attorney General may prescribe in the case of aliens paroled into the United States temporarily under the provisions of section 212 (d) (5).

"(c) Any detention expenses and expenses incident to detention incurred (but not including expenses of removal to the place of detention) pursuant to sections 232 and 233 shall not be assessed under this Act against the vessel or aircraft or transportation line or the master, commanding officer, owner, agent, or consignee of the vessel, aircraft, or transportation line in the case of (1) any alien who arrived in possession of a valid unexpired immigrant visa, or (2) any alien who was finally admitted to the United States pursuant to this Act after such detention, or (3) any alien other than an alien crewman, who arrived in possession of a valid unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States or an unexpired reentry permit issued to him, and (A) application for admission was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, within one hundred and twenty days of the date on which the alien was last examined and admitted by the Service, or (B) in the event application for admission was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if the vessel, aircraft, or transportation line or the master, commanding officer, owner, agent, or consignee of the vessel, aircraft, or transportation line establishes to the satisfaction of the Attorney General that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation, or (4) any person claiming United States nationality or citizenship and in possession of an unexpired United States passport issued to him by competent authority, or (5) any person claiming United States nationality or citizenship and in possession of a certificate of identity issued pursuant to section 360 (b) of this Act, or any other document of identity issued or verified by a consular officer which shows on its face that it is currently valid for travel to the United States and who was allowed to land in the United States after such detention.

"(d) Any refusal or failure to comply with the provisions of this section shall be punished in the manner specified in section 237 (b) of this Act.

"PHYSICAL AND MENTAL EXAMINATION

"SEC. 234. The physical and mental examination of arriving aliens (including alien crewmen) shall be made by medical officers of the United States Public Health Service, who shall conduct all medical examinations and shall certify, for the information of the immigration officers and the special inquiry officers, any physical and mental defect or disease observed by such medical officers in any such alien. If medical officers of the United States Public Health Service are not available, civil surgeons of not less than four years' professional experience may be employed for such service upon such terms as may be prescribed by the Attorney General. Aliens (including alien crewmen) arriving at ports of the United States shall be examined by at least one such medical officer or civil surgeon under such administrative regulations as the Attorney General may prescribe, and under medical regulations prepared by the Surgeon General of the United States Public Health Service. Medical officers of the United States Public Health Service who have had special training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Attorney General may designate, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens who it is suspected may be excludable under paragraphs (1), (2), (3), (4), or (5) of section 212 (a), and the services of interpreters shall be provided for such examination. Any alien certified under paragraphs (1), (2), (3), (4), or (5) of section 212 (a) may appeal to a board of medical officers of the United States Public Health Service, which shall be convened by the Surgeon General of the United States Public Health Service, and any such alien may introduce before such board one expert medical witness at his own cost and expense.

"Inspection by immigration officers

"SEC. 235. (a) The inspection, other than the physical and mental examination, of aliens (including alien crewmen) seeking admission or readmission to, or the privilege of passing through the United States shall be conducted by immigration officers, except as otherwise provided in regard to special inquiry officers. All aliens arriving at ports of the United States shall be examined by one or more immigration officers at the discretion of the Attorney General and under such regulations as he may prescribe. Immigration officers are hereby authorized and empowered to board and search any vessel, aircraft, railway car, or other conveyance, or vehicle in which they believe aliens are being brought into the United States. The Attorney General and any immigration officer, including special inquiry officers, shall have power to administer oaths and to take and consider evidence of or from any person touching the privilege of any alien or person he believes or suspects to be an alien to enter, reenter, pass through, or reside in the United States or concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service, and, where such action may be necessary, to make a written record of such evidence. Any person coming into the United States may be required to state under oath the purpose or purposes for which he comes, the length of time he intends to remain in the United States, whether or not he intends to remain in the United States permanently and, if an alien, whether he intends to become a citizen thereof, and such other items of information as will aid the immigration officer in determining whether he is a national of the United States or an alien and, if the latter, whether he belongs to any of the excluded classes enumerated in section 212. The Attorney General and any immigration officer, including special inquiry officers, shall have power to require by subpena the attendance and testimony of witnesses before immigration officers and special inquiry officers and the production of books, papers, and documents relating to the privilege of any person to enter, reenter, reside in, or pass through the United States or concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service, and to that end may invoke the aid of any court of the United States. Any United States district court within the jurisdiction of which investigations or inquiries are being conducted by an immigration officer or special inquiry officer may, in the event of neglect or refusal to respond to a subpena issued under this subsection or refusal to testify before an immigration officer or special inquiry officer, issue an order requiring such persons to appear before an immigration officer or special inquiry officer, produce books, papers, and documents if demanded, and testify, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

"(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273 (d), who may not appear to the examining immigration officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer for further inquiry.

"(c) Any alien (including an alien crewman) who may appear to the examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under paragraph (27), (28), or (29) of section 212 (a) shall be temporarily excluded, and no further inquiry by a special inquiry officer shall be conducted until after the case is reported to the Attorney General together with any such written statement and accompanying information, if any, as the alien or his representative may desire to submit in connection therewith and such an inquiry or further inquiry is directed by the Attorney General. If the Attorney General is satisfied that the alien is excludable under any of such paragraphs on the basis of information of a confidential nature, the disclosure of which the Attorney General, in the exercise of his discretion, and after consultation with the

appropriate security agencies of the Government, concludes would be prejudicial to the public interest, safety, or security, he may in his discretion order such alien to be excluded and deported without any inquiry or further inquiry by a special inquiry officer. Nothing in this subsection shall be regarded as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

"Exclusions of aliens

"SEC. 236. (a) A special inquiry officer shall conduct proceedings under this section, administer oaths, present and receive evidence, and interrogate, examine, and cross-examine the alien or witnesses. He shall have authority in any case to determine whether an arriving alien who has been detained for further inquiry under section 235 shall be allowed to enter or shall be excluded and deported. The determination of such special inquiry officer shall be based only on the evidence produced at the inquiry. No special inquiry officer shall conduct a proceeding in any case under this section in which he shall have participated in investigative functions or in which he shall have participated (except as provided in this subsection) in prosecuting functions. Proceedings before a special inquiry officer under this section shall be conducted in accordance with this section, the applicable provisions of sections 235 and 287 (b), and such regulations as the Attorney General shall prescribe, and shall be the sole and exclusive procedure for determining admissibility of a person to the United States under the provisions of this section. At such inquiry, which shall be kept separate and apart from the public, the alien may have one friend or relative present, under such conditions as may be prescribed by the Attorney General. A complete record of the proceedings and of all testimony and evidence produced at such inquiry, shall be kept.

"(b) From a decision of a special inquiry officer excluding an alien, such alien may take a timely appeal to the Attorney General, and any such alien shall be advised of his right to take such appeal. No appeal may be taken from a temporary exclusion under section 235 (c). From a decision of the special inquiry officer to admit an alien, the immigration officer in charge at the port where the inquiry is held may take a timely appeal to the Attorney General. An appeal by the alien, or such officer in charge, shall operate to stay any final action with respect to any alien whose case is so appealed until the final decision of the Attorney General is made. Except as provided in section 235 (c), such decision shall be rendered solely upon the evidence adduced before the special inquiry officer.

"(c) Except as provided in subsections (b) or (d), in every case where an alien is excluded from admission into the United States, under this Act or any other law or treaty now existing or hereafter made, the decision of a special inquiry officer shall be final unless reversed on appeal to the Attorney General.

"(d) If a medical officer or civil surgeon or board of medical officers has certified under section 234 that an alien is afflicted with a disease specified in section 212 (a) (6), or with any mental disease, defect, or disability which would bring such alien within any of the classes excluded from admission to the United States under paragraphs (1), (2), (3), (4), or (5) of section 212 (a), the decision of the special inquiry officer shall be based solely upon such certification. No alien shall have a right to appeal from such an excluding decision of a special inquiry officer. If an alien is excluded by a special inquiry officer because of the existence of a physical disease, defect, or disability, other than one specified in section 212 (a) (6), the alien may appeal from the excluding decision in accordance with subsection (b) of this section, and the provisions of section 213 may be invoked.

"Immediate deportation of aliens excluded from admission or entering in violation of law

"SEC. 237. (a) Any alien (other than an alien crewman) arriving in the United States who is excluded under this Act, shall be immediately deported to the country whence he came, in accommodations of the same class in which he arrived, on the vessel or aircraft bringing him, unless the Attorney General, in an individual case, in his discretion, concludes that immediate deportation is not practicable or proper. The cost of the maintenance including detention expenses and expenses incident to detention of any such alien while he is being detained, as well as the transportation expense of his deportation from the United States, shall be borne by the owner or owners of the vessel or aircraft on which he arrived, except that the cost of maintenance (including detention expenses and expenses incident to detention while the alien is being detained prior to the time he is offered for deportation to the transportation line which brought him to the United States) shall not be assessed against the owner or owners of such vessel or aircraft if (1) the alien was in possession of a valid, unexpired immigrant visa, or (2) if the alien (other than an alien crewman) was in possession of a valid, unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States or an unexpired reentry permit issued to him, and (A) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, within one hundred and twenty days of the date on which the alien was last examined and admitted by the Service, or (B) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if the owner or owners of such vessel or aircraft established to the satisfaction of the Attorney General that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation, or (3) the person claimed United States nationality or citizenship and was in possession of an unexpired United States passport issued to him by competent authority.

"(b) It shall be unlawful for any master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft (1) to refuse to receive any alien (other than an alien crewman), ordered deported under this section back on board such vessel or aircraft or another vessel or aircraft owned or operated by the same interests; (2) to fail to detain any alien (other than an alien crewman) on board any such vessel or at the airport of arrival of the aircraft when required by this Act or if so ordered by an immigration officer, or to fail or refuse to deliver him for medical or other inspection, or for further medical or other inspection, as and when so ordered by such officer; (3) to refuse or fail to remove him from the United States to the country whence he came; (4) to fail to pay the cost of his maintenance while being detained as required by this section or section 233 of this title; (5) to take any fee, deposit, or consideration on a contingent basis to be kept or returned in case the alien is landed or excluded; or (6) knowingly to bring to the United States any alien (other than an alien crewman) excluded or arrested and deported under any provision of law until such alien may be lawfully entitled to reapply for admission to the United States. If it shall appear to the satisfaction of the Attorney General that any such master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft has violated any of the provisions of this section or of section 233 of this title, such master, commanding officer, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the district in which port of arrival is situated or in which any vessel or aircraft of the line may be found, the sum of $300 for each violation. No such vessel or aircraft shall have clearance from any port of the United States while any such fine is unpaid or while the question of liability to pay any such fine is being determined, nor shall any such fine be remitted or refunded, except that clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such fine.

"(c) If the vessel or aircraft, by which any alien who has been ordered deported under this section arrived, has left the United States and it is impracticable to deport the alien within a reasonable time by another vessel or aircraft owned by the same person, the cost of deportation may be paid from the appropriation for the enforcement of this Act and recovered by civil suit from any owner, agent, or consignee of the vessel or aircraft.

"(d) The Attorney General, under such conditions as are by regulations prescribed, may stay the deportation of any alien deportable under this section, if in his judgment the testimony of such alien is necessary on behalf of the United States in the prosecution of offenders against any provision of this Act or other laws of the United States. The cost of maintenance of any person so detained resulting from a stay of deportation under this subsection and a witness fee in the sum of $1 per day for each day such person is so detained may be paid from the appropriation for the enforcement of this title. Such alien may be released under bond in the penalty of not less than $500 with security approved by the Attorney General on condition that such alien shall be produced when required as a witness and for deportation, and on such other conditions as the Attorney General may prescribe.

"(e) Upon the certificate of an examining medical officer to the effect that an alien ordered to be excluded and deported under this section is helpless from sickness or mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by the alien ordered excluded and deported, such accompanying alien may also be excluded and deported, and the master, commanding officer, agent, owner, or consignee of the vessel or aircraft in which such alien and accompanying alien arrived in the United States shall be required to return the accompanying alien in the same manner as other aliens denied admission and ordered deported under this section.

"Entry through or from foreign contiguous territory and adjacent islands; landing stations

"SEC. 238. (a) The Attorney General shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States through foreign contiguous territory or through adjacent islands. In prescribing rules and regulations and making contracts for the entry and inspection of aliens applying for admission through foreign contiguous territory or through adjacent islands, due care shall be exercised to avoid any discriminatory action in favor of transportation companies transporting to such territory or islands aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory or such adjacent islands of aliens brought thereto by them, to enter into a

contract which will require them to submit to and comply with all the requirements of this Act which would apply were they bringing such aliens directly to ports of the United States.

"(b) The Attorney General shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States from foreign contiguous territory or from adjacent islands. No such transportation line shall be allowed to land any such alien in the United States until and unless it has entered into any such contracts which may be required by the Attorney General.

"(c) Every transportation line engaged in carrying alien passengers for hire to the United States from foreign contiguous territory or from adjacent islands shall provide and maintain at its expense suitable landing stations, approved by the Attorney General, conveniently located at the point or points of entry. No such transportation line shall be allowed to land any alien passengers in the United States until such landing stations are provided, and unless such stations are thereafter maintained to the satisfaction of the Attorney General.

"(d) The Attorney General shall have power to enter into contracts including bonding agreements with transportation lines to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. Notwithstanding any other provision of this Act, such aliens may not have their classification changed under section 248.

"(e) As used in this section the terms 'transportation line' and 'transportation company' include, but are not limited to, the owner, charterer, consignee, or authorized agent operating any vessel or aircraft bringing aliens to the United States, to foreign contiguous territory, or to adjacent islands.

"Designation of ports of entry for aliens arriving by civil aircraft

"SEC. 239. The Attorney General is authorized (1) by regulation to designate as ports of entry for aliens arriving by aircraft any of the ports of entry for civil aircraft designated as such in accordance with law; (2) by regulation to provide such reasonable requirements for aircraft in civil air navigation with respect to giving notice of intention to land in advance of landing, or notice of landing, as shall be deemed necessary for purposes of administration and enforcement of this Act; and (3) by regulation to provide for the application to civil air navigation of the provisions of this Act where not expressly so provided in this Act to such extent and upon such conditions as he deems necessary. Any person who violates any regulation made under this section shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Attorney General in accordance with such proceedings as the Attorney General shall by regulation prescribe. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien upon the aircraft, and such aircraft may be libeled therefor in the appropriate United States court. The determination by the Attorney General and remission or mitigation of the civil penalty shall be final. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien upon the aircraft and may be collected by proceedings in rem which shall conform as nearly as may be to civil suits in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings against aircraft in any particular not otherwise provided by law. Any aircraft made subject to a lien by this section may be summarily seized by, and placed in the custody of, such persons as the Attorney General may by regulation prescribe. The aircraft may be released from such custody upon deposit of such amount not exceeding $500 as the Attorney General may prescribe, or of a bond in such sum and with such sureties as the Attorney General may prescribe, conditioned upon the payment of the penalty which may be finally determined by the Attorney General.

"Records of admission

"SEC. 240. (a) The Attorney General shall cause to be filed, as a record of admission of each immigrant, the immigrant visa required by section 221 (e) to be surrendered at the port of entry by the arriving alien to an immigration officer.

"(b) The Attorney General shall cause to be filed such record of the entry into the United States of each immigrant admitted under section 211 (b) and of each nonimmigrant as the Attorney General deems necessary for the enforcement of the immigration laws.

"CHAPTER 5—DEPORTATION; ADJUSTMENT OF STATUS

"General classes of deportable aliens

"SEC. 241. (a) Any alien in the United States (including an alien crewman) shall, upon the order of the Attorney General, be deported who—

"(1) at the time of entry was within one or more of the classes of aliens excludable by the law existing at the time of such entry;

"(2) entered the United States without inspection or at any time or place other than as designated by the Attorney General or is in the United States in violation of this Act or in violation of any other law of the United States;

"(3) hereafter, within five years after entry, becomes institutionalized at public expense because of mental disease, defect, or deficiency, unless the alien can show that such disease, defect, or deficiency did not exist prior to his admission to the United States;

"(4) is convicted of a crime involving moral turpitude committed within five years after entry and either sentenced to confinement or confined therefor in a prison or corrective institution for a year or more, or who at any time after entry is convicted of two crimes involving moral turpitude, not arising out of a single scheme of criminal misconduct, regardless of whether confined therefor and regardless of whether the convictions were in a single trial;

"(5) has failed to comply with the provisions of section 265 unless he establishes to the satisfaction of the Attorney General that such failure was reasonably excusable or was not willful, or has been convicted under section 266 (c) of this title, or under section 36 (c) of the Alien Registration Act, 1940, or has been convicted of violating or conspiracy to violate any provision of the act entitled 'An Act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes,' approved June 8, 1938, as amended, or has been convicted under section 1546 of title 18 of the United States Code;

"(6) is or at any time has been, after entry, a member of any of the following classes of aliens:

"(A) Aliens who are anarchists;

"(B) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

"(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States; (ii) any other totalitarian party of the United States; (iii) the Communist Political Association; (iv) the Communist or any other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state; (v) any section, subsidiary, branch, affiliate, or subdivision of any such association or party; or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt: *Provided*, That nothing in this paragraph, or in any other provision of this Act, shall be construed as declaring that the Communist Party does not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means;

"(D) Aliens not within any of the other provisions of this paragraph who advocate the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, or who are members of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under the authority of such organization or paid for by the funds of, or funds furnished by, such organization;

"(E) Aliens not within any of the other provisions of this paragraph, who are members of or affiliated with any organization during the time it is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, unless such aliens establish that they did not have knowledge or reason to believe at the time they become members of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered have such knowledge or reason to believe) that such organization was a Communist organization;

"(F) Aliens who advocate or teach or who are members of or affiliated with any organization that advocates or teaches (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage;

"(G) Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, distribution, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating or teaching (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage; or (v) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship;

"(H) Aliens who are members of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue,

or display, any written or printed matter of the character described in paragraph (G);

"(7) is engaged, or at any time after entry has engaged, or at any time after entry has had a purpose to engage, in any of the activities described in paragraph (27) or (29) of section 212 (a), unless the Attorney General is satisfied, in the case of any alien within category (C) of paragraph (29) of such section, that such alien did not have knowledge or reason to believe at the time such alien became a member of, affiliated with, or participated in the activities of the organization (and did not thereafter and prior to the date upon which such organization was registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950 have such knowledge or reason to believe) that such organization was a Communist organization;

"(8) in the opinion of the Attorney General, has within 5 years after entry become a public charge from causes not affirmatively shown to have arisen after entry;

"(9) was admitted as a nonimmigrant and failed to maintain the nonimmigrant status in which he was admitted or to which it was changed pursuant to section 248, or to comply with the conditions of any such status;

"(10) entered the United States from foreign contiguous territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory transportation company under section 238 (a) and was without the required period of stay in such foreign contiguous territory or adjacent islands following such arrival (other than an alien who is a native-born citizen of any of the countries enumerated in section 101 (a) (27) (C) and an alien described in section 101 (a) (27) (B));

"(11) is, or hereafter at any time after entry has been, a narcotic drug addict, or who at any time has been convicted of a violation of any law or regulation relating to the illicit traffic in narcotic drugs, or who has been convicted of a violation of any law or regulation governing or controlling the taxing, manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, exportation, or the possession for the purpose of the manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation or exportation of opium, coca leaves, heroin, marihuana, any salt derivative or preparation of opium or coca leaves or isonipecaine or any addiction-forming or addiction sustaining opiate;

"(12) by reason of any conduct, behavior or activity at any time after entry became a member of any of the classes specified in paragraph (12) of section 212 (a); or is or at any time after entry has been the manager, or is or at any time after entry has been connected with the management, of a house of prostitution or any other immoral place;

"(13) prior to, or at the time of any entry, or at any time within five years after any entry, shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law;

"(14) at any time after entry, shall have been convicted of possessing or carrying in violation of any law any weapon which shoots or is designed to shoot automatically or semiautomatically more than one shot without manual reloading, by a single function of the trigger, or a weapon commonly called a sawed-off shotgun;

"(15) at any time within five years after entry, shall have been convicted of violating the provisions of title I of the Alien Registration Act, 1940;

"(16) at any time after entry, shall have been convicted more than once of violating the provisions of title I of the Alien Registration Act, 1940; or

"(17) the Attorney General finds to be an undesirable resident of the United States by reason of any of the following, to wit: has been or may hereafter be convicted of any violation or conspiracy to violate any of the following Acts or parts of Acts or any amendment thereto, the judgment on such conviction having become final, namely: an Act entitled 'An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917, or the amendment thereof approved May 16, 1918; sections 791, 792, 793, 794, 2388, and 3241, title 18, United States Code; an Act entitled 'An Act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes,' approved October 6, 1917; an Act entitled 'An act to prevent in time of war departure from and entry into the United States contrary to the public safety,' approved May 22, 1918; section 215 of this Act; an Act entitled 'An Act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes,' approved April 20, 1918; sections 2151, 2153, 2154, 2155, and 2156 of title 18, United States Code; an Act entitled 'An Act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, or any amendment thereof or supplement thereto; the Selective Training and Service Act of 1940; the Selective Service Act of 1948; the Universal Military Training and Service Act; an Act entitled 'An Act to punish persons who make threats against the President of the United States,' approved February 14, 1917; section 871 of title 18, United States Code; an Act entitled 'An Act to define, regulate, and punish trading with the enemy, and for other purposes,' approved October 6, 1917, or any amendment thereof; the Trading With the Enemy Act; section 6 of the Penal Code of the United States; section 2384 of title 18, United States Code; has been convicted of any offense against section 13 of the Penal Code of the United States committed during the period of August 1, 1914, to April 6, 1917, or of a conspiracy occurring within said period to commit an offense under said section 13 or of any offense committed during said period against the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, in aid of a belligerent in the European war; section 960 of title 18, United States Code; or

"(18) has been convicted under section 278 of this Act or under section 4 of the Immigration Act of February 5, 1917.

"(b) The provisions of subsection (a) (4) respecting the deportation of an alien convicted of a crime or crimes shall not apply (1) in the case of any alien who has subsequent to such conviction been granted a full and unconditional pardon by the President of the United States or by the Governor of any of the several States, or (2) if the court sentencing such alien for such crime shall make, at the time of first imposing judgment or passing sentence, or within thirty days thereafter, a recommendation to the Attorney General that such alien not be deported, due notice having been given prior to making such recommendation to representatives of the interested State, the Service, and prosecution authorities, who shall be granted an opportunity to make representations in the matter.

"(c) An alien shall be deported as having procured a visa or other documentation by fraud within the meaning of paragraph (19) of section 212 (a), and to be in the United States in violation of this Act within the meaning of subsection (a) (2) of this section, if (1) hereafter he or she obtains any entry into the United States with an immigrant visa or other documentation procured on the basis of a marriage entered into less than two years prior to such entry of the alien and which, within two years subsequent to any entry of the alien into the United States, shall be judicially annulled or terminated, unless such alien shall establish to the satisfaction of the Attorney General that such marriage was not contracted for the purpose of evading any provisions of the immigration laws; or (2) it appears to the satisfaction of the Attorney General that he or she has failed or refused to fulfill his or her marital agreement which in the opinion of the Attorney General was hereafter made for the purpose of procuring his or her entry as an immigrant.

"(d) Except as otherwise specifically provided in this section, the provisions of this section shall be applicable to all aliens belonging to any of the classes enumerated in subsection (a), notwithstanding (1) that any such alien entered the United States prior to the date of enactment of this Act, or (2) that the facts, by reason of which any such alien belongs to any of the classes enumerated in subsection (a), occurred prior to the date of enactment of this Act.

"(e) An alien, admitted as a nonimmigrant under the provisions of either section 101 (a) (15) (A) (i) or 101 (a) (15) (G) (i), and who fails to maintain a status under either of those provisions, shall not be required to depart from the United States without the approval of the Secretary of State, unless such alien is subject to deportation under subsection (a) (6) or (7) of this section.

"Apprehension and deportation of aliens

"SEC. 242. (a) Pending a determination of deportability in the case of any alien as provided in subsection (b) of this section, such alien may, upon warrant of the Attorney General, be arrested and taken into custody. Any such alien taken into custody may, in the discretion of the Attorney General and pending such final determination of deportability, (1) be continued in custody; or (2) be released under bond in the amount of not less than $500 with security approved by the Attorney General, containing such conditions as the Attorney General may prescribe; or (3) be released on conditional parole. But such bond or parole, whether heretofore or hereafter authorized, may be revoked at any time by the Attorney General, in his discretion, and the alien may be returned to custody under the warrant which initiated the proceedings against him and detained until final determination of his deportability. Any court of competent jurisdiction shall have authority to review or revise any determination of the Attorney General concerning detention, release on bond, or parole pending final decision of deportability upon a conclusive showing in habeas corpus proceedings that the Attorney General is not proceeding with such reasonable dispatch as may be warranted by the particular facts and circumstances in the case of any alien to determine deportability.

"(b) A special inquiry officer shall conduct proceedings under this section to determine the deportability of any alien, and shall administer oaths, present and receive evidence, interrogate, examine, and cross-examine the alien or witnesses, and, as authorized by the Attorney General, shall make determinations, including orders of deportation. Determination of deportability in any case shall be made only upon a record made in a proceeding before a special inquiry officer, at which the alien shall have reasonable opportunity to be present, unless by reason of the alien's mental incompetency it is impracticable for him to be present, in which case the Attorney General shall prescribe necessary and proper safeguards for the rights and privileges of such aliens. If any alien has been given a reasonable opportunity to be present at a proceeding under

this section, and without reasonable cause fails or refuses to attend or remain in attendance at such proceeding, the special inquiry officer may proceed to a determination in like manner as if the alien were present. In any case or class of cases in which the Attorney General believes that such procedure would be of aid in making a determination, he may require specifically or by regulation that an additional immigration officer shall be assigned to present the evidence on behalf of the United States and in such case such additional immigration officer shall have authority to present evidence, and to interrogate, examine and cross-examine the alien or other witnesses in the proceedings. Nothing in the preceding sentence shall be construed to diminish the authority conferred upon the special inquiry officer conducting such proceedings. No special inquiry officer shall conduct a proceeding in any case under this section in which he shall have participated in investigative functions or in which he shall have participated (except as provided in this subsection) in prosecuting functions. Proceedings before a special inquiry officer acting under the provisions of this section shall be in accordance with such regulations, not inconsistent with this Act, as the Attorney General shall prescribe. Such regulations shall include requirements that—

"(1) the alien shall be given notice, reasonable under all the circumstances, of the nature of the charges against him and of the time and place at which the proceedings will be held;

"(2) the alien shall have the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as he shall choose;

"(3) the alien shall have a reasonable opportunity to examine the evidence against him, to present evidence in his own behalf, and to cross-examine witnesses presented by the Government; and

"(4) no decision of deportability shall be valid unless it is based upon reasonable, substantial, and probative evidence.

The procedure so prescribed shall be the sole and exclusive procedure for determining the deportability of an alien under this section. In any case in which an alien is ordered deported from the United States under the provisions of this Act, or of any other law or treaty, the decision of the Attorney General shall be final. In the discretion of the Attorney General, and under such regulations as he may prescribe, deportation proceedings, including issuance of a warrant of arrest, and a finding of deportability under this section need not be required in the case of any alien who admits to belonging to a class of aliens who are deportable under section 241 if such alien voluntarily departs from the United States at his own expense, or is removed at Government expense as hereinafter authorized, unless the Attorney General has reason to believe that such alien is deportable under paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a). If any alien who is authorized to depart voluntarily under the preceding sentence is financially unable to depart at his own expense and the Attorney General deems his removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for the enforcement of this Act.

"(c) When a final order of deportation under administrative processes is made against any alien, the Attorney General shall have a period of six months from the date of such order, or, if judicial review is had, then from the date of the final order of the court, within which to effect the alien's departure from the United States, during which period, at the Attorney General's discretion, the alien may be detained, released on bond in an amount and containing such conditions as the Attorney General may prescribe, or released on such other condition as the Attorney General may prescribe. Any court of competent jurisdiction shall have authority to review or revise any determination of the Attorney General concerning detention, release on bond, or other release during such six-month period upon a conclusive showing in habeas corpus proceedings that the Attorney General is not proceeding with such reasonable dispatch as may be warranted by the particular facts and circumstances in the case of any alien to effect such alien's departure from the United States within such six-month period. If deportation has not been practicable, advisable, or possible, or departure of the alien from the United States under the order of deportation has not been effected, within such six-month period, the alien shall become subject to such further supervision and detention pending eventual deportation as is authorized in this section. The Attorney General is hereby authorized and directed to arrange for appropriate places of detention for those aliens whom he shall take into custody and detain under this section. Where no Federal buildings are available or buildings adapted or suitably located for the purpose are available for rental, the Attorney General is hereby authorized, notwithstanding section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), or section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a), to expend, from the appropriation provided for the administration and enforcement of the immigration laws, such amounts as may be necessary for the acquisition of land and the erection, acquisition, maintenance, operation, remodeling, or repair of buildings, sheds, and office quarters (including living quarters for officers where none are otherwise available), and adjunct facilities, necessary for the detention of aliens. For the purposes of this section an order of deportation heretofore or hereafter entered against an alien in legal detention or confinement, other than under an immigration process, shall be considered as being made as of the moment he is released from such detention or confinement, and not prior thereto.

"(d) Any alien, against whom a final order of deportation as defined in subsection (c) heretofore or hereafter issued has been outstanding for more than six months, shall, pending eventual deportation, be subject to supervision under regulations prescribed by the Attorney General. Such regulations shall include provisions which will require any alien subject to supervision (1) to appear from time to time before an immigration officer for identification; (2) to submit, if necessary, to medical and psychiatric examination at the expense of the United States: (3) to give information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper; and (4) to conform to such reasonable written restrictions on his conduct or activities as are prescribed by the Attorney General in his case. Any alien who shall willfully fail to comply with such regulations, or willfully fail to appear or to give information or submit to medical or psychiatric examination if required, or knowingly give false information in relation to the requirements of such regulations, or knowingly violate a reasonable restriction imposed upon his conduct or activity, shall upon conviction be guilty of a felony, and shall be fined not more than $1,000 or shall be imprisoned not more than one year, or both.

"(e) Any alien against whom a final order of deportation is outstanding by reason of being a member of any of the classes described in paragraphs (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a), who shall willfully fail or refuse to depart from the United States within a period of six months from the date of the final order of deportation under administrative processes, or, if judicial review is had, then from the date of the final order of the court, or from the date of the enactment of the Subversive Activities Control Act of 1950, whichever is the later, or shall willfully fail or refuse to make timely application in good faith for travel or other documents necessary to his departure, or who shall connive or conspire, or take any other action, designed to prevent or hamper or with the purpose of preventing or hampering his departure pursuant to such order of deportation, or who shall willfully fail or refuse to present himself for deportation at the time and place required by the Attorney General pursuant to such order of deportation, shall upon conviction be guilty of a felony, and shall be imprisoned not more than ten years: *Provided*, That this subsection shall not make it illegal for any alien to take any proper steps for the purpose of securing cancellation of or exemption from such order of deportation or for the purpose of securing his release from incarceration or custody: *Provided further*, That the court may for good cause suspend the sentence of such alien and order his release under such conditions as the court may prescribe. In determining whether good cause has been shown to justify releasing the alien, the court shall take into account such factors as (1) the age, health, and period of detention of the alien; (2) the effect of the alien's release upon the national security and public peace or safety; (3) the likelihood of the alien's resuming or following a course of conduct which made or would make him deportable; (4) the character of the efforts made by such alien himself and by representatives of the country or countries to which his deportation is directed to expedite the alien's departure from the United States; (5) the reason for the inability of the Government of the United States to secure passports, other travel documents, or deportation facilities from the country or countries to which the alien has been ordered deported; and (6) the eligibility of the alien for discretionary relief under the immigration laws.

"(f) Should the Attorney General find that any alien has unlawfully reentered the United States after having previously departed or been deported pursuant to an order of deportation, whether before or after the date of enactment of this act, on any ground described in any of the paragraphs enumerated in subsection (e), the previous order of deportation shall be deemed to be reinstated from its original date and such alien shall be deported under such previous order at any time subsequent to such reentry. For the purposes of subsection (e) the date on which the finding is made that such reinstatement is appropriate shall be deemed the date of the final order of deportation.

"(g) If any alien, subject to supervision or detention under subsections (c) or (d) of this section, is able to depart from the United States under the order of deportation, except that he is financially unable to pay his passage, the Attorney General may in his discretion permit such alien to depart voluntarily, and the expense of such passage to the country to which he is destined may be paid from the appropriation for the enforcement of this Act, unless such payment is otherwise provided for under this Act.

"(h) An alien sentenced to imprisonment shall not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

"Countries to which aliens shall be deported; cost of deportation

"SEC. 243. (a) The deportation of an alien in the United States provided for in this Act, or any other Act or treaty, shall be directed by the Attorney General to a country promptly designated by the alien if that country is willing to accept him into its territory, unless the Attorney General, in his discretion, concludes that deportation to such country would be prejudicial to the interests of the United States. No alien shall be permitted to make more than one such designation, nor shall any alien designate, as the place to which he wishes to be deported, any foreign territory contiguous to the United States or any island adjacent thereto or adjacent to the United States unless such alien is a native, citizen, subject, or national of, or had a residence in such designated foreign contiguous territory or adjacent island. If the government of the country designated by the alien fails finally to advise the Attorney General within three months following original inquiry whether that government will or will not accept such alien into its territory, such designation may thereafter be disregarded. Thereupon deportation of such alien shall be directed to any country of which such alien is a subject, national, or citizen if such country is willing to accept him into its territory. If the government of such country fails finally to advise the Attorney General or the alien within three months following the date of original inquiry, or within such other period as the Attorney General shall deem reasonable under the circumstances in a particular case, whether that government will or will not accept such alien into its territory, then such deportation shall be directed by the Attorney General within his discretion and without necessarily giving any priority or preference because of their order as herein set forth either—

"(1) to the country from which such alien last entered the United States;

"(2) to the country in which is located the foreign port at which such alien embarked for the United States or for foreign contiguous territory;

"(3) to the country in which he was born;

"(4) to the country in which the place of his birth is situated at the time he is ordered deported;

"(5) to any country in which he resided prior to entering the country from which he entered the United States;

"(6) to the country which had sovereignty over the birthplace of the alien at the time of his birth; or

"(7) if deportation to any of the foregoing places or countries is impracticable, inadvisable, or impossible, then to any country which is willing to accept such alien into its territory.

"(b) If the United States is at war and the deportation, in accordance with the provisions of subsection (a), of any alien who is deportable under any law of the United States shall be found by the Attorney General to be impracticable, inadvisable, inconvenient, or impossible because of enemy occupation of the country from which such alien came or wherein is located the foreign port at which he embarked for the United States or because of reasons connected with the war, such alien may, in the discretion of the Attorney General, be deported as follows:

"(1) if such alien is a citizen or subject of a country whose recognized government is in exile, to the country in which is located that government in exile if that country will permit him to enter its territory; or

"(2) if such alien is a citizen or subject of a country whose recognized government is not in exile, then to a country or any political or territorial subdivision thereof which is proximate to the country of which the alien is a citizen or subject, or, with the consent of the country of which the alien is a citizen or subject, to any other country.

"(c) If deportation proceedings are instituted at any time within five years after the entry of the alien for causes existing prior to or at the time of entry, the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this Act, and the deportation from such port shall be at the expense of the owner or owners of the vessels, aircraft, or other transportation lines by which such alien came to the United States, or if in the opinion of the Attorney General that is not practicable, at the expense of the appropriation for the enforcement of this Act: *Provided,* That the costs of the deportation of any such alien from such port shall not be assessed against the owner or owners of the vessels, aircraft, or other transportation lines in the case of any alien who arrived in possession of a valid unexpired immigrant visa and who was inspected and admitted to the United States for permanent residence. In the case of an alien crewman, if deportation proceedings are instituted at any time within five years after the granting of the last conditional permit to land temporarily under the provisions of section 252, the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this Act and the deportation from such port shall be at the expense of the owner or owners of the vessels or aircraft by which such alien came to the United States, or if in the opinion of the Attorney General that is not practicable, at the expense of the appropriation for the enforcement of this Act.

"(d) If deportation proceedings are instituted later than five years after the entry of the alien, or in the case of an alien crewman later than five years after the granting of the last conditional permit to land temporarily, the cost thereof shall be payable from the appropriation for the enforcement of this Act.

"(e) A failure or refusal on the part of the master, commanding officer, agent, owner, charterer, or consignee of a vessel, aircraft, or other transportation line to comply with the order of the Attorney General to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this Act, or a failure or refusal by any such person to comply with an order of the Attorney General to pay deportation expenses in accordance with the requirements of this section, shall be punished by the imposition of a penalty in the sum and manner prescribed in section 237 (b).

"(f) When in the opinion of the Attorney General the mental or physical condition of an alien being deported is such as to require personal care and attendance, the Attorney General shall, when necessary, employ a suitable person for that purpose who shall accompany such alien to his final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed, and any failure or refusal to defray such expenses shall be punished in the manner prescribed by subsection (e) of this section.

"(g) Upon the notification by the Attorney General that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Secretary of State shall instruct consular officers performing their duties in the territory of such country to discontinue the issuance of immigrant visas to nationals, citizens, subjects, or residents of such country, until such time as the Attorney General shall inform the Secretary of State that such country has accepted such alien.

"(h) The Attorney General is authorized to withhold deportation of any alien within the United States to any country in which in his opinion the alien would be subject to physical persecution and for such period of time as he deems to be necessary for such reason.

"Suspension of deportation; voluntary departure

"SEC. 244. (a) As hereinafter prescribed in this section, the Attorney General may, in his discretion, suspend deportation and adjust the status to that of an alien lawfully admitted for permanent residence, in the case of an alien who—

"(1) applies to the Attorney General within five years after the effective date of this Act for suspension of deportation; last entered the United States more than two years prior to the date of enactment of this Act; is deportable under any law of the United States and is not a member of a class of aliens whose deportation could not have been suspended by reason of section 19 (d) of the Immigration Act of 1917, as amended; and has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen or an alien lawfully admitted for permanent residence; or

"(2) last entered the United States within two years prior to or at any time after the date of enactment of this Act; is deportable under any law of the United States solely for an act committed or status existing prior to or at the time of such entry into the United States and is not within the provisions of paragraph (4) of this subsection; was possessed of all of the requisite documents at the time of such entry into the United States; has been physically present in the United States for a continuous period of not less than five years immediately preceding his application under this paragraph, and proves that during all of such period he has been and is a person of good moral character; has not been served with a final order of deportation issued pursuant to this Act in deportation proceedings up to the time of applying to the Attorney General for suspension of deportation; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen or an alien lawfully admitted for permanent residence; or

"(3) last entered the United States within two years prior to, or at any time after the date of enactment of this Act; is deportable under any law of the United States for an act committed or status acquired subsequent to such entry into the United States and is not within the provisions of paragraph (4) or (5) of this subsection; was possessed of all of the requisite documents at the time of such entry into the United States; has been physically present in the United States for a continuous period of not less than five years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character; has not been served with a final order of deportation issued pursuant to this Act in deportation proceedings up to the time of applying to the Attorney General for suspension of deportation; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen or an alien lawfully admitted for permanent residence; or

"(4) last entered the United States within two years prior to, or at any time after the date of enactment of this Act; is deportable under paragraph (1) of section 241 (a) insofar as it relates to criminals, prostitutes or other immoral persons, subversives, violators of narcotic laws and similar classes or under paragraph (2) of section 241 (a), as a person

who entered the United States without inspection or at a time or place other than as designated by the Attorney General, or without the proper documents and is not within the provisions of paragraph (5) of this subsection; has been physically present in the United States for a continuous period of not less than ten years after such entry and immediately preceding his application under this paragraph and proves that during all of such period he has been and is a person of good moral character; has not been served with a final order of deportation issued pursuant to this Act in deportation proceedings up to the time of applying to the Attorney General for suspension of deportation; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen or an alien lawfully admitted for permanent residence; or

"(5) is deportable under paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17) or (18) of section 241 (a) for an act committed or status acquired subsequent to such entry into the United States or having last entered the United States within two years prior to, or at any time after the date of enactment of this Act, is deportable under paragraph (2) of section 241 (a) as a person who has remained longer in the United States than the period for which he was admitted; has been physically present in the United States for a continuous period of not less than ten years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character; has not been served with a final order of deportation issued pursuant to this Act in deportation proceedings up to the time of applying to the Attorney General for suspension of deportation; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen or an alien lawfully admitted for permanent residence.

"(b) Upon application by any alien who is found by the Attorney General to meet the requirements of paragraph (1), (2), or (3) of subsection (a) of this section, the Attorney General may in his discretion suspend deportation of such alien. If the deportation of any alien is suspended under the provisions of this subsection, a complete and detailed statement of the facts and pertinent provisions of law in the case shall be reported to the Congress with the reasons for such suspension. Such reports shall be submitted on the first and fifteenth day of each calendar month in which Congress is in session. If during the session of the Congress at which a case is reported, or, prior to the close of the session of the Congress next following the session at which a case is reported, either the Senate or the House of Representatives passes a resolution stating in substance that it does not favor the suspension of such deportation, the Attorney General shall thereupon deport such alien or authorize the alien's voluntary departure at his own expense under the order of deportation in the manner provided by law. If neither the Senate nor the House of Representatives shall, within the time above specified, pass such a resolution, the Attorney General shall cancel deportation proceedings. The provisions of this subsection relating to the granting of suspension of deportation shall not be applicable to any alien who is a native of any country contiguous to the United States or of any adjacent island, unless he establishes to the satisfaction of the Attorney General that he is ineligible to obtain a nonquota immigrant visa.

"(c) Upon application by any alien who is found by the Attorney General to meet the requirements of paragraph (4) or (5) of subsection (a) of this section, the Attorney General may in his discretion suspend deportation of such alien. If the deportation of any alien is suspended under the provisions of this subsection, a complete and detailed statement of the facts and pertinent provisions of law in the case shall be reported to the Congress with the reasons for such suspension. Such reports shall be submitted on the first and fifteenth day of each calendar month in which Congress is in session. If during the session of the Congress at which a case is reported, or, prior to the close of the session of the Congress next following the session at which a case is reported, the Congress passes a concurrent resolution stating in substance that it favors the suspension of such deportation, the Attorney General shall cancel deportation proceedings. If within the time above specified the Congress does not pass such a concurrent resolution, or if either the Senate or House of Representatives passes a resolution stating in substance that it does not favor the suspension of the deportation of such alien, the Attorney General shall thereupon deport such alien in the manner provided by law.

"(d) Upon the cancellation of deportation in the case of any alien under this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date the cancellation of deportation of such alien is made, and the Secretary of State shall, if the alien was classifiable as a quota immigrant at the time of entry and was not charged to the appropriate quota, reduce by one the quota of the quota area to which the alien is chargeable under section 202 for the fiscal year then current at the time of cancellation or the next following year in which a quota is available. No quota shall be so reduced by more than 50 per centum in any fiscal year.

"(e) The Attorney General may, in his discretion, permit any alien under deportation proceedings, other than an alien within the provisions of paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a), (and also any alien within the purview of such paragraphs if he is also within the provisions of paragraph (4) or (5) of subsection (a) of this section), to depart voluntarily from the United States at his own expense in lieu of deportation if such alien shall establish to the satisfaction of the Attorney General that he is, and has been, a person of good moral character for at least five years immediately preceding his application for voluntary departure under this subsection.

"Adjustment of status of nonimmigrant to that of person admitted for permanent residence

"SEC. 245. (a) The status of an alien who was lawfully admitted to the United States as a bona fide nonimmigrant and who is continuing to maintain that status may be adjusted by the Attorney General in his discretion (under such regulations as he may prescribe to insure the application of this paragraph solely to the cases of aliens who entered the United States in good faith as nonimmigrants) to that of an alien lawfully admitted for permanent residence as a quota immigrant or as a nonquota immigrant under section 101 (a) (27) (A), if (1) the alien makes application for adjustment, (2) the alien is admissible to the United States for permanent residence under this Act, (3) a quota or nonquota immigrant visa was immediately available to him at the time of his application for adjustment, (4) a quota or nonquota immigrant visa is immediately available to him at the time his application is approved, and (5) if claiming a nonquota status under section 101 (a) (27) (A) he has been in the United States for at least one year prior to acquiring that status. A quota immigrant visa shall be considered immediately available for the purposes of this subsection only if the portion of the quota to which the alien is chargeable is undersubscribed by applicants registered on a consular waiting list. Any alien who shall file an application for adjustment of his status under this section shall thereby terminate his nonimmigrant status.

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the quota of the quota area to which the alien is chargeable under section 202 for the fiscal year current at the time such adjustment is made.

"Rescission of adjustment of status

"SEC. 246. (a) If, at any time within five years after the status of a person has been adjusted under the provisions of section 244 of this Act or under section 19 (c) of the Immigration Act of February 5, 1917, to that of an alien lawfully admitted for permanent residence, it shall appear to the satisfaction of the Attorney General that the person was not in fact eligible for such adjustment of status, the Attorney General shall submit to the Congress a complete and detailed statement of the facts and pertinent provisions of law in the case. Such reports shall be submitted on the first and fifteenth day of each calendar month in which Congress is in session. If during the session of the Congress at which a case is reported, or prior to the close of the session of the Congress next following the session at which a case is reported, the Congress passes a concurrent resolution withdrawing suspension of deportation, the person shall thereupon be subject to all provisions of this Act to the same extent as if the adjustment of status had not been made. If, at any time within five years after the status of a person has been otherwise adjusted under the provisions of section 245 or 249 of this Act or any other provision of law to that of an alien lawfully admitted for permanent residence, it shall appear to the satisfaction of the Attorney General that the person was not in fact eligible for such adjustment of status, the Attorney General shall rescind the action taken granting an adjustment of status to such person and cancelling deportation in the case of such person if that occurred and the person shall thereupon be subject to all provisions of this Act to the same extent as if the adjustment of status had not been made.

"(b) Any person who has become a naturalized citizen of the United States upon the basis of a record of a lawful admission for permanent residence, created as a result of an adjustment of status for which such person was not in fact eligible, and which is subsequently rescinded under subsection (a) of this section, shall be subject to the provisions of section 340 of this Act as a person whose naturalization was procured by concealment of a material fact or by willful misrepresentation.

"Adjustment of status of certain resident aliens to nonimmigrant status

"SEC. 247. (a) The status of an alien lawfully admitted for permanent residence shall be adjusted by the Attorney General, under such regulations as he may prescribe, to that of a nonimmigrant under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a), if such alien had at the time of entry or subsequently acquires an occupational status which would, if he were seeking admission

to the United States, entitle him to a nonimmigrant status under such sections. As of the date of the Attorney General's order making such adjustment of status, the Attorney General shall cancel the record of the alien's admission for permanent residence, and the immigrant status of such alien shall thereby be terminated.

"(b) The adjustment of status required by subsection (a) shall not be applicable in the case of any alien who requests that he be permitted to retain his status as an immigrant and who, in such form as the Attorney General may require, executes and files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of the acquisition of an occupational status entitling him to a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a).

"Change of nonimmigrant classification

"SEC. 248. The Attorney General may, under such conditions as he may prescribe, authorize a change from any nonimmigrant classification to any other nonimmigrant classification in the case of any alien lawfully admitted to the United States as a nonimmigrant who is continuing to maintain that status, except an alien classified as a nonimmigrant under paragraph 15 (D) of section 101 (a), or an alien classified as a nonimmigrant under paragraph (15) (C) of section 101 (a) unless he applies to have his classification changed from a classification under paragraph (15) (C) to a classification under paragraph (15) (A) or (15) (G) of section 101 (a).

"Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924

"SEC. 249. (a) A record of lawful admission for permanent residence may, in the discretion of the Attorney General and under such regulations as he may prescribe, be made in the case of any alien, if no such record is otherwise available and such alien shall satisfy the Attorney General that he—

"(1) entered the United States prior to July 1, 1924;

"(2) has had his residence in the United States continuously since such entry;

"(3) is a person of good moral character;

"(4) is not subject to deportation; and

"(5) is not ineligible to citizenship.

"(b) An alien in respect of whom a record of admission has been made as authorized by subsection (a), shall be deemed to have been lawfully admitted to the United States for permanent residence as of the date of his entry prior to July 1, 1924.

"Removal of aliens who have fallen into distress

"SEC. 250. The Attorney General may remove from the United States any alien who falls into distress or who needs public aid from causes arising subsequent to his entry, and is desirous of being so removed, to the native country of such alien, or to the country from which he came, or to the country of which he is a citizen or subject, or to any other country to which he wishes to go and which will receive him, at the expense of the appropriation for the enforcement of this Act. Any alien so removed shall be ineligible to apply for or receive a visa or other documentation for readmission, or to apply for admission to the United States except with the prior approval of the Attorney General.

"CHAPTER 6—SPECIAL PROVISIONS RELATING TO ALIEN CREWMEN

"Lists of alien crewmen; reports of illegal landings

"SEC. 251. (a) Upon arrival of any vessel or aircraft in the United States from any place outside the United States it shall be the duty of the owner, agent, consignee, master, or commanding officer thereof to deliver to an immigration officer at the port of arrival (1) a complete, true, and correct list containing the names of all aliens employed on such vessel or aircraft, the positions they respectively hold in the crew of the vessel or aircraft, when and where they were respectively shipped or engaged, and those to be paid off or discharged in the port of arrival; or (2) in the discretion of the Attorney General, such a list containing so much of such information, or such additional or supplemental information, as the Attorney General shall by regulations prescribe. In the case of a vessel engaged solely in traffic on the Great Lakes, Saint Lawrence River, and connecting waterways, such lists shall be furnished at such times as the Attorney General may require.

"(b) It shall be the duty of any owner, agent, consignee, master, or commanding officer of any vessel or aircraft to report to an immigration officer, in writing, as soon as discovered, all cases in which any alien crewman has illegally landed in the United States from the vessel or aircraft, together with a description of such alien and any information likely to lead to his apprehension.

"(c) Before the departure of any vessel or aircraft from any port in the United States, it shall be the duty of the owner, agent, consignee, master, or commanding officer thereof, to deliver to an immigration officer at that port (1) a list containing the names of all alien employees who were not employed thereon at the time of the arrival at that port but who will leave such port thereon at the time of the departure of such vessel or aircraft and the names of those, if any, who have been paid off or discharged, and of those, if any, who have deserted or landed at that port, or (2) in the discretion of the Attorney General, such a list containing so much of such information, or such additional or supplemental information, as the Attorney General shall by regulations prescribe. In the case of a vessel engaged solely in traffic on the Great Lakes, Saint Lawrence River, and connecting waterways, such lists shall be furnished at such times as the Attorney General may require.

"(d) In case any owner, agent, consignee, master, or commanding officer shall fail to deliver complete, true, and correct lists or reports of aliens, or to report cases of desertion or landing, as required by subsections (a), (b), and (c), such owner, agent, consignee, master, or commanding officer, shall, if required by the Attorney General, pay to the collector of customs of any customs district in which the vessel or aircraft may at any time be found the sum of $10 for each alien concerning whom such lists are not delivered or such reports are not made as required in the preceding subsections. No such vessel or aircraft shall be granted clearance from any port at which it arrives pending the determination of the question of the liability to the payment of such fine, and if such fine is imposed, while it remains unpaid. No such fine shall be remitted or refunded. Clearance may be granted prior to the determination of such question upon deposit of a bond or a sum sufficient to cover such fine.

"(e) The Attorney General is authorized to prescribe by regulations the circumstances under which a vessel or aircraft shall be deemed to be arriving in, or departing from the United States or any port thereof within the meaning of any provision of this chapter.

"Conditional permits to land temporarily

"SEC. 252. (a) No alien crewman shall be permitted to land temporarily in the United States except as provided in this section, section 212 (d) (3), section 212 (d) (5), and section 253. If an immigration officer finds upon examination that an alien crewman is a nonimmigrant under paragraph (15) (D) of section 101 (a) and is otherwise admissible and has agreed to accept such permit, he may, in his discretion, grant the crewman a conditional permit to land temporarily pursuant to regulations prescribed by the Attorney General, subject to revocation in subsequent proceedings as provided in subsection (b), and for a period of time, in any event, not to exceed—

"(1) the period of time (not exceeding twenty-nine days) during which the vessel or aircraft on which he arrived remains in port, if the immigration officer is satisfied that the crewman intends to depart on the vessel or aircraft on which he arrived; or

"(2) twenty-nine days, if the immigration officer is satisfied that the crewman intends to depart, within the period for which he is permitted to land, on a vessel or aircraft other than the one on which he arrived.

"(b) Pursuant to regulations prescribed by the Attorney General, any immigration officer may, in his discretion, if he determines that an alien is not a bona fide crewman, or does not intend to depart on the vessel or aircraft which brought him, revoke the conditional permit to land which was granted such crewman under the provisions of subsection (a) (1), take such crewman into custody, and require the master or commanding officer of the vessel or aircraft on which the crewman arrived to receive and detain him on board such vessel or aircraft, if practicable, and such crewman shall be deported from the United States at the expense of the transportation line which brought him to the United States. Until such alien is so deported, any expenses of his detention shall be borne by such transportation company. Nothing in this section shall be construed to require the procedure prescribed in section 242 of this Act to cases falling within the provisions of this subsection.

"(c) Any alien crewman who willfully remains in the United States in excess of the number of days allowed in any conditional permit issued under subsection (a) shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or shall be imprisoned for not more than six months, or both.

"Hospital treatment of alien crewmen afflicted with certain diseases

"SEC. 253. An alien crewman, including an alien crewman ineligible for a conditional permit to land under section 252 (a), who is found on arrival in a port of the United States to be afflicted with any of the disabilities or diseases mentioned in section 255, shall be placed in a hospital designated by the immigration officer in charge at the port of arrival and treated, all expenses connected therewith, including burial in the event of death, to be borne by the owner, agent, consignee, commanding officer, or master of the vessel or aircraft, and not to be deducted from the crewman's wages. No such vessel or aircraft shall be granted clearance until such expenses are paid, or their payment appropriately guaranteed, and the collector of customs is so notified by the immigration officer in charge. An alien crewman suspected of being afflicted with any such disability or disease may be removed from the vessel or aircraft on which he arrived to an immigration station, or other appropriate place, for such observation as will enable the examining surgeons to determine definitely whether or not he is so afflicted, all expenses connected therewith to be borne in the manner hereinbefore prescribed. In cases in which it appears to the satisfaction of the immigration officer in charge that it will not be possible within a reasonable time to effect a cure, the return of the alien crewman shall be enforced on, or at the expense of, the transportation line on which he came, upon such conditions as the Attorney General shall prescribe, to insure that the alien shall be properly cared for and protected, and that the spread of contagion shall be guarded against.

"Control of alien crewmen

"SEC. 254. (a) The owner, agent, consignee, charterer, master, or commanding officer of any vessel or aircraft arriving in the United States from any place outside thereof who fails (1) to detain on board the vessel, or in the case of an aircraft to detain at a place specified by an immigration officer at the expense of the airline, any alien crewman employed thereon until an immigration officer has completely inspected such alien crewman, including a physical examination by the medical examiner, or (2) to detain any alien crewman on board the vessel, or in the case of an aircraft at a place specified by an immigration officer at the expense of the airline, after such inspection unless a conditional permit to land temporarily has been granted such alien crewman under section 252 or unless an alien crewman has been permitted to land temporarily under section 212 (d) (5) or 253 for medical or hospital treatment, or (3) to deport such alien crewman if required to do so by an immigration officer, whether such deportation requirement is imposed before or after the crewman is permitted to land temporarily under section 212 (d) (5), 252, or 253, shall pay to the collector of customs of the customs district in which the port of arrival is located or in which the failure to comply with the orders of the officer occurs the sum of $1,000 for each alien crewman in respect of whom any such failure occurs. No such vessel or aircraft shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs. The Attorney General may, upon application in writing therefor, mitigate such penalty to not less than $200 for each alien crewman in respect of whom such failure occurs, upon such terms as he shall think proper.

"(b) Except as may be otherwise prescribed by regulations issued by the Attorney General, proof that an alien crewman did not appear upon the outgoing manifest of the vessel or aircraft on which he arrived in the United States from any place outside thereof, or that he was reported by the master or commanding officer of such vessel or aircraft as a deserter, shall be prima facie evidence of a failure to detain or deport such alien crewman.

"(c) If the Attorney General finds that deportation of an alien crewman under this section on the vessel or aircraft on which he arrived is impracticable or impossible, or would cause undue hardship to such alien crewman, he may cause the alien crewman to be deported from the port of arrival or any other port on another vessel or aircraft of the same transportation line, unless the Attorney General finds this to be impracticable. All expenses incurred in connection with such deportation, including expenses incurred in transferring an alien crewman from one place in the United States to another under such conditions and safeguards as the Attorney General shall impose, shall be paid by the owner or owners of the vessel or aircraft on which the alien arrived in the United States. The vessel or aircraft on which the alien arrived shall not be granted clearance until such expenses have been paid or their payment guaranteed to the satisfaction of the Attorney General. An alien crewman who is transferred within the United States in accordance with this subsection shall not be regarded as having been landed in the United States.

"Employment on passenger vessels of aliens afflicted with certain disabilities

"SEC. 255. It shall be unlawful for any vessel or aircraft carrying passengers between a port of the United States and a port outside thereof to have employed on board upon arrival in the United States any alien afflicted with feeble-mindedness, insanity, epilepsy, tuberculosis in any form, leprosy, or any dangerous contagious disease. If it appears to the satisfaction of the Attorney General, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel or aircraft and that the existence of such affliction might have been detected by means of a competent medical examination at such time, the owner, commanding officer, agent, consignee, or master thereof shall pay for each alien so afflicted to the collector of customs of the customs district in which the port of arrival is located the sum of $50. No vessel or aircraft shall be granted clearance pending the determination of the question of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums or of a bond approved by the collector of customs with sufficient surety to secure the payment thereof. Any such fine may, in the discretion of the Attorney General, be mitigated or remitted.

"Discharge of alien crewmen

"SEC. 256. It shall be unlawful for any person, including the owner, agent, consignee, charterer, master, or commanding officer of any vessel or aircraft, to pay off or discharge any alien crewman, except an alien lawfully admitted for permanent residence, employed on board a vessel or aircraft arriving in the United States without first having obtained the consent of the Attorney General. If it shall appear to the satisfaction of the Attorney General that any alien crewman has been paid off or discharged in the United States in violation of the provisions of this section, such owner, agent, consignee, charterer, master, commanding officer, or other person, shall pay to the collector of customs of the customs district in which the violation occurred the sum of $1,000 for such violation. No vessel or aircraft shall be granted clearance pending the determination of the question of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums or of a bond approved by the collector of customs with sufficient surety to secure the payment thereof. Such fine may, in the discretion of the Attorney General, be mitigated to not less than $500 for each violation, upon such terms as he shall think proper.

"Bringing alien crewmen into United States with intent to evade immigration laws

"SEC. 257. Any person, including the owner, agent, consignee, master, or commanding officer of any vessel or aircraft arriving in the United States from any place outside thereof, who shall knowingly sign on the vessel's articles, or bring to the United States as one of the crew of such vessel or aircraft, any alien, with intent to permit or assist such alien to enter or land in the United States in violation of law, or who shall falsely and knowingly represent to a consular officer at the time of application for visa, or to the immigration officer at the port of arrival in the United States, that such alien is a bona fide member of the crew employed in any capacity regularly required for normal operation and services aboard such vessel or aircraft, shall be liable to a penalty not exceeding $5,000 for each such violation, for which sum such vessel or aircraft shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

"CHAPTER 7—REGISTRATION OF ALIENS

"Aliens seeking entry into the United States

"SEC. 261. No visa shall be issued to any alien seeking to enter the United States until such alien has been registered and fingerprinted in accordance with section 221 (b), unless such alien has been exempted from being fingerprinted as provided in that section.

"Registration of aliens in the United States

"SEC. 262. (a) It shall be the duty of every alien now or hereafter in the United States, who (1) is fourteen years of age or older, (2) has not been registered and fingerprinted under section 221 (b) of this Act or section 30 or 31 of the Alien Registration Act, 1940, and (3) remains in the United States for thirty days or longer, to apply for registration and to be fingerprinted before the expiration of such thirty days.

"(b) It shall be the duty of every parent or legal guardian of any alien now or hereafter in the United States, who (1) is less than fourteen years of age, (2) has not been registered under section 221 (b) of this Act or section 30 or 31 of the Alien Registration Act, 1940, and (3) remains in the United States for thirty days or longer, to apply for the registration of such alien before the expiration of such thirty days. Whenever any alien attains his fourteenth birthday in the United States he shall, within thirty days thereafter, apply in person for registration and to be fingerprinted.

"Provisions governing registration of special groups

"SEC. 263. (a) Notwithstanding the provisions of sections 261 and 262, the Attorney General is authorized to prescribe special regulations and forms for the registration and fingerprinting of (1) alien crewmen, (2) holders of border-crossing identification cards, (3) aliens confined in institutions within the United States, (4) aliens under order of deportation, and (5) aliens of any other class not lawfully admitted to the United States for permanent residence.

"(b) The provisions of section 262 and of this section shall not be applicable to any alien who is in the United States as a nonimmigrant, under section 101 (a) (14) (A) or 101 (a) (14) (G) until the alien ceases to be entitled to such a nonimmigrant status.

"Forms and procedure

"SEC. 264. (a) The Attorney General and the Secretary of State jointly are authorized and directed to prepare forms for the registration and fingerprinting of aliens under section 261 of this title, and the Attorney General is authorized and directed to prepare forms for the registration and fingerprinting of aliens under section 262 of this title. Such forms shall contain inquiries with respect to (1) the date and place of entry of the alien into the United States; (2) activities in which he has been and intends to be engaged; (3) the length of time he expects to remain in the United States; (4) the police and criminal record, if any, of such alien; and (5) such additional matters as may be prescribed.

"(b) All registration and fingerprint records made under the provisions of this title shall be confidential, and shall be made available only to such persons or agencies as may be designated by the Attorney General.

"(c) Every person required to apply for the registration of himself or another under this title shall submit under oath the information required for such registration. Any person authorized under regulations issued by the Attorney General to register aliens under this title shall be authorized to administer oaths for such purpose.

"(d) Every alien in the United States who has been registered and fingerprinted under the provisions of the Alien Registration Act, 1940, or under the provisions of this Act shall

be issued a certificate of alien registration or an alien registration receipt card in such form and manner and at such time as shall be prescribed under regulations issued by the Attorney General.

"(e) Every alien, eighteen years of age and over, shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him pursuant to subsection (d). Any alien who fails to comply with the provisions of this subsection shall be guilty of a misdemeanor and shall upon conviction for each offense be fined not to exceed $100 or be imprisoned not more than thirty day, or both.

"Notices of change of address

"SEC. 265. Every alien required to be registered under this title, or who was required to be registered under the Alien Registration Act, 1940, as amended, who is within the United States on the first day of January following the effective date of this Act, or on the first day of January of each succeeding year shall, within thirty days following such dates, notify the Attorney General in writing of his current address and furnish such additional information as may by regulations be required by the Attorney General. Any such alien shall likewise notify the Attorney General in writing of each change of address and new address within ten days from the date of such change. Any such alien who is temporarily absent from the United States on the first day of January following the effective date of this Act, or on the first day of January of any succeeding year shall furnish his current address and other information as required by this section within ten days after his return. Any such alien in the United States in a lawful temporary residence status shall in like manner also notify the Attorney General in writing of his address at the expiration of each three-month period during which he remains in the United States, regardless of whether there has been any change of address. In the case of an alien for whom a parent or legal guardian is required to apply for registration, the notice required by this section shall be given by such parent or legal guardian.

"Penalties

"SEC 266. (a) Any alien required to apply for registration and to be fingerprinted in the United States who willfully fails or refuses to make such application or to be fingerprinted, and any parent or legal guardian required to apply for the registration of any alien who willfully fails or refuses to file application for the registration of such alien shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not to exceed $1,000 or be imprisoned not more than six months, or both.

"(b) Any alien or any parent or legal guardian in the United States of any alien who fails to give written notice to the Attorney General, as required by section 265 of this title, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not to exceed $200 or be imprisoned not more than thirty days, or both. Irrespective of whether an alien is convicted and punished as herein provided, any alien who fails to give written notice to the Attorney General, as required by section 265, shall be taken into custody and deported in the manner provided by chapter 5 of this title, unless such alien establishes to the satisfaction of the Attorney General that such failure was reasonably excusable or was not willful.

"(c) Any alien or any parent or legal guardian of any alien, who files an application for registration containing statements know by him to be false, or who procures or attempts to procure registration of himself or another person through fraud, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not to exceed $1,000, or be imprisoned not more than six months, or both; and any alien so convicted shall, upon the warrant of the Attorney General, be taken into custody and be deported in the manner provided in chapter 5 of this title.

"(d) Any person who with unlawful intent photographs, prints, or in any other manner makes, or executes, any engraving, photograph, print, or impression in the likeness of any certificate of alien registration or an alien registration receipt card or any colorable imitation thereof, except when and as authorized under such rules and regulations as may be prescribed by the Attorney General, shall upon conviction be fined not to exceed $5,000 or be imprisoned not more than five years, or both.

"CHAPTER 8—GENERAL PENALTY PROVISIONS

"Prevention of unauthorized landing of aliens

"SEC. 271. (a) It shall be the duty of every person, including the owners, masters, officers, and agents of vessels, aircraft, transportation lines, or international bridges or toll roads, other than transportation lines which may enter into a contract as provided in section 238, bringing an alien to, or providing a means for an alien to come to, the United States (including an alien crewman whose case is not covered by section 254 (a)) to prevent the landing of such alien in the United States at a port of entry other than as designated by the Attorney General or at any time or place other than as designated by the immigration officers. Any such person, owner, master, officer, or agent who fails to comply with the foregoing requirements shall be liable to a penalty to be imposed by the Attorney General of $1,000 for each such violation, which may, in the discretion of the Attorney General, be remitted or mitigated by him in accordance with such proceedings as he shall by regulation prescribe. Such penalty shall be a lien upon the vessel or aircraft whose owner, master, officer, or agent violates the provisions of this section, and such vessel or aircraft may be libeled therefor in the appropriate United States court.

"(b) Proof that the alien failed to present himself at the time and place designated by the immigration officer shall be prima facie evidence that such alien has landed in the United States at a time or place other than as designated by the immigration officers.

"Bringing in aliens subject to disability or afflicted with disease

"SEC. 272. (a) Any person who shall bring to the United States an alien (other than an alien crewman) who is (1) feeble-minded, (2) insane, (3) an epileptic, (4) afflicted with psychopathic personality, (5) a chronic alcoholic, (6) afflicted with tuberculosis in any form, (7) afflicted with leprosy or any dangerous contagious disease, or (8) a narcotic drug addict, shall pay to the collector of customs of the customs district in which the place of arrival is located for each and every alien so afflicted, the sum of $1,000 unless (1) the alien was in possession of a valid, unexpired immigrant visa, or (2) the alien was allowed to land in the United States, or (3) the alien was in possession of a valid unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States or an unexpired reentry permit issued to him, and (A) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, within one hundred and twenty days of the date on which the alien was last examined and admitted by the Service, or (B) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if such person establishes to the satisfaction of the Attorney General that the existence of such disease or disability could not have been detected by the exercise of due diligence prior to the alien's embarkation.

"(b) Any person who shall bring to the United States an alien (other than an alien crewman) afflicted with any mental defect other than those enumerated in subsection (a) of this section, or any physical defect of a nature which may affect his ability to earn a living, as provided in section 212 (a) (7), shall pay to the collector of customs of the customs district in which the place of arrival is located for each and every alien so afflicted, the sum of $250, unless (1) the alien was in possession of a valid, unexpired immigrant visa, or (2) the alien was allowed to land in the United States, or (3) the alien was in possession of a valid unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States or an unexpired reentry permit issued to him, and (A) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, within one hundred and twenty days of the date on which the alien was last examined and admitted by the Service, or (B) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if such person establishes to the satisfaction of the Attorney General that the existence of such disease or disability could not have been detected by the exercise of due diligence prior to the alien's embarkation.

"(c) No vessel or aircraft shall be granted clearance papers pending determination of the question of liability to the payment of any fine under this section, or while the fines remain unpaid, nor shall such fines be remitted or refunded; but clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fines or of a bond with sufficient surety to secure the payment thereof, approved by the collector of customs.

"(d) Nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of entry in the United States aliens who are entitled by law to exemption from the excluding provisions of section 212 (a).

"(e) As used in this section, the term 'person' means the owner, master, agent, commanding officer, charterer, or consignee of any vessel or aircraft.

"Unlawful bringing of aliens into United States

"SEC. 273. (a) It shall be unlawful for any person, including any transportation company, or the owner, master, commanding officer, agent, charterer, or consignee of any vessel or aircraft, to bring to the United States from any place outside thereof (other than from foreign contiguous territory) any alien who does not have an unexpired visa, if a visa was required under this Act or regulations issued thereunder.

"(b) If it appears to the satisfaction of the Attorney General that any alien has been so brought, such person, or transportation company, or the master, commanding officer, agent, owner, charterer, or consignee of any such vessel or aircraft, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien so brought and, except in the case of any such alien who is admitted, or permitted to land temporarily, in addition, a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account the assessment is made. No vessel or aircraft

shall be granted clearance pending the determination of the liability to the payment of such sums or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

"(c) Such sums shall not be remitted or refunded, unless it appears to the satisfaction of the Attorney General that such person, and the owner, master, commanding officer, agent, charterer, and consignee of the vessel or aircraft, prior to the departure of the vessel or aircraft from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence, that the individual transported was an alien and that a visa was required.

"(d) The owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside thereof who fails to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer, or who fails to detain such stowaway on board or at such other designated place after inspection if ordered to do so by an immigration officer, or who fails to deport such stowaway on the vessel or aircraft on which he arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which he arrived when required to do so by an immigration officer, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien stowaway, in respect of whom any such failure occurs. Pending final determination of liability for such fine, no such vessel or aircraft shall be granted clearance, except that clearance may be granted upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs. The provisions of section 235 for detention of aliens for examination before special inquiry officers and the right of appeal provided for in section 236 shall not apply to aliens who arrive as stowaways and no such alien shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the ultimate departure or removal or deportation of such alien from the United States.

"Bringing in and harboring certain aliens

"SEC. 274. (a) Any person, including the owner, operator, pilot, master, commanding officer, agent, or consignee of any means of transportation who—

"(1) brings into or lands in the United States, by any means of transportation or otherwise, or attempts, by himself or through another, to bring into or land in the United States, by any means of transportation or otherwise;

"(2) knowing that he is in the United States in violation of law, and knowing or having reasonable grounds to believe that his last entry into the United States occurred less than three years prior thereto, transports, or moves, or attempts to transport or move, within the United States by means of transportation or otherwise, in furtherance of such violation of law;

"(3) willfully or knowingly conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, in any place, including any building or any means of transportation; or

"(4) willfully or knowingly encourages or induces, or attempts to encourage or induce, either directly or indirectly, the entry into the United States of—

any alien, including an alien crewman, not duly admitted by an immigration officer or not lawfully entitled to enter or reside within the United States under the terms of this Act or any other law relating to the immigration or expulsion of aliens, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $2,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this subsection occurs: *Provided, however,* That for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

"(b) No officer or person shall have authority to make any arrest for a violation of any provision of this section except officers and employees of the Service designated by the Attorney General, either individually or as a member of a class, and all other officers whose duty it is to enforce criminal laws.

"Entry of alien at improper time or place; misrepresentation and concealment of facts

"SEC. 275. Any alien who (1) enters the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offenses, be guilty of a misdemeanor and upon conviction thereof be punished by imprisonment for not more than six months, or by a fine of not more than $500, or by both, and for a subsequent commission of any such offenses shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than two years, or by a fine of not more than $1,000, or both.

"Reentry of deported alien

"SEC. 276. Any alien who—

"(1) has been arrested and deported or excluded and deported, and thereafter

"(2) enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously excluded and deported, unless such alien shall establish that he was not required to obtain such advance consent under this or any prior Act,

shall be guilty of a felony, and upon conviction thereof, be punished by imprisonment of not more than two years, or by a fine of not more than $1,000, or both.

"Aiding or assisting subversive alien to enter the United States

"SEC. 277. Any person who knowingly aids or assists any alien excludable under section 212 (a) (27), (28), or (29) to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such alien to enter the United States, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

"Importation of alien for immoral purpose

"SEC. 278. The importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden. Whoever shall, directly or indirectly, import, or attempt to import into the United States any alien for the purpose of prostitution or for any other immoral purposes, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall, in every such case, be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than $5,000 and by imprisonment for a term of not more than ten years. The trial and punishment of offenses under this section may be in any district to or into which such alien is brought in pursuance of importation by the person or persons accused, or in any district in which a violation of any of the provisions of this section occurs. In all prosecutions under this section, the testimony of a husband or wife shall be admissible and competent evidence against each other.

"Jurisdiction of district courts

"SEC. 279. The district courts of the United States shall have jurisdiction of all causes, civil and criminal, arising under any of the provisions of this title. It shall be the duty of the United States attorney of the proper district to prosecute every such suit when brought by the United States. Notwithstanding any other law, such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with a violation under sections 275 or 276 may be apprehended. No suit or proceeding for a violation of any of the provisions of this title shall be settled, compromised, or discontinued without the consent of the court in which it is pending and any such settlement, compromise, or discontinuance shall be entered of record with the reasons therefor.

"Collection of penalties and expenses

"SEC. 280. Notwithstanding any other provisions of this title, the withholding or denial of clearance of or a lien upon any vessel or aircraft provided for in sections 231, 237, 239, 243, 251, 253, 254, 255, 256, 271, 272, or 273 of this title shall not be regarded as the sole and exclusive means or remedy for the enforcement of payment of any fine, penalty or expenses imposed or incurred under such sections, but, in the discretion of the Attorney General, the amount thereof may be recovered by civil suit, in the name of the United States, from any person made liable under any of such sections.

"CHAPTER 9—MISCELLANEOUS

"Schedule of fees

"SEC. 281. The following fees shall be charged:

"(1) For the furnishing and verification of each application for an immigrant visa (which shall include the furnishing and verification of the duplicate), $5;

"(2) For the issuance of each immigrant visa, $20;

"(3) For the issuance or each extension of a reentry permit, $10;

"(4) For the filing of each application for adjustment of status under sections 245 and 248, for the creation of a record of admission for permanent residence under section 249, or for suspension of deportation, $25;

"(5) For the issuance of each extension of stay to nonimmigrants, other than nonimmigrants described in section 101 (a) (15) (F) and, upon a basis of reciprocity, the nonimmigrants described in section 101 (a) (15) (A) (iii) or 101 (a) (15) (G) (v), $10;

"(6) For filing with the Attorney General of each petition under sections 204 (b), 205 (b), and 214 (c), $10; and

"(7) For approval of each application for, including issuance of each certificate of, admission to practice as attorney or representative before the Service, pursuant to such regulations as may be prescribed by the Attorney General, $25.

"The fees for the furnishing and verification of applications for visas by nonimmigrants of each foreign country and for the issuance of visas to nonimmigrants of each foreign country shall be prescribed by the Secretary of State in amounts corresponding, as nearly as practicable, to the total of all similar visa, entry, residence, or other fees, taxes, or charges assessed or levied against nationals of the United States by the foreign countries of which such nonimmigrants are nationals or stateless residents: *Provided*, That nonimmigrant visas issued to aliens coming to the United States in transit to and from the headquarters district of the United Nations in accordance with the provisions of the Headquarters Agreement shall be gratis.

"Printing of reentry permits and blank forms of manifest and crew lists

"SEC. 282. (a) Reentry permits issued under section 223 shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed by the Attorney General.

"(b) The Public Printer is authorized to print for sale to the public by the Superintendent of Documents, upon prepayment, copies of blank forms of manifests and crew lists and such other forms as may be prescribed and authorized by the Attorney General to be sold pursuant to the provisions of this title.

"Travel expenses and expense of transporting remains of officers and employees who die outside the United States

"SEC. 283. When officers, inspectors, or other employees of the Service are ordered to perform duties in a foreign country, or are transferred from one station to another, in the United States or in a foreign country, or while performing duties in any foreign country become eligible for voluntary retirement and return to the United States, they shall be allowed their traveling expenses in accordance with such regulations as the Attorney General may deem advisable, and they may also be allowed, within the discretion and under written orders of the Attorney General, the expenses incurred for the transfer of their wives and dependent children, their household effects and other personal property, including the expenses for packing, crating, freight, unpacking, temporary storage, and drayage thereof in accordance with the Act of August 2, 1946 (60 Stat. 806; 5 U. S. C., sec. 73b–1). The expense of transporting the remains of such officers, inspectors, or other employees who die while in, or in transit to, a foreign country in the discharge of their official duties to their former homes in this country for interment, and the ordinary and necessary expenses of such interment and of preparation for shipment, are authorized to be paid on the written order of the Attorney General.

"Members of the Armed Forces

"SEC. 284. Nothing contained in this title shall be construed so as to limit, restrict, deny, or affect the coming into or departure from the United States of an alien member of the Armed Forces of the United States who is in the uniform of, or who bears documents identifying him as a member of, such Armed Forces, and who is coming to or departing from the United States under official orders or permit of such Armed Forces: *Provided*, That nothing contained in this section shall be construed to give to or confer upon any such alien any other privileges, rights, benefits, exemptions, or immunities under this Act, which are not otherwise specifically granted by this Act.

"Disposal of privileges at immigrant stations

"SEC. 285. (a) Subject to such conditions and limitations as the Attorney General shall prescribe, all exclusive privileges of exchanging money, transporting passengers or baggage, keeping eating houses, or other like privileges in connection with any United States immigrant station, shall be disposed of to the lowest responsible and capable bidder (other than an alien) in accordance with the provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), and for the use of Government property in connection with the exercise of such exclusive privileges a reasonable rental may be charged. The feeding of aliens, or the furnishing of any other necessary service in connection with any United States immigrant station, may be performed by the Service without regard to the foregoing provisions of this subsection if the Attorney General shall find that it would be advantageous to the Government in terms of economy and efficiency. No intoxicating liquors shall be sold at any immigrant station.

"(b) Such articles determined by the Attorney General to be necessary to the health and welfare of aliens detained at any immigrant station, when not otherwise readily procurable by such aliens, may be sold at reasonable prices to such aliens through Government canteens operated by the Service, under such conditions and limitations as the Attorney General shall prescribe.

"(c) All rentals or other receipts accruing from the disposal of privileges, and all moneys arising from the sale of articles through Service-operated canteens, authorized by this section, shall be covered into the Treasury to the credit of the appropriation for the enforcement of this title.

"Disposition of moneys collected under the provisions of this title

"SEC. 286. (a) All moneys paid into the Treasury to reimburse the Service for detention, transportation, hospitalization, and all other expenses of detained aliens paid from the appropriation for the enforcement of this Act, and all moneys paid into the Treasury to reimburse the Service for expenses of landing stations referred to in section 238 (c) paid by the Service from the appropriation for the enforcement of this Act, shall be credited to the appropriation for the enforcement of this Act for the fiscal year in which the expenses were incurred.

"(b) Except as otherwise provided in subsection (a), or in any other provision of this title, all moneys received in payment of fees and administrative fines and penalties under this title shall be covered into the Treasury as miscellaneous receipts: *Provided, however*, That all fees received from applicants residing in the Virgin Islands of the United States, and in Guam, required to be paid under section 281, shall be paid over to the Treasury of the Virgin Islands and to the Treasury of Guam, respectively.

"Powers of immigration officers and employees

"SEC. 287. (a) Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant—

"(1) to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;

"(2) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, or expulsion of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States;

"(3) within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States; and

"(4) to make arrests for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, or expulsion of aliens, if he has reason to believe that the person so arrested is guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay before the nearest available officer empowered to commit persons charged with offenses against the laws of the United States. Any such employee shall also have the power to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion, or explusion of aliens.

"(b) Any officer or employee of the Service designated by the Attorney General, whether individually or as one of a class, shall have power and authority to administer oaths and to take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States, or concerning any matter which is material or relevant to the enforcement of this Act and the administration of the Service; and any person to whom such oath has been administered, under the provisions of this Act, who shall knowingly or willfully give false evidence or swear to any false statement concerning any matter referred to in this subsection shall be guilty of perjury and shall be punished as provided by section 1621, title 18, United States Code.

"(c) Any officer or employee of the Service authorized and designated under regulations prescribed by the Attorney General, whether individually or as one of a class, shall have power to conduct a search, without warrant, of the person, and of the personal effects in the possession of any person seeking admission to the United States, concerning whom such officer or employee may have reasonable cause to suspect that grounds exist for exclusion from the United States under this Act which would be disclosed by such search.

"Local jurisdiction over immigrant stations

"SEC. 288. The officers in charge of the various immigrant stations shall admit therein the proper State and local officers charged with the enforcement of the laws of the State or Territory of the United States in which any such immigrant station is located in order that such State and local officers may preserve the peace and make arrests for crimes under the laws of the States and Territories. For the purpose of this section the jurisdiction of such State and local officers and of the State and local courts shall extend over such immigrant stations.

"American Indians born in Canada

"SEC. 289. Nothing in this title shall be construed to affect the right of American Indians born in Canada to pass the borders of the United States, but such right shall extend only to persons who possess at least 50 per centum of blood of the American Indian race.

"Central file; information from other departments and agencies

"SEC. 290. (a) There shall be established in the office of the Commissioner, for the use of the security and enforcement agencies of the Government of the United States, a central index, which shall contain the names of all aliens heretofore admitted to the United States, or excluded therefrom, insofar as such information is available from

the existing records of the Service, and the names of all aliens hereafter admitted to the United States, or excluded therefrom, the names of their sponsors of record, if any, and such other relevant information as the Attorney General shall require as an aid to the proper enforcement of this Act.

"(b) Any information in any records kept by any department or agency of the Government as to the identity and location of aliens in the United States shall be made available to the Service upon request made by the Attorney General to the head of any such department or agency.

"(c) The Federal Security Administrator shall notify the Attorney General upon request whenever any alien is issued a social security account number and social security card. The Administrator shall also furnish such available information as may be requested by the Attorney General regarding the identity and location of aliens in the United States.

"(d) A written certification signed by the Attorney General or by any officer of the Service designated by the Attorney General to make such certification, that after diligent search no record or entry of a specified nature is found to exist in the records of the Service, shall be admissible as evidence in any proceeding as evidence that the records of the Service contain no such record or entry, and shall have the same effect as the testimony of a witness given in open court.

"Burden of proof

"SEC. 291. Whenever any person makes application for a visa or any other document required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or such document, or is not subject to exclusion under any provision of this Act, and, if an alien, that he is entitled to the nonimmigrant, quota immigrant, or nonquota immigrant status claimed, as the case may be. If such person fails to establish to the satisfaction of the consular officer that he is eligible to receive a visa or other document required for entry, no visa or other document required for entry shall be issued to such person, nor shall such person be admitted to the United States unless he establishes to the satisfaction of the Attorney General that he is not subject to exclusion under any provision of this Act. In any deportation proceeding under chapter 5 against any person, the burden of proof shall be upon such person to show the time, place, and manner of his entry into the United States, but in presenting such proof he shall be entitled to the production of his visa or other entry document, if any, and of any other documents and records, not considered by the Attorney General to be confidential, pertaining to such entry in the custody of the Service. If such burden of proof is not sustained, such person shall be presumed to be in the United States in violation of law.

"Right to counsel

"SEC. 292. In any exclusion or deportation proceedings before a special inquiry officer and in any appeal proceedings before the Attorney General from any such exclusion or deportation proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as he shall choose.

"TITLE III—NATIONALITY AND NATURALIZATION

"CHAPTER 1—NATIONALITY AT BIRTH AND BY COLLECTIVE NATURALIZATION

"Nationals and citizens of the United States at birth

"SEC. 301. (a) The following shall be nationals and citizens of the United States at at birth:

"(1) a person born in the United States, and subject to the jurisdiction thereof;

"(2) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: *Provided*, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

"(3) a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;

"(4) a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;

"(5) a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;

"(6) a person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States;

"(7) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years: *Provided*, That any periods of honorable service in the Armed Forces of the United States by such citizen parent may be included in computing the physical presence requirements of this paragraph.

"(b) Any person who is a national and citizen of the United States at birth under paragraph (7) of subsection (a), shall lose his nationality and citizenship unless he shall come to the United States prior to attaining the age of twenty-three years and shall immediately following any such coming be continuously physically present in the United States for at least five years: *Provided*, That such physical presence follows the attainment of the age of fourteen years and precedes the age of twenty-eight years.

"(c) Subsection (b) shall apply to a person born abroad subsequent to May 24, 1934: *Provided, however*, That nothing contained in this subsection shall be construed to alter or affect the citizenship of any person born abroad subsequent to May 24, 1934, who, prior to the effective date of this Act, has taken up a residence in the United States before attaining the age of sixteen years, and thereafter, whether before or after the effective date of this Act, complies or shall comply with the residence requirements for retention of citizenship specified in subsections (g) and (h) of section 201 of the Nationality Act of 1940, as amended.

"Persons born in Puerto Rico on or after April 11, 1899

"SEC. 302. All persons born in Puerto Rico on or after April 11, 1899, and prior to January 13, 1941, subject to the jurisdiction of the United States, residing on January 13, 1941, in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States as of January 13, 1941. All persons born in Puerto Rico on or after January 13, 1941, and subject to the jurisdiction of the United States, are citizens of the United States at birth.

"Persons born in the Canal Zone or Republic of Panama on or after February 26, 1904

"SEC. 303. (a) Any person born in the Canal Zone on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States, is declared to be a citizen of the United States.

"(b) Any person born in the Republic of Panama on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States employed by the Government of the United States or by the Panama Railroad Company, or its successor in title, is declared to be a citizen of the United States.

"Persons born in Alaska on or after March 30, 1867

"SEC. 304. A person born in Alaska on or after March 30, 1867, except a noncitizen Indian, is a citizen of the United States at birth. A noncitizen Indian born in Alaska on or after March 30, 1867, and prior to June 2, 1924, is declared to be a citizen of the United States as of June 2, 1924. An Indian born in Alaska on or after June 2, 1924, is a citizen of the United States at birth.

"Persons born in Hawaii

"SEC. 305. A person born in Hawaii on or after August 12, 1898, and before April 30, 1900, is declared to be a citizen of the United States as of April 30, 1900. A person born in Hawaii on or after April 30, 1900, is a citizen of the United States at birth. A person who was a citizen of the Republic of Hawaii on August 12, 1898, is declared to be a citizen of the United States as of April 30, 1900.

"Persons living in and born in the Virgin Islands

"SEC. 306. (a) The following persons and their children born subsequent to January 17, 1917, and prior to February 25, 1927, are declared to be citizens of the United States as of February 25, 1927:

"(1) All former Danish citizens who, on January 17, 1917, resided in the Virgin Islands of the United States, and were residing in those islands or in the United States or Puerto Rico on February 25, 1927, and who did not make the declaration required to preserve their Danish citizenship by article 6 of the treaty entered into on August 4, 1916, between the United States and Denmark, or who, having made such a declaration have heretofore renounced or may hereafter renounce it by a declaration before a court of record;

"(2) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in those islands, and were residing in those islands or in the United States or Puerto Rico on February 25, 1927, and who were not on February 25, 1927, citizens or subjects of any foreign country;

"(3) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in the United States, and were residing in those islands on February 25, 1927, and who were not on February 25, 1927, citizens or subjects of any foreign country; and

"(4) All natives of the Virgin Islands of the United States who, on June 28, 1932, were residing in continental United States, the Virgin Islands of the United States, Puerto Rico, the Canal Zone, or any other insular possession or territory of the United States, and who, on June 28, 1932, were not citizens or subjects of any foreign country, regardless of their place of residence on January 17, 1917.

"(b) All persons born in the Virgin Islands of the United States on or after January 17,

1917, and prior to February 25, 1927, and subject to the jurisdiction of the United States are declared to be citizens of the United States as of February 25, 1927; and all persons born in those islands on or after February 25, 1927, and subject to the jurisdiction of the United States, are declared to be citizens of the United States at birth.

"Persons living in and born in Guam

"SEC. 307. (a) The following persons, and their children born after April 11, 1899, are declared to be citizens of the United States as of August 1, 1950, if they were residing on August 1, 1950, on the island of Guam or other territory over which the United States exercises rights of sovereignty:

"(1) All inhabitants of the island of Guam on April 11, 1899, including those temporarily absent from the island on that date, who were Spanish subjects, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality; and

"(2) All persons born in the island of Guam who resided in Guam on April 11, 1899, including those temporarily absent from the island on that date, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

"(b) All persons born in the island of Guam on or after April 11, 1899 (whether before or after August 1, 1950) subject to the jurisdiction of the United States, are hereby declared to be citizens of the United States: *Provided*, That in the case of any person born before August 1, 1950, he has taken no affirmative steps to preserve or acquire foreign nationality.

"(c) Any person hereinbefore described who is a citizen or national of a country other than the United States and desires to retain his present political status shall have made, prior to August 1, 1952, a declaration under oath of such desire, said declaration to be in form and executed in the manner prescribed by regulations. From and after the making of such a declaration any such person shall be held not to be a national of the United States by virtue of this Act.

"Nationals but not citizens of the United States at birth

"SEC. 308. Unless otherwise provided in section 301 of this title, the following shall be nationals, but not citizens, of the United States at birth:

"(1) A person born in an outlying possession of the United States on or after the date of formal acquisition of such possession:

"(2) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person; and

"(3) A person of unknown parentage found in an outlying possession of the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in such outlying possession.

"Children born out of wedlock

"SEC. 309. (a) The provisions of paragraphs (3), (4), (5), and (7) of section 301 (a), and of paragraph (2) of section 308, of this title shall apply as of the date of birth to a child born out of wedlock on or after the effective date of this Act, if the paternity of such child is established while such child is under the age of twenty-one years by legitimation.

"(b) Except as otherwise provided in section 405, the provisions of section 301 (a) (7) shall apply to a child born out of wedlock on or after January 13, 1941, and prior to the effective date of this Act, as of the date of birth, if the paternity of such child is established before or after the effective date of this Act and while such child is under the age of twenty-one years by legitimation.

"(c) Notwithstanding the provision of subsection (a) of this section, a person born, on or after the effective date of this Act, outside the United States and out of wedlock shall be held to have acquired at birth the nationality status of his mother, if the mother had the nationality of the United States at the time of such person's birth, and if the mother had previously been physically present in the United States or one of its outlying possessions for a continuous period of one year.

"CHAPTER 2—NATIONALITY THROUGH NATURALIZATION

"Jurisdiction to naturalize

"SEC. 310. (a) Exclusive jurisdiction to naturalize persons as citizens of the United States is hereby conferred upon the following specified courts: District courts of the United States now existing, or which may hereafter be established by Congress in any State, District Courts of the United States for the Territories of Hawaii and Alaska, and for the District of Columbia and for Puerto Rico, the District Court of the Virgin Islands of the United States, and the District Court of Guam; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all the courts herein specified to naturalize persons shall extend only to such persons resident within the respective jurisdiction of such courts, except as otherwise specifically provided in this title.

"(b) A person who petitions for naturalization in any State court having naturalization jurisdiction may petition within the State judicial district or State judicial circuit in which he resides, whether or not he resides within the county in which the petition for naturalization is filed.

"(c) The courts herein specified, upon request of the clerks of such courts, shall be furnished from time to time by the Attorney General with such blank forms as may be required in naturalization proceedings.

"(d) A person may be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this title, and not otherwise.

"Eligibility for naturalization

"SEC. 311. The right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of race or sex or because such person is married. Notwithstanding section 405 (b), this section shall apply to any person whose petition for naturalization shall hereafter be filed, or shall have been pending on the effective date of this Act.

"Requirements as to understanding the English language, history, principles, and form of Government of the United States

"SEC. 312. No person except as otherwise provided in this title shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot demonstrate—

"(1) an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language: *Provided*, That this requirement shall not apply to any person physically unable to comply therewith, if otherwise qualified to be naturalized, or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years: *Provided further*, That the requirements of this section relating to ability to read and write shall be met if the applicant can read or write simple words and phrases to the end that a reasonable test of his literacy shall be made and that no extraordinary or unreasonable condition shall be imposed upon the applicant; and

"(2) a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States.

"Prohibition upon the naturalization of persons opposed to government or law, or who favor totalitarian forms of government

"SEC. 313. (a) Notwithstanding the provisions of section 405 (b), no person shall hereafter be naturalized as a citizen of the United States—

"(1) who advocates or teaches, or who is a member of or affiliated with any organization that advocates or teaches, opposition to all organized government; or

"(2) who is a member of or affiliated with (A) the Communist Party of the United States; (B) any other totalitarian party of the United States; (C) the Communist Political Association; (D) the Communist or other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state; (E) any section, subsidiary, branch, affiliate, or subdivision of any such association or party; (F) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt; (G) who, regardless of whether he is within any of the other provisions of this section, is a member of or affiliated with any Communist-action organization during the time it is registered or required to be registered under the provisions of section 7 of the Subversive Activities Control Act of 1950; or (H) who, regardless of whether he is within any of the other provisions of this section, is a member of or affiliated with any Communist-front organization during the time it is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, unless such alien establishes that he did not have knowledge or reason to believe at the time he became a member of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered have such knowledge or reason to believe) that such organization was a Communist-front organization; or

"(3) who, although not within any of the other provisions of this section, advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, or who is a member of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under authority of such organization or paid for by the funds of such organization; or

"(4) who advocates or teaches or who is a member of or affiliated with any organization that advocates or teaches (A) the overthrow by force or violence or other unconstitutional means of the Government of the United States or of all forms of law; or (B) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government because of his or their official character; or (C) the unlawful damage, injury, or destruction of property; or (D) sabotage; or

"(5) who writes or publishes or causes to be written or published, or who knowingly circulates, distributes, prints, or displays, or knowingly causes to be circulated, distributed, printed, published, or displayed, or who knowingly has in his possession for the purpose of circulation, publication, distribution, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating (A) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (B) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (C) the unlawful damage, injury, or destruction of property; or (D) sabotage; or (E) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship; or

"(6) who is a member of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subparagraph (5).

"(b) The provisions of this section or of any other section of this Act shall not be construed as declaring that any of the organizations referred to in this section or in any other section of this Act do not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means.

"(c) The provisions of this section shall be applicable to any applicant for naturalization who at any time within a period of ten years immediately preceding the filing of the petition for naturalization or after such filing and before taking the final oath of citizenship is, or has been found to be within any of the classes enumerated within this section, notwithstanding that at the time the petition is filed he may not be included within such classes.

"(d) Any person who is within any of the classes described in subsection (a) solely because of past membership in, or past affiliation with, a party or organization may be naturalized without regard to the provisions of subsection (c) if such person establishes that such membership or affiliation is or was involuntary, or occurred and terminated prior to the attainment by such alien of the age of sixteen years, or that such membership or affiliation is or was by operation of law, or was for purposes of obtaining employment, food rations, or other essentials of living and where necessary for such purposes.

"Ineligibility to naturalization of deserters from the Armed Forces of the United States

"SEC. 314. A person who, at any time during which the United States has been or shall be at war, deserted or shall desert the military, air, or naval forces of the United States, or who, having been duly enrolled, departed, or shall depart from the jurisdiction of the district in which enrolled, or who, whether or not having been duly enrolled, went or shall go beyond the limits of the United States, with intent to avoid any draft into the military, air, or naval service, lawfully ordered, shall, upon conviction thereof by a court martial or a court of competent jurisdiction, be permanently ineligible to become a citizen of the United States; and such deserters and evaders shall be forever incapable of holding any office of trust or of profit under the United States, or of exercising any rights of citizens thereof.

"Alien relieved from training and service in the Armed Forces of the United States because of alienage barred from citizenship

"SEC. 315. (a) Notwithstanding the provisions of section 405 (b), any alien who applies or has applied for exemption or discharge from training or service in the Armed Forces or in the National Security Training Corps of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on such ground, shall be permanently ineligible to become a citizen of the United States.

"(b) The records of the Selective Service System or of the National Military Establishment shall be conclusive as to whether an alien was relieved or discharged from such liability for training or service because he was an alien.

"Requirements as to residence, good moral character, attachment to the principles of the Constitution, and favorable disposition to the United States

"SEC. 316. (a) No person, except as otherwise provided in this title, shall be naturalized unless such petitioner, (1) immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years and during the five years immediately preceding the date of filing his petition has been physically present therein for periods totaling at least half of that time, and who has resided within the State in which the petitioner filed the petition for at least six months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

"(b) Absence from the United States of more than six months but less than one year during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization, or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, unless the petitioner shall establish to the satisfaction of the court that he did not in fact abandon his residence in the United States during such period.

"Absence from the United States for a continuous period of one year or more during the period for which continuous residence is required for admission to citizenship (whether preceding or subsequent to the filing of the petition for naturalization) shall break the continuity of such residence, except that in the case of a person who has been physically present and residing in the United States, after being lawfully admitted for permanent residence, for an uninterrupted period of at least one year, and who thereafter is employed by or under contract with the Government of the United States or an American institution of research recognized as such by the Attorney General, or is employed by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof more than 50 per centum of whose stock is owned by an American firm or corporation, or is employed by a public international organization of which the United States is a member by treaty or statute and by which the alien was not employed until after being lawfully admitted for permanent residence, no period of absence from the United States shall break the continuity of residence if—

"(1) prior to the beginning of such period of employment (whether such period begins before or after his departure from the United States), but prior to the expiration of one year of continuous absence from the United States, the person has established to the satisfaction of the Attorney General that his absence from the United States for such period is to be on behalf of such Government, or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged in the development of such foreign trade and commerce or whose residence abroad is necessary to the protection of the property rights in such countries of such firm or corporation, or to be employed by a public international organization of which the United States is a member by treaty or statute and by which the alien was not employed until after being lawfully admitted for permanent residence; and

"(2) such person proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose.

"(c) The granting of the benefits of subsection (b) of this section shall not relieve the petitioner from the requirement of physical presence within the United States for the period specified in subsection (a) of this section, except in the case of those persons who are employed by, or under contract with, the Government of the United States. In the case of a person employed by or under contract with Central Intelligence Agency, the requirement in subsection (b) of an uninterrupted period of at least one year of physical presence in the United States may be complied with by such person at any time prior to filing a petition for naturalization.

"(d) No finding by the Attorney General that the petitioner is not deportable shall be accepted as conclusive evidence of good moral character.

"(e) In determining whether the petitioner has sustained the burden of establishing good moral character and the other qualifications for citizenship specified in subsection (a) of this section, the court shall not be limited to the petitioner's conduct during the five years preceding the filing of the petition, but may take into consideration as a basis for such determination the petitioner's conduct and acts at any time prior while registration proceedings or proceedings to require registration against an organization of which the petitioner is a member or affiliate are pending under section 13 or 14 of the Subversive Activities Control Act of 1950.

"Temporary absence of persons performing religious duties

"SEC. 317. Any person who is authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or any person who is engaged solely by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States as a missionary, brother, nun, or sister, who (1) has been lawfully admitted to the United States for permanent residence, (2) has at any time thereafter and before filing a petition for naturalization been physically present and residing within the United States for an uninterrupted period of at least one year, and (3) has heretofore been or may hereafter be absent temporarily from the United States in connection with or for the purpose of performing the ministerial or priestly functions of such religious denomination, or serving as a missionary, brother, nun, or sister, shall be considered as being physically present and residing in the United States, for the purpose of naturalization within the meaning of section 316 (a), notwithstanding any such absence from the United States, if he shall in all other respects comply with the requirements of the naturalization law. Such person shall prove to the satisfaction of the Attorney General and the naturalization court that his absence from the United States has been solely for

the purpose of performing the ministerial or priestly functions of such religious denomination, or of serving as a missionary, brother, nun, or sister.

"(f) Naturalization shall not be granted to a petitioner by a naturalization court to that period.

"Prerequisite to naturalization; burden of proof

"SEC. 318. Except as otherwise provided in this title, no person shall be naturalized unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this Act. The burden of proof shall be upon such person to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigrant visa, if any, or of other entry document, if any, and of any other documents and records, not considered by the Attorney General to be confidential, pertaining to such entry, in the custody of the Service. Notwithstanding the provisions of section 405 (b), and except as provided in sections 327 and 328 no person shall be naturalized against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the provisions of this or any other Act; and no petition for naturalization shall be finally heard by a naturalization court if there is pending against the petitioner a deportation proceeding pursuant to a warrant of arrest issued under the provisions of this or any other Act: *Provided*, That the findings of the Attorney General in terminating deportation proceedings or in suspending the deportation of an alien pursuant to the provisions of this Act, shall not be deemed binding in any way upon the naturalization court with respect to the question of whether such person has established his eligibility for naturalization as required by this title.

"Married persons

"SEC. 319. (a) Any person whose spouse is a citizen of the United States may be naturalized upon compliance with all the requirements of this title except the provisions of paragraph (1) of section 316 (a) if such person immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least three years, and during the three years immediately preceding the date of filing his petition has been living in marital union with the citizen spouse, who has been a United States citizen during all of such period, and has been physically present in the United States for periods totaling at least half of that time and has resided within the State in which he filed his petition for at least six months.

"(b) Any person, (1) whose spouse is (A) a citizen of the United States, (B) in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General, or of an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, or of a public international organization in which the United States participates by treaty or statute, and (C) regularly stationed abroad in such employment, and (2) who is in the United States at the time of naturalization, and (3) who declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon the termination of such employment abroad of the citizen spouse, may be naturalized upon compliance with all the requirements of the naturalization laws, except that no prior residence or specified period of physical presence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required.

"Child born outside of United States of one alien and one citizen parent at time of birth; conditions under which citizenship automatically acquired

"SEC. 320. (a) A child born outside of the United States, one of whose parents at the time of the child's birth was an alien and the other of whose parents then was and never thereafter ceased to be a citizen of the United States, shall, if such alien parent is naturalized, become a citizen of the United States, when—

"(1) such naturalization takes place while such child is under the age of sixteen years; and

"(2) such child is residing in the United States pursuant to a lawful admission for permanent residence at the time of naturalization or thereafter and begins to reside permanently in the United States while under the age of sixteen years.

"(b) Subsection (a) of this section shall not apply to an adopted child.

"Child born outside of United States of alien parents; conditions under which citizenship automatically acquired

"SEC. 321. (a) A child born outside of the United States of alien parents, or of an alien parent and a citizen parent who has subsequently lost citizenship of the United States, becomes a citizen of the United States upon fulfillment of the following conditions:

"(1) The naturalization of both parents; or

"(2) The naturalization of the surviving parent if one of the parents is deceased; or

"(3) The naturalization of the parent having legal custody of the child when there has been a legal separation of the parents or the naturalization of the mother if the child was born out of wedlock and the paternity of the child has not been established by legitimation; and if

"(4) Such naturalization takes place while such child is under the age of sixteen years; and

"(5) Such child is residing in the United States pursuant to a lawful admission for permanent residence at the time of the naturalization of the parent last naturalized under clause (1) of this subsection, or the parent naturalized under clause (2) or (3) of this subsection, or thereafter begins to reside permanently in the United States while under the age of sixteen years.

"(b) Subsection (a) of this section shall not apply to an adopted child.

"Child born outside of United States; naturalization on petition of citizen parent; requirements and exemptions

"SEC. 322. (a) A child born outside of the United States, one or both of whose parents is at the time of petitioning for the naturalization of the child, a citizen of the United States, either by birth or naturalization, may be naturalized if under the age of eighteen years and not otherwise disqualified from becoming a citizen by reason of sections 313, 314, 315, or 318 of this Act, and if residing permanently in the United States with the citizen parent, pursuant to a lawful admission for permanent residence, on the petition of such citizen parent, upon compliance with all the provisions of this title, except that no particular period of residence or physical presence in the United States shall be required. If the child is of tender years he may be presumed to be of good moral character, attached to the principles of the Constitution, and well disposed to the good order and happiness of the United States.

"(b) Subsection (a) of this section shall not apply to an adopted child.

"Children adopted by United States citizens

"SEC. 323. (a) An adopted child may, if not otherwise disqualified from becoming a citizen by reason of sections 313, 314, 315, or 318 of this Act, be naturalized before reaching the age of eighteen years upon the petition of the adoptive parent or parents, upon compliance with all the provisions of this title, if the adoptive parent or parents are citizens of the United States, and the child—

"(1) was lawfully admitted to the United States for permanent residence;

"(2) was adopted before attaining the age of sixteen years; and

"(3) subsquent to such adoption has resided continuously in the United States in legal custody of the adoptive parent or parents for two years prior to the date of filing such petition.

"(b) In lieu of the residence and physical presence requirements of section 316 (a) of this Act such child shall be required to establish only two years' residence and one year's physical presence in the United States during the two-year period immediately preceding the filing of the petition. If the child is of tender years he may be presumed to be of good moral character, attached to the principles of the Constitution, and well disposed to the good order and happiness of the United States.

"Former citizens of United States regaining United States citizenship

"SEC. 324. (a) Any person formerly a citizen of the United States who (1) prior to September 22, 1922, lost United States citizenship by marriage to an alien, or by the loss of United States citizenship of such person's spouse, or (2) on or after September 22, 1922, lost United States citizenship by marriage to an alien ineligible to citizenship, may if no other nationality was acquired by an affirmative act of such person other than by marriage be naturalized upon compliance with all requirements of this title, except—

"(1) no period of residence or specified period of physical presence within the United States or within the State where the petition is filed shall be required;

"(2) the petition need not set forth that it is the intention of the petitioner to reside permanently within the United States;

"(3) the petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner;

"(4) the petition may be heard at any time after filing if there is attached to the petition at the time of filing a certificate from a naturalization examiner stating that the petitioner and the witnesses have appeared before such examiner for examination.

"Such person, or any person who was naturalized in accordance with the provisions of section 317 (a) of the Nationality Act of 1940, shall have, from and after her naturalization, the status of a native-born or naturalized citizen of the United States, whichever status existed in the case of such person prior to the loss of citizenship: *Provided*, That nothing contained herein or in any other provision of law shall be construed as conferring United States citizenship retroactively upon such person, or upon any person who was naturalized in accordance with the provisions of section 317 (a) of the Nationality Act of 1940, during any period in which such person was not a citizen.

"(b) No person who is otherwise eligible for naturalization in accordance with the provisions of subsection (a) of this section shall be naturalized unless such person shall establish to the satisfaction of the naturalization court that she has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States for a period of not less than five years immediately

preceding the date of filing a petition for naturalization and up to the time of admission to citizenship, and, unless she has resided continuously in the United States since the date of her marriage, has been lawfully admitted for permanent residence prior to filing her petition for naturalization.

"(c) (1) A woman who was a citizen of the United States at birth and (A) who has or is believed to have lost her United States citizenship solely by reason of her marriage prior to September 22, 1922, to an alien, or by her marriage on or after such date to an alien ineligible to citizenship, (B) whose marriage to such alien shall have terminated subsequent to January 12, 1941, and (C) who has not acquired by an affirmative act other than by marriage any other nationality, shall, from and after taking the oath of allegiance required by section 337 of this title, be a citizen of the United States and have the status of a citizen of the United States by birth, without filing a petition for naturalization, and notwithstanding any of the other provisions of this title except the provisions of section 313: *Provided*, That nothing contained herein or in any other provision of law shall be construed as conferring United States citizenship retroactively upon such person, or upon any person who was naturalized in accordance with the provisions of section 317 (b) of the Nationality Act of 1940, during any period in which such person was not a citizen.

"(2) Such oath of allegiance may be taken abroad before a diplomatic or consular officer of the United States, or in the United States before the judge or clerk of a naturalization court.

"(3) Such oath of allegiance shall be entered in the records of the appropriate embassy, legation, consulate, or naturalization court, and, upon demand, a certified copy of the proceedings, including a copy of the oath administered, under the seal of the embassy, legation, consulate, or naturalization court, shall be delivered to such woman at a cost not exceeding $5, which certified copy shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department or agency of the Government of the United States.

"Nationals but not citizens of the United States; residence within outlying possessions

"SEC. 325. A person not a citizen who owes permanent allegiance to the United States, and who is otherwise qualified, may, if he becomes a resident of any State, be naturalized upon compliance with the applicable requirements of this title, except that in petitions for naturalization filed under the provisions of this section residence and physical presence within the United States within the meaning of this title shall include residence and physical presence within any of the outlying possessions of the United States.

"Resident Philippine citizens excepted from certain requirements

"SEC. 326. Any person who (1) was a citizen of the Commonwealth of the Philippines on July 2, 1946, (2) entered the United States prior to May 1, 1934, and (3) has, since such entry, resided continuously in the United States shall be regarded as having been lawfully admitted to the United States for permanent residence for the purpose of petitioning for naturalization under this title.

"Former United States citizens losing citizenship by entering the armed forces of foreign countries during World War II

"SEC. 327. (a) Any person who, (1) during World War II and while a citizen of the United States, served in the military, air, or naval forces of any country at war with a country with which the United States was at war after December 7, 1941, and before September 2, 1945, and (2) has lost United States citizenship by reason of entering or serving in such forces, or taking an oath or obligation for the purpose of entering such forces, may, upon compliance with all the provisions of title III of this Act, except section 316 (a), and except as otherwise provided in subsection (b), be naturalized by taking before any naturalization court specified in section 310 (a) of this title the oath required by section 337 of this title. Certified copies of such oath shall be sent by such court to the Department of State and to the Department of Justice.

"(b) No person shall be naturalized under subsection (a) of this section unless he—

"(1) is, and has been for a period of at least five years immediately preceding taking the oath required in subsection (a), a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States; and

"(2) has been lawfully admitted to the United States for permanent residence and intends to reside permanently in the United States.

"(c) Any person naturalized in accordance with the provisions of this section, or any person who was naturalized in accordance with the provisions of section 323 of the Nationality Act of 1940, shall have, from and after such naturalization, the status of a native-born, or naturalized, citizen of the United States, whichever status existed in the case of such person prior to the loss of citizenship: *Provided*, That nothing contained herein, or in any other provision of law, shall be construed as conferring United States citizenship retroactively upon any such person during any period in which such person was not a citizen.

"(d) For the purposes of this section, World War II shall be deemed to have begun on September 1, 1939, and to have terminated on September 2, 1945.

"(e) This section shall not apply to any person who during World War II served in the armed forces of a country while such country was at war with the United States.

"Naturalization through service in the Armed Forces of the United States

"SEC. 328. (a) A person who has served honorably at any time in the Armed Forces of the United States for a period or periods aggregating three years, and who, if separated from such service, was never separated except under honorable conditions, may be naturalized without having resided, continuously immediately preceding the date of filing such person's petition, in the United States for at least five years, and in the State in which the petition for naturalization is filed for at least six months, and without having been physically present in the United States for any specified period, if such petition is filed while the petitioner is still in the service or within six months after the termination of such service.

"(b) A person filing a petition under subsection (a) of this section shall comply in all other respects with the requirements of this title, except that—

"(1) no residence within the jurisdiction of the court shall be required;

"(2) notwithstanding section 336 (c), such petitioner may be naturalized immediately if the petitioner be then actually in the Armed Forces of the United States, and if prior to the filing of the petition, the petitioner and the witnesses shall have appeared before and been examined by a representative of the Service;

"(3) the petitioner shall furnish to the Attorney General, prior to the final hearing upon his petition, a certified statement from the proper executive department for each period of his service upon which he relies for the benefits of this section, clearly showing that such service was honorable and that no discharges from service, including periods of service not relied upon by him for the benefits of this section, were other than honorable. The certificate or certificates herein provided for shall be conclusive evidence of such service and discharge.

"(c) In the case such petitioner's service was not continuous, the petitioner's residence in the United States and State, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during any period within five years immediately preceding the date of filing such petition between the periods of petitioner's service in the Armed Forces, shall be alleged in the petition filed under the provisions of subsection (a) of this section, and proved at the final hearing thereon. Such allegation and proof shall also be made as to any period between the termination of petitioner's service and the filing of the petition for naturalization.

"(d) The petitioner shall comply with the requirements of section 316 (a) of this title, if the termination of such service has been more than six months preceding the date of filing the petition for naturalization, except that such service within five years immediately preceding the date of filing such petition shall be considered as residence and physical presence within the United States.

"(e) Any such period or periods of service under honorable conditions, and good moral character, attachments to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during such service, shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service, and such authenticated copies of records shall be accepted in lieu of compliance with the provisions of section 316 (a).

"Nationalization through active-duty service in the Armed Forces during World War I or World War II

"SEC. 329. (a) Any person who, while an alien or a noncitizen national of the United States, has served honorably in an active-duty status in the military, air, or naval forces of the United States during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, and who, if separated from such service, was separated under honorable conditions, may be naturalized as provided in this section if (1) at the time of enlistment or induction such person shall have been in the United States, the Canal Zone, American Samoa, or Swains Island, whether or not he has been lawfully admitted to the United States for permanent residence, or (2) at any time subsequent to enlistment or induction such person shall have been lawfully admitted to the United States for permanent residence. The executive department under which such person served shall determine whether persons have served honorably in an active-duty status, and whether separation from such service was under honorable conditions: *Provided, however*, That no person who is or has been separated from such service on account of alienage, or who was a conscientious objector who performed no military, air, or naval duty whatever or refused to wear the uniform, shall be regarded as having served honorably or having been separated under honorable conditions for the purposes of this section. No period of service in the Armed Forces shall be made the basis of a petition for naturalization under this section if the applicant has previously been naturalized on the basis of the same period of service.

"(b) A person filing a petition under subsection (a) of this section shall comply in

all other respects with the requirements of this title, except that—

"(1) he may be naturalized regardless of age, and notwithstanding the provisions of section 331 of this title;

"(2) no period of residence or specified period of physical presence within the United States or any State shall be required;

"(3) the petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner;

"(4) service in the military, air, or naval forces of the United States shall be proved by a duly authenticated certification from the executive department under which the petitioner served or is serving, which shall state whether the petitioner served honorably in an active-duty status during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, and was separated from such service under honorable conditions; and

"(5) notwithstanding section 336 (c) of this title, the petitioner may be naturalized immediately if prior to the filing of the petition the petitioner and the witnesses shall have appeared before and been examined by a representative of the Service.

"(c) Citizenship granted pursuant to this section may be revoked in accordance with section 340 of this title if at any time subsequent to naturalization the person is separated from the military, air, or naval forces under other than honorable conditions, and such ground for revocation shall be in addition to any other provided by law. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation.

"(d) The eligibility for naturalization of any person who filed a petition for naturalization prior to January 1, 1947, under section 701 of the Nationality Act of 1940, as amended (56 Stat. 182, 58 Stat. 886, 59 Stat. 658; 8 U. S. C. 1001), and which is still pending on the effective date of this Act, shall be determined in accordance with the provisions of this section.

"Constructive residence through service on certain United States vessels

"SEC. 330. (a) (1) Any periods of time during all of which a person who was previously lawfully admitted for permanent residence has served honorably or with good conduct, in any capacity other than as a member of the Armed Forces of the United States, (A) on board a vessel operated by the United States, or an agency thereof, the full legal and equitable title to which is in the United States; or (B) on board a vessel whose home port is in the United States, and (i) which is registered under the laws of the United States, or (ii) the full legal and equitable title to which is in a citizen of the United States, or a corporation organized under the laws of any of the several States of the United States, shall be deemed residence and physical presence within the United States within the meaning of section 316 (a) of this title, if such service occurred within five years immediately preceding the date such person shall file a petition for naturalization. Service on vessels described in clause (A) of this subsection shall be proved by duly authenticated copies of the records of the executive departments or agency having custody of the records of such service. Service on vessels described in clause (B) of this subsection may be proved by certificates from the masters of such vessels.

"(2) For the purposes of this subsection, any periods of time prior to September 23, 1950, during all of which any person had served honorably or with good conduct for an aggregate period of five years on any vessel described in section 325 (a) of the Nationality Act of 1940 prior to its amendment by the Act of September 23, 1950, shall be deemed residence and physical presence within the United States within the meaning of section 316 (a) of this title, if such petition is filed within one year from the effective date of this Act. Notwithstanding the provisions of section 318, a person entitled to claim the exemptions contained in this paragraph shall not be required to establish a lawful admission for permanent residence.

"(3) For the purposes of this subsection, any periods of time prior to September 23, 1950, during all of which any person not within the provisions of paragraph (2) had, prior to September 23, 1950, served honorably or with good conduct on any vessel described in section 325 (a) of the Nationality Act of 1940 prior to its amendment by the Act of September 23, 1950, and was so serving on September 23, 1950, shall be deemed residence and physical presence within the United States within the meaning of section 316 (a) of this title, if such person at any time prior to filing his petition for naturalization shall have been lawfully admitted to the United States for permanent residence, and if such petition is filed on or before September 23, 1955.

"(b) Any person who was excepted from certain requirements of the naturalization laws under section 325 of the Nationality Act of 1940 prior to its amendment by the Act of September 23, 1950, and had filed a petition for naturalization under section 325 of the Nationality Act of 1940, may, if such petition was pending on September 23, 1950, and is still pending on the effective date of this Act, be naturalized upon compliance with the applicable provisions of the naturalization laws in effect upon the date such petition was filed: *Provided*, That any such person shall be subject to the provisions of section 313 and to those provisions of section 318 which relate to the prohibition against the naturalization of a person against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the provisions of this or any other Act, or which relate to the prohibition against the final hearing on a petition for naturalization if there is pending against the petitioner a deportation proceeding pursuant to a warrant of arrest issued under the provisions of this or any other Act.

"Alien enemies; naturalization under specified conditions and procedure

"SEC. 331. (a) An alien who is a native, citizen, subject, or denizen of any country, state or sovereignty with which the United States is at war may, after his loyalty has been fully established upon investigation by the Attorney General, be naturalized as a citizen of the United States if such alien's petition for naturalization shall be pending at the beginning of the state of war and the petitioner is otherwise entitled to admission to citizenship.

"(b) An alien embraced within this section shall not have his petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Attorney General to be represented at the hearing, and the Attorney General's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Attorney General may require.

"(c) The Attorney General may, in his discretion, upon investigation fully establishing the loyalty of any alien enemy who did not have a petition for naturalization pending at the beginning of the state of war, except such alien enemy from the classification of alien enemy for the purposes of this title, and thereupon such alien shall have the privilege of filing a petition for naturalization.

"(d) An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war shall cease to be an alien enemy within the meaning of this section upon the determination by proclamation of the President, or by concurrent resolution of the Congress, that hostilities between the United States and such country, state, or sovereignty have ended. Notwithstanding the provisions of section 405 (b), this subsection shall also apply to the case of any such alien whose petition for naturalization was filed prior to the effective date of this Act and which is still pending on that date.

"(e) Nothing contained herein shall be taken or construed to interfere with or prevent the apprehension and removal, consistent with law, of any alien enemy at any time prior to the actual naturalization of such alien.

"Procedural and administrative provisions; executive functions

"SEC. 332. (a) The Attorney General shall make such rules and regulations as may be necessary to carry into effect the provisions of this chapter and is authorized to prescribe the scope and nature of the examination of petitioners for naturalization as to their admissibility to citizenship for the purpose of making appropriate recommendations to the naturalization courts. Such examination, in the discretion of the Attorney General, and under such rules and regulations as may be prescribed by him, may be conducted before or after the applicant has filed his petition for naturalization. Such examination shall be limited to inquiry concerning the applicant's residence, physical presence in the United States, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, ability to read, write, and speak English, and other qualifications to become a naturalized citizen as required by law, and shall be uniform throughout the United States.

"(b) The Attorney General is authorized to promote instruction and training in citizenship responsibilities of applicants for naturalization including the sending of names of candidates for naturalization to the public schools, preparing and distributing citizenship textbooks to such candidates as are receiving instruction in preparation for citizenship within or under the supervision of the public schools, preparing and distributing monthly an immigration and naturalization bulletin and securing the aid of and cooperating with official State and national organizations, including those concerned with vocational education.

"(c) The Attorney General shall prescribe and furnish such forms as may be required to give effect to the provisions of this chapter, and only such forms as may be so provided shall be legal. All certificates of naturalization and of citizenship shall be printed on safety paper and shall be consecutively numbered in separate series.

"(d) Employees of the Service may be designated by the Attorney General to administer oaths and to take depositions without charge in matters relating to the administration of the naturalization and citizenship laws. In cases where there is a likelihood of unusual delay or of hardship, the Attorney General may, in his discretion, authorize such depositions to be taken before a postmaster without charge, or before a notary public or other person authorized to administer oaths for general purposes.

"(e) A certificate of naturalization or of citizenship issued by the Attorney General under the authority of this title shall have the same effect in all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, and outlying possession of the United States, as a certificate

of naturalization or of citizenship issued by a court having naturalization jurisdiction.

"(f) Certifications and certified copies of all papers, documents, certificates, and records required or authorized to be issued, used, filed, recorded, or kept under any and all provisions of this Act shall be admitted in evidence equally with the originals in any and all cases and proceedings under this Act and in all cases and proceedings in which the originals thereof might be admissible as evidence.

"(g) The officers in charge of property owned or leased by the Government are authorized, upon the recommendation of the Attorney General, to provide quarters, without payment of rent, in any building occupied by the Service, for a photographic studio, operated by welfare organizations without profit and solely for the benefit of persons seeking to comply with requirements under the immigration and nationality laws. Such studio shall be under the supervision of the Attorney General.

"Photographs

"SEC. 333. (a) Three identical photographs of the applicant shall be signed by and furnished by each petitioner for naturalization or citizenship. One of such photographs shall be affixed by the clerk of the court to the original certificate of naturalization issued to the naturalized citizen and one to the duplicate certificate of naturalization required to be forwarded to the Service.

"(b) Three identical photographs of the applicant shall be furnished by each applicant for—

"(1) a record of lawful admission for permanent residence to be made under section 249 (a);

"(2) a certificate of derivative citizenship;

"(3) a certificate of naturalization or of citizenship;

"(4) a special certificate of naturalization;

"(5) a certificate of naturalization or of citizenship, in lieu of one lost, mutilated, or destroyed;

"(6) a new certificate of citizenship in the new name of any naturalized citizen who, subsequent to naturalization, has had his name changed by order of a court of competent jurisdiction or by marriage; and

"(7) a declaration of intention.

"One such photograph shall be affixed to each such certificate issued by the Attorney General and one shall be affixed to the copy of such certificate retained by the Service.

"Petition for naturalization; declaration of intention

"SEC. 334. (a) An applicant for naturalization shall make and file in the office of the clerk of a naturalization court, in duplicate, a sworn petition in writing, signed by the applicant in the applicant's own handwriting if physically able to write, and duly verified by two witnesses, which petition shall be on a form prescribed by the Attorney General and shall include averments of all facts which in the opinion of the Attorney General may be material to the applicant's naturalization, and required to be proved upon the hearing of such petition.

"(b) No person shall file a valid petition for naturalization unless (1) he shall have attained the age of eighteen years and (2) he shall have first filed an application therefor at an office of the Service in the form and manner prescribed by the Attorney General. An application for petition for naturalization by an alien shall contain an averment of lawful admission for permanent residence.

"(c) Petitions for naturalization may be made and filed during the term time or vacation of the naturalization court, and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court.

"(d) If the applicant for naturalization is prevented by sickness or other disability from presenting himself in the office of the clerk to make the petition required by subsection (a), such applicant may make such petition at such other place as may be designated by the clerk of court or by such clerk's authorized deputy.

"(e) Before a petition for naturalization may be made outside of the office of the clerk of the court, pursuant to subsection (d) above, or before a final hearing on a petition may be held or the oath of allegiance administered outside of open court, pursuant to sections 336 (a) and 337 (c) respectively of this title, the court must satisfy itself that the illness or other disability is sufficiently serious to prevent appearance in the office of the clerk of court and is of a permanent nature, or of a nature which so incapacitates the person as to prevent him from personally appearing in the office of the clerk of court or in court as otherwise required by law.

"(f) Any alien over eighteen years of age who is residing in the United States pursuant to a lawful admission for permanent residence may, upon an application prescribed, filed with, and approved by the Service, make and file in duplicate in the office of the clerk of court, regardless of the alien's place of residence in the United States, a signed declaration of intention to become a citizen of the United States, in such form as the Attorney General shall prescribe. Nothing in this subsection shall be construed as requiring any such alien to make and file a declaration of intention as a condition precedent to filing a petition for naturalization nor shall any such declaration of intention be regarded as conferring or having conferred upon any such alien United States citizenship or nationality or the right to United States citizenship or nationality, nor shall such declaration be regarded as evidence of such alien's lawful admission for permanent residence in any proceeding, action, or matter arising under this or any other Act.

"Investigation of petitioners; preliminary examinations on petitions

"SEC. 335. (a) At any time prior to the holding of the final hearing on a petition for naturalization provided for by section 336 (a), an employee of the Service, or of the United States designated by the Attorney General, shall conduct a personal investigation of the person petitioning for naturalization in the vicinity or vicinities in which such person has maintained his actual place of abode and in the vicinity or vicinities in which such person has been employed or has engaged in business or work for at least five years immediately preceding the filing of his petition for naturalization. The Attorney General may, in his discretion, waive a personal investigation in an individual case or in such cases or classes of cases as may be designated by him.

"(b) The Attorney General shall dsignate employees of the Service to conduct preliminary examinations upon petitions for naturalization to any naturalization court and to make recommendations thereon to such court. For such purposes any such employee so designated is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner for naturalization, to administer oaths, including the oath of the petitioner for naturalization and the oaths of petitioner's witnesses to the petition for naturalization, and to require by subpena the attendance and testimony of witnesses, including petitioner, before such employee so designated and the production of relevant books, papers, and documents, and to that end may invoke the aid of any court exercising naturalization jurisdiction as specified in section 310 of this title; and any such court may, in the event of neglect or refusal to respond to a subpena issued by any such employee so designated or refusal to testify before such employee so designated issue an order requiring such person to appear before such employee so designated, produce relevant books, papers, and documents if demanded, and testify; and any failure to obey such order of the court may be punished by the court as a contempt thereof. The record of the preliminary examination authorized by this subsection shall be admissible as evidence in any final hearing conducted by a naturalization court designated in section 310 of this title.

"(c) The record of the preliminary examination upon any petition for naturalization may, in the discretion of the Attorney General, be transmitted to the Attorney General and the recommendation with respect thereto of the employee designated to conduct such preliminary examination shall when made also be transmitted to the Attorney General.

"(d) The recommendation of the employee designated to conduct any such preliminary examination shall be submitted to the court at the hearing upon the petition and shall include a recommendation that the petition be granted, or denied, or continued, with reasons therefor. In any case in which the recommendation of the Attorney General does not agree with that of the employee designated to conduct such preliminary examination, the recommendations of both such employee and the Attorney General shall be submitted to the court at the hearing upon the petition, and the officer of the Service in attendance at such hearing shall, at the request of the court, present both the views of such employee and those of the Attorney General with respect to such petition to the court. The recommendations of such employee and of the Attorney General shall be accompanied by duplicate lists containing the names of the petitioners, classified according to the character of the recommendations, and signed by such employee or the Attorney General, as the case may be. The judge to whom such recommendations are submitted shall, if he approve such recommendations, enter a written order with such exceptions as the judge may deem proper, by subscribing his name to each such list when corrected to conform to his conclusions upon such recommendations. One of each such lists shall thereafter be filed permanently of record in such court and the duplicate of each such list shall be sent by the clerk of such court to the Attorney General.

"(e) After the petition for naturalization has been filed in the office of the clerk of court, the petitioner shall not be permitted to withdraw his petition, except with the consent of the Attorney General. In cases where the Attorney General does not consent to withdrawal of the petition, the court shall determine the petition on its merits and enter a final order accordingly. In cases where the petitioner fails to prosecute his petition, the petition shall be decided upon its merits unless the Attorney General moves that the petition be dismissed for lack of prosecution.

"(f) As to each period and place of residence in the State in which the petitioner resides at the time of filing the petition, during the entire period of at least six months and immediately preceding the date of filing the petition, there shall be included in the petition for naturalization the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the petitioner to have been a resident at such place for such period, and that the petitioner is and during all such periods has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

"(g) At the hearing on the petition, residence in the State in which the petitioner

resides at the time of filing the petition, for at least six months immediately preceding the date of filing the petition, and the other qualifications required by subsection (a) of section 316 during such residence shall be proved by the oral testimony of at least two credible witnesses, citizens of the United States, in addition to the affidavits required by subsection (f) of this section to be included in the petition. At the hearing, residence and physical presence within the United States during the five-year period required by section 316 (a), but outside the State, or within the State but prior to the six months immediately preceding the date of filing the petition, and the other qualifications required by subsection (a) of section 316 during such period at such places, shall be proved either by depositions taken in accordance with subsection (d) of section 332, or oral testimony, of at least two such witnesses for each place of residence.

"(h) Notwithstanding the provisions of subsections (f) and (g) of this section, the requirements of subsection (a) of section 316 as to the petitioner's residence, good moral character, attachment to the principles of the Constitution of the United States, and disposition toward the good order and happiness of the United States may be established by any evidence satisfactory to the naturalization court in those cases under subsection (b) of section 316 in which the alien has been absent from the United States because of his employment by or contract with the Government of the United States or an American institution of research, recognized as such by the Attorney General, or employment by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof, or employment by a public international organization in which the United States participates.

"(i) (1) A petitioner for naturalization who removes from the jurisdiction of the court in which his petition for naturalization is pending may, at any time thereafter, make application to the court for transfer of the petition to a naturalization court exercising jurisdiction over the petitioner's place of residence, or to any other naturalization court if the petition was not required to be filed in a naturalization court exercising jurisdiction over the petitioner's place of residence: *Provided*, That such transfer shall not be made without the consent of the Attorney General, and of the court to which the petition is transferred.

"(2) Where transfer of the petition is authorized the clerk of court in which the petition was filed shall forward a certified copy of the petition and the original record in the case to the clerk of court to which the petition is transferred, and proceedings on the petition shall thereafter continue as though the petition had originally been filed in the court to which transferred, except that the court to which the petition is transferred may in its discretion, require the production of two credible United States citizen witnesses to testify as to the petitioner's qualifications for naturalization since the date of such transfer.

"Final hearing in open court upon petitions for naturalization; final order under the hand of the court entered upon record; examination of petitioner and witnesses before the court

"SEC. 336. (a) Every final hearing upon a petition for naturalization shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the petitioner and the witnesses, except as provided in subsection (b) of this section, shall be examined under oath before the court and in the presence of the court. If the petitioner is prevented by sickness or other disability from being in open court for the final hearing upon a petition for naturalization, such final hearing may be had before a judge or judges of the court at such place as may be designated by the court.

"(b) The requirement of subsection (a) of this section for the examination of the petitioner and the witnesses under oath before the court and in the presence of the court shall not apply in any case where an employee designated under section 335 (b) has conducted the preliminary examination authorized by subsection (b) of section 335; except that the court may, in its discretion, and shall, upon demand of the petitioner, require the examination of the petitioner and the witnesses under oath before the court and in the presence of the court.

"(c) Except as otherwise specifically provided in this title, no final hearing shall be held on any petition for naturalization nor shall any person be naturalized nor shall any certificate of naturalization be issued by any court within a period of thirty days after the filing of the petition for naturalization. The Attorney General may waive such period in an individual case if he finds that the waiver will be in the public interest and will promote the security of the United States. Notwithstanding any other provisions of this title, but except as provided in sections 328 (b) (2) and 329 (b) (5), in any case in which the final hearing on any petition for naturalization is scheduled to be held within sixty days preceding the holding of a general election within the territorial jurisdiction of the naturalization court, such final hearing may be held, but the petitioner shall not be permitted to take the oath required in section 337 (a) of this title prior to the tenth day next following such general election. In any case in which the oath is not taken at the time of the final hearing, the petitioner shall not be a citizen of the United States until such oath has been taken.

"(d) The Attorney General shall have the right to appear before any court in any naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of the petition concerning any matter touching or in any way affecting the petitioner's right to admission to citizenship, and shall have the right to call witnesses, including the petitioner, produce evidence, and be heard in opposition to, or in favor of, the granting of any petition in naturalization proceedings.

"(e) The clerk of court shall, if the petitioner requests it at the time of filing of the petition for naturalization, issue a subpena for the witnesses named by such petitioner to appear upon the day set for the final hearing, but in case such witnesses cannot be produced upon the final hearing other witnesses may be summoned upon notice to the Attorney General, in such manner and at such time as the Attorney General may by regulation prescribe. If it should appear after the petition has been filed that any of the verifying witnesses thereto are not competent, and it further appears that the petitioner has acted in good faith in producing such witnesses found to be incompetent, other witnesses may be substituted in accordance with such regulations.

"(f) It shall be lawful at the time and as a part of the naturalization of any person, for the court, in its discretion, upon the bona fide prayer of the petitioner included in the petition for naturalization of such person, to make a decree changing the name of said person, and the certificate of naturalization shall be issued in accordance therewith.

"Oath of renunciation and allegiance

"SEC. 337. (a) A person who has petitioned for naturalization shall, in order to be and before being admitted to citizenship, take in open court an oath (1) to support the Constitution of the United States; (2) to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen; (3) to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic; (4) to bear true faith and allegiance to the same; and (5) (A) to bear arms on behalf of the United States when required by the law, or (B) to perform noncombatant service in the Armed Forces of the United States when required by the law, or (C) to perform work of national importance under civilian direction when required by the law. Any such person shall be required to take an oath containing the substance of clauses (1) through (5) of the preceding sentence, except that a person who shows by clear and convincing evidence to the satisfaction of the naturalization court that he is opposed to the bearing of arms in the Armed Forces of the United States by reason of religious training and belief shall be required to take an oath containing the substance of clauses (1) through (4) and clauses (5) (B) and (5) (C), and a person who shows by clear and convincing evidence to the satisfaction of the naturalization court that he is opposed to any type of service in the Armed Forces of the United States by reason of religious training and belief shall be required to take an oath containing the substance of clauses (1) through (4) and clause 5 (C). The term 'religious training and belief' as used in this section shall mean an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code. In the case of the naturalization of a child under the provisions of section 322 or 323 of this title the naturalization court may waive the taking of the oath if in the opinion of the court the child is unable to understand its meaning.

"(b) In case the person petitioning for naturalization has borne any hereditary title, or has been of any of the orders of nobility in any foreign state, the petitioner shall in addition to complying with the requirements of subsection (a) of this section, make under oath in open court in the court in which the petition for naturalization is made, an express renunciation of such title or order of nobility, and such renunciation shall be recorded in the court as a part of such proceedings.

"(c) If the petitioner is prevented by sickness or other disability from being in open court, the oath required to be taken by subsection (a) of this section may be taken before a judge of the court at such place as may be designated by the court.

"Certificate of naturalization; contents

"SEC. 338. A person admitted to citizenship by a naturalization court in conformity with the provisions of this title shall be entitled upon such admission to receive from the clerk of such court a certificate of naturalization, which shall contain substantially the following information: Number of petition for naturalization; number of certificate of naturalization; date of naturalization; name, signature, place of residence, autographed photograph, and personal description of the naturalized person, including age, sex, marital status, and country of former nationality; title, venue, and location of the naturalization court; statement that the court, having found that the petitioner intends to reside permanently in the United States, except in cases falling within the provisions of section 324 (a) of this title, had complied in all respects with all of the applicable provisions of the naturalization laws of the United States, and was entitled to be admitted a citizen of the United States of America, thereupon ordered that the pe-

titioner be admitted as a citizen of the United States of America; attestation of the clerk of the naturalization court; and seal of the court.

"Functions and duties of clerks

"SEC. 339. (a) It shall be the duty of the clerk of each and every naturalization court to forward to the Attorney General a duplicate of such petition for naturalization within 30 days after the close of the month in which such petition was filed, and to forward to the Attorney General certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of persons as may be recruited from time to time by the Attorney General.

"(b) It shall be the duty of the clerk of each and every naturalization court to issue to any person admitted by such court to citizenship a certificate of naturalization and to forward to the Attorney General within 30 days after the close of the month in which such certificate was issued, a duplicate thereof, and to make and keep on file in the clerk's office a stub for each certificate so issued, whereon shall be entered a memorandum of all the essential facts set forth in such certificate, and to forward a duplicate of each such stub to the Attorney General within 30 days after the close of the month in which such certificate was issued.

"(c) It shall be the duty of the clerk of each and every naturalization court to report to the Attorney General, within 30 days after the close of the month in which the final hearing and decision of the court was had, the name and number of the petition of each and every person who shall be denied naturalization together with the cause of such denial.

"(d) Clerks of courts shall be responsible for all blank certificates of naturalization received by them from time to time from the Attorney General, and shall account to the Attorney General for them whenever required to do so. No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificates shall be returned to the Attorney General.

"(e) It shall be the duty of the clerk of each and every naturalization court to cause to be filed in chronological order in separate volumes, indexed, consecutively numbered, and made a part of the records of such court, all declarations of intention and petitions for naturalization.

"Revocation of naturalization

"SEC. 340. (a) It shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court specified in subsection (a) of section 310 of this title in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: *Provided*, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does not reside in any judicial district in the United States at the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence.

"(b) The party to whom was granted the naturalization alleged to have been procured by concealment of a material fact or by willful misrepresentation shall, in any such proceedings under subsection (a) of this section, have sixty days' personal notice unless waived by such party, in which to make answer to the petition of the United States; and if such naturalized person be absent from the United States or from the judicial district in which such person last had his residence, such notice shall be given either by personal service upon him or by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

"(c) If a person who shall have been naturalized after the effective date of this Act shall within five years next following such naturalization become a member of or affiliated with any organization, membership in or affiliation with which at the time of naturalization would have precluded such person from naturalization under the provisions of section 313, it shall be considered prima facie evidence that such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and in the absence of countervailing evidence it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate or naturalization shall be effective as of the original date of the order and certificate, respectively.

"(d) If a person who shall have been naturalized shall, within five years after such naturalization, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such person to reside permanently in the United States at the time of filing his petition for naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively. The diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with statements of the names of those persons within their respective jurisdictions who have been so naturalized and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to revoke and set aside the order admitting to citizenship and to cancel the certificate of naturalization.

"(e) The revocation and setting aside of the order admitting any person to citizenship and canceling his certificate of naturalization under the provisions of subsection (a) of section 338 of the Nationality Act of 1940 shall not, where such action takes place after the effective date of this Act, result in the loss of citizenship or any right or privilege of citizenship which would have been derived by or been available to a wife or minor child of the naturalized person had such naturalization not been revoked: *Provided*, That this subsection shall not apply in any case in which the revocation and setting aside of the order was the result of actual fraud.

"(f) Any person who claims United States citizenship through the naturalization of a parent or spouse in whose case there is a revocation and setting aside of the order admitting such parent or spouse to citizenship under the provisions of subsection (a) of this section on the ground that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation shall be deemed to have lost and to lose his citizenship and any right or privilege of citizenship which he may have, now has, or may hereafter acquire under and by virtue of such naturalization of such parent or spouse, regardless of whether such person is residing within or without the United States at the time of the revocation and setting aside of the order admitting such parent or spouse to citizenship. Any person who claims United States citizenship through the naturalization of a parent or spouse in whose case there is a revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization under the provisions of subsections (c) or (d) of this section, or under the provisions of section 329 (c) of this title on any ground other than that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation, shall be deemed to have lost and to lose his citizenship and any right or privilege of citizenship which would have been enjoyed by such person had there not been a revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization, unless such person is residing in the United States at the time of the revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization.

"(g) When a person shall be convicted under section 1425 of title 18 of the United States Code of knowingly procuring naturalization in violation of law, the court in which such conviction is had shall thereupon revoke, set aside, and declare void the final order admitting such person to citizenship, and shall declare the certificate of naturalization of such person to be canceled. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

"(h) Whenever an order admitting an alien to citizenship shall be revoked and set aside or a certificate of naturalization shall be canceled, or both, as provided in this section, the court in which such judgment or decree is rendered shall make an order canceling such certificate and shall send a certified copy of such order to the Attorney General. In case such certificate was not originally issued by the court making such order, it shall direct the clerk of court in which the order is revoked and set aside to transmit a copy of such order and judgment to the court out of which such certificate of

naturalization shall have been originally issued. It shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of naturalization, if there be any, upon the records and to notify the Attorney General of the entry of such order and of such cancellation. A person holding a certificate of naturalization or citizenship which has been canceled as provided by this section shall upon notice by the court by which the decree of cancellation was made, or by the Attorney General, surrender the same to the Attorney General.

"(i) The provisions of this section shall apply not only to any naturalization granted and to certificates of naturalization and citizenship issued under the provisions of this title, but to any naturalization heretofore granted by any court, and to all certificates of naturalization and citizenship which may have been issued heretofore by any court or by the Commissioner based upon naturalization granted by any court, or by a designated representative of the Commissioner under the provisions of section 702 of the Nationality Act of 1940, as amended, or by such designated representative under any other act.

"(j) Nothing contained in this section shall be regarded as limiting, denying, or restricting the power of any naturalization court, by or in which a person has been naturalized, to correct, reopen, alter, modify, or vacate its judgment or decree naturalizing such person, during the term of such court or within the time prescribed by the rules of procedure or statutes governing the jurisdiction of the court to take such action.

"Certificates of citizenship; procedure

"SEC. 341. A person who claims to have derived United States citizenship through the naturalization of a parent or through the naturalization or citizenship of a husband, or who is a citizen of the United States by virture of the provisions of section 1993 of the United States Revised Statutes, or of section 1993 of the United States Revised Statutes, as amended by section 1 of the Act of May 24, 1934 (48 Stat. 797), or who is a citizen of the United States by virtue of the provisions of subsection (c), (d), (e), (g), or (i) of section 201 of the Nationality Act of 1940 (54 Stat. 1139; 8 U. S. C. 603, 605), or 601), or of the Act of May 7, 1934 (48 Stat. 667), or of paragraph (3), (4), (5), or (7) of section 301 (a) of this title, or under the provisions of the Act of August 4, 1937 (50 Stat. 558), or under the provisions of section 203 or 205 of the Nationality Act of 1940 (54 Stat. 1139; U. S. C. 603, 605), or under the provisions of section 303 of this title, may apply to the Attorney General for a certificate of citizenship. Upon proof to the satisfaction of the Attorney General that the applicant is a citizen, and that the applicant's alleged citizenship was derived as claimed, or acquired, as the case may be, and upon taking and subscribing before a member of the Service within the United States to the oath of allegiance required by this Act of a petitioner for naturalization, such individual shall be furnished by the Attorney General with a certificate of citizenship, but only if such individual is at the time within the United States.

"Cancellation of certificates issued by the Attorney General, the Commissioner or a Deputy Commissioner; action not to affect citizenship status

"SEC. 342. The Attorney General is authorized to cancel any certificate of citizenship, certificate of naturalization, copy of a declaration of intention, or other certificate, document or record heretofore issued or made by the Commissioner or a Deputy Commissioner or hereafter made by the Attorney General if it shall appear to the Attorney General's satisfaction that such document or record was illegally or fraudulently obtained from, or was created through illegality or by fraud practiced upon, him or the Commissioner or a Deputy Commissioner; but the person for or to whom such document or record has been issued or made shall be given at such person's last-known place of address written notice of the intention to cancel such document or record with the reasons therefor and shall be given at least sixty days in which to show cause why such document or record should not be canceled. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

"Documents and copies issued by the Attorney General

"SEC. 343. (a) A person who claims to have been naturalized in the United States under section 323 of the Nationality Act of 1940 may make application to the Attorney General for a certificate of naturalization. Upon proof to the satisfaction of the Attorney General that the applicant is a citizen and that he has been naturalized as claimed in the application, such individual shall be furnished a certificate of naturalization by the Attorney General, but only if the applicant is at the time within the United States.

"(b) If any certificate of naturalization or citizenship issued to any citizen or any declaration of intention furnished to any declarant is lost, mutilated, or destroyed, the citizen or declarant may make application to the Attorney General for a new certificate or declaration. If the Attorney General finds that the certificate or declaration is lost, mutilated, or destroyed, he shall issue to the applicant a new certificate or declaration. If the certificate or declaration has been mutilated, it shall be surrendered to the Attorney General before the applicant may receive such new certificate or declaration. If the certificate or declaration has been lost, the applicant or any other person who shall have, or may come into possession of it is hereby required to surrender it to the Attorney General.

"(c) The Attorney General shall issue for any naturalized citizen, on such citizen's application therefor, a special certificate of naturalization for use by such citizen only for the purpose of obtaining recognition as a citizen of the United States by a foreign state. Such certificate when issued shall be furnished to the Secretary of State for transmission to the proper authority in such foreign state.

"(d) If the name of any naturalized citizen has, subsequent to naturalization, been changed by order of any court of competent jurisdiction, or by marriage, the citizen may make application for a new certificate of naturalization in the new name of such citizen. If the Attorney General finds the name of the applicant to have been changed as claimed, the Attorney General shall issue to the applicant a new certificate and shall notify the naturalization court of such action.

"(e) The Attorney General is authorized to make and issue certifications of any part of the naturalization records of any court, or of any certificate of naturalization or citizenship, for use in complying with any statute, State or Federal, or in any judicial proceeding. No such certification shall be made by any clerk of court except upon order of the court.

"Fiscal provisions

"SEC. 344. (a) The clerk of court shall charge, collect, and account for the following fees:

"(1) For making, filing, and docketing a petition for naturalization, $10, including the final hearing on such petition, if such hearing be held, and a certificate of naturalization, if the issuance of such certificate is authorized by the naturalization court.

"(2) For receiving and filing a declaration of intention, and issuing a duplicate thereof, $5.

"(b) The Attorney General shall charge, collect, and account for the following fees:

"(1) For application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed, $5.

"(2) For application for a certificate of citizenship, $5.

"(3) For application for the issuance of a special certificate of citizenship to obtain recognition, $5.

"(4) For application for a certificate of naturalization under section 323 of the Nationality Act of 1940, or under section 343 (a) of this title, $5.

"(5) For application for a certificate of citizenship in changed name, $5.

"(6) Reasonable fees in cases where such fees have not been established by law, to cover the cost of furnishing copies, whether certified or uncertified, of any part of the records, or information from the records, of the Service. Such fees shall not exceed a maximum of 25 cents per folio of one hundred words, with a minimum fee of 50 cents for any one such service, in addition to a fee of $1 for any official certification furnished under seal. No such fee shall be required from officers or agencies of the United States or of any State or any subdivision thereof, for such copies or information furnished for official use in connection with the official duties of such officers or agencies.

"(7) Notwithstanding the preceding provisions of this subsection, no fee shall be charged or collected for an application for declaration of intention or a certificate of naturalization in lieu of a declaration or a certificate alleged to have been lost, mutilated, or destroyed, submitted by a person who was a member of the military or naval forces of the United States at any time after April 20, 1898, and before July 5, 1902; or at any time after April 5, 1917, and before November 12, 1918; or who served on the Mexican border as a member of the Regular Army or National Guard between June 1916 and April 1917; or who has served or hereafter serves in the military, air, or naval forces of the United States after September 16, 1940, and who was not at any time during such period or thereafter separated from such forces under other than honorable conditions, who was not a conscientious objector who performed no military duty whatever or refused to wear the uniform, or who was not at any time during such period or thereafter discharged from such military, air, or naval forces on account of alienage.

"(c) The clerk of any naturalization court specified in subsection (a) of section 310 (except the courts specified in subsection (d) of this section) shall account for and pay over to the Attorney General one-half of all fees up to the sum of $6,000, and all fees in excess of $6,000, collected by any such clerk in naturalization proceedings in any fiscal year.

"(d) The clerk of any United States district court (except in Alaska and in the District Court of the Virgin Islands of the United States and in the District Court of Guam) shall account for and pay over to the Attorney General all fees collected by any such clerk in naturalization proceedings: *Provided, however,* That the clerk of the District Court of the Virgin Islands of the United States and of the District Court of Guam shall report but shall not be required to pay over to the Attorney General the fees collected by any such clerk in naturalization proceedings.

"(e) The accounting required by subsections (c) and (d) of this section shall be

made and the fees paid over to the Attorney General by such respective clerks in their quarterly accounts which they are hereby required to render to the Attorney General within thirty days from the close of each quarter of each and every fiscal year, in accordance with regulations prescribed by the Attorney General.

"(f) The clerks of the various naturalization courts shall pay all additional clerical force that may be required in performing the duties imposed by this title upon clerks of courts from fees retained under the provisions of this section by such clerks in naturalization proceedings.

"(g) All fees collected by the Attorney General and all fees paid over to the Attorney General by clerks of courts under the provisions of this title shall be deposited by the Attorney General in the Treasury of the United States: *Provided, however,* That all fees received from applicants residing in the Virgin Islands of the United States, and in Guam, required to be paid under subsection (b) of this section, shall be paid over to the treasury of the Virgin Islands and to the treasury of Guam, respectively.

"(h) During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military, air, or naval service of the United States for filing a petition for naturalization or issuing a certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A report of all transactions under this subsection shall be made to the Attorney General as in the case of other reports required of clerks of courts by this title.

"(i) In addition to the other fees required by this title, the petitioner for naturalization shall, upon the filing of a petition for naturalization, deposit with and pay to the clerk of court a sum of money sufficient to cover the expenses of subpenaing and paying the legal fees of any witnesses for whom such petitioner may request a subpena, and upon the final discharge of such witnesses, they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner.

"Mail relating to naturalization transmitted free of postage and registered

"SEC. 345. All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of Justice or the Service, or any official thereof, and endorsed 'Official Business', shall be transmitted free of postage and, if necessary, by registered mail without fee, and so marked.

"Authorization granted for publication and distribution of citizenship textbooks from naturalization fees

"SEC. 346. Authorization is hereby granted for the publication and distribution of the citizenship textbook described in subsection (b) of section 332 and for the reimbursement of the appropriation of the Department of Justice upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Service for the cost of such publication and distribution, such reimbursement to be made upon statements by the Attorney General of books so published and distributed.

"Compilation of naturalization statistics and payment for equipment

"SEC. 347. The Attorney General is authorized and directed to prepare from the records in the custody of the Service a report upon those heretofore seeking citizenship to show by nationalities their relation to the numbers of aliens annually arriving and to the prevailing census populations of the foreign-born, their economic, vocational, and other classification, in statistical form, with analytical comment thereon, and to prepare such report annually hereafter. Payment for the equipment used in preparing such compilation shall be made from the appropriation for the enforcement of this Act by the Service.

"Admissibility in evidence of testimony as to statements voluntarily made to officers or employees in the course of their official duties

"SEC. 348. (a) It shall be lawful and admissible as evidence in any proceedings founded under this title, or any of the penal or criminal provisions of any law relating to immigration, naturalization, or citizenship, for any officer or employee of the United States to render testimony as to any statement voluntarily made to such officer or employee in the course of the performance of the official duties of such officer or employee by any defendant at the time or subsequent to the alleged commission of any crime or offense which may tend to show that such defendant did not have or could not have had knowledge of any matter concerning which such defendant is shown to have made affidavit, or oath, or to have been a witness pursuant to such law or laws.

"(b) In case any clerk of court shall refuse or neglect to comply with any of the provisions of section 339 (a), (b), or (c), such clerk of court shall forfeit and pay to the United States the sum of $25 in each and every case in which such violation or ommission occurs and the amount of such forfeiture may be recovered by the United States in a civil action against such clerk.

"(c) If any clerk of court shall fail to return to the Service or properly account for any certificate of naturalization furnished by the Service as provided in subsection (d) of section 339, such clerk of court shall be liable to the United States in the sum of $50, to be recovered in a civil action, for each and every such certificate not properly accounted for or returned.

"CHAPTER 3—LOSS OF NATIONALITY

"Loss of nationality by native-born or naturalized citizen

"SEC. 349. (a) From and after the effective date of this Act a person who is a national of the United States whether by birth or naturalization, shall lose his nationality by—

"(1) obtaining naturalization in a foreign state upon his own application, upon an application filed in his behalf by a parent, guardian, or duly authorized agent, or through the naturalization of a parent having legal custody of such persons: *Provided,* That nationality shall not be lost by any person under this section as the result of the naturalization of a parent or parents while such person is under the age of twenty-one years, or as the result of a naturalization obtained on behalf of a person under twenty-one years of age by a parent, guardian, or duly authorized agent, unless such person shall fail to enter the United States to establish a permanent residence prior to his twenty-fifth birthday: *And provided further,* That a person who shall have lost nationality prior to January 1, 1948, through the naturalization in a foreign state of a parent or parents, may, within one year from the effective date of this Act, apply for a visa and for admission to the United States as a nonquota immigrant under the provisions of section 101 (a) (27) (E); or

"(2) taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof; or

"(3) entering, or serving in, the armed forces of a foreign state unless, prior to such entry or service, such entry or service is specifically authorized in writing by the Secretary of State and the Secretary of Defense: *Provided,* That the entry into such service by a person prior to the attainment of his eighteenth birthday shall serve to expatriate such person only if there exists an option to secure a release from such service and such person fails to exercise such option at the attainment of his eighteenth birthday; or

"(4) (A) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, if he has or acquires the nationality of such foreign state; or (B) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, for which office, post, or employment an oath, affirmation, or declaration of allegiance is required; or

"(5) voting in a political election in a foreign state or participating in an election or plebiscite to determine the sovereignty over foreign territory; or

"(6) making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State; or

"(7) making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense; or

"(8) deserting the military, air, or naval forces of the United States in time of war, if and when he is convicted thereof by court martial and as the result of such conviction is dismissed or dishonorably discharged from the service of such military, air, or naval forces: *Provided,* That, notwithstanding loss of nationality or citizenship under the terms of this or previous laws by reason of desertion committed in time of war, restoration to active duty with such military, air, or naval forces in time of war or the reenlistment or induction of such a person in time of war with permission of competent military, air, or naval authority shall be deemed to have the immediate effect of restoring such nationality or citizenship heretofore or hereafter so lost; or

"(9) committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction; or

"(10) departing from or remaining outside of the jurisdiction of the United States in time of war or during a period declared by the President to be a period of national emergency for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States. For the purposes of this paragraph failure to comply with any provision of any compulsory service laws of the United States shall raise the presumption that the departure from or absence from the United States was for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States.

"(b) Any person who commits or performs any act specified in subsection (a) shall be conclusively presumed to have done so voluntarily and without having been subjected to duress of any kind, if such person at the time of the act was a national of the state in which the act was performed and had been physically present in such state for a period or periods totaling ten years or more immediately prior to such act.

"Dual nationals; divestiture of nationality

"SEC. 350. A person who acquired at birth the nationality of the United States and of a foreign state and who has voluntarily sought or claimed benefits of the nationality of any foreign state shall lose his United States nationality by hereafter having a continuous residence for three years in the foreign state of which he is a national by birth at any time after attaining the age of twenty-two years unless he shall—

"(1) prior to the expiration of such three-year period, take an oath of allegiance to the United States before a United States diplomatic or consular officer in a manner prescribed by the Secretary of State; and

"(2) have his residence outside of the United States solely for one of the reasons set forth in paragraph (1), (2), (4), (5), (6), (7), or (8) of section 353, or paragraph (1) or (2) of section 354 of this title: *Provided, however,* That nothing contained in this section shall deprive any person of his United States nationality if his foreign residence shall begin after he shall have attained the age of sixty years and shall have had his residence in the United States for twenty-five years after having attained the age of eighteen years.

"Restrictions on expatriation

"SEC. 351. (a) Except as provided in paragraphs (7), (8), and (9) of section 349 of this title, no national of the United States can expatriate himself, or be expatriated, under this Act while within the United States or any of its outlying possessions, but expatriation shall result from the performance within the United States or any of its outlying possessions of any of the acts or the fulfillment of any of the conditions specified in this chapter if and when the national thereafter takes up a residence outside the United States and its outlying possessions.

"(b) A national who within six months after attaining the age of eighteen years asserts his claim to United States nationality, in such manner as the Secretary of State shall by regulation prescribe, shall not be deemed to have expatriated himself by the commission, prior to his eighteenth birthday, of any of the acts specified in paragraphs (2), (4), (5), and (6) of section 349 (a) of this title.

"Loss of nationality by naturalized national

"SEC. 352. (a) A person who has become a national by naturalization shall lose his nationality by—

"(1) having a continuous residence for three years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, except as provided in section 353 of this title, whether such residence commenced before or after the effective date of this Act;

"(2) having a continuous residence for five years in any other foreign state or states except as provided in sections 353 and 354 of this title, whether such residence commenced before or after the effective date of this Act.

"(b) (1) For the purpose of paragraph (1) of subsection (a) of this section, the time during which the person had his residence abroad solely or principally for a reason or purpose within the scope of any provision of section 353 shall not be counted in computing quantum of residence.

"(2) For the purpose of paragraph (2) of subsection (a) of this section, the time during which the person had his residence abroad solely or principally for a reason or purpose within the scope of any provision of sections 353 and 354 shall not be counted in computing quantum of residence.

"Section 352 not effective as to certain persons

"SEC. 353. Section 352 (a) shall have no application to a national who—

"(1) has his residence abroad in the employment of the Government of the United States; or

"(2) is receiving compensation from the Government of the United States and has his residence abroad on account of disability incurred in its service; or

"(3) shall have had his residence in the United States for not less than twenty-five years subsequent to his naturalization and shall have attained the age of sixty years when the foreign residence is established; or

"(4) had his residence abroad on October 14, 1940, and temporarily has his residence abroad, or who thereafter has gone or goes abroad and temporarily has his residence abroad, solely or principally to represent a bona fide American educational, scientific, philanthropic, commercial, financial, or business organization, having its principal office or place of business in the United States, or a bona fide religious organization having an office and representative in the United States, or an international agency of an official character in which the United States participates, for which he receives a substantial compensation; or

"(5) has his residence abroad and is prevented from returning to the United States exclusively (A) by his own ill health; or (B) by the ill health of his parent, spouse, or child who cannot be brought to the United States, whose condition requires his personal care and attendance: *Provided,* That in such case the person having his residence abroad shall, at least every six months, register at the appropriate Foreign Service office and submit evidence satisfactory to the Secretary of State that his case continues to meet the requirements of this subparagraph; or (C) by reason of the death of his parent, spouse, or child: *Provided,* That in the case of the death of such parent, spouse, or child the person having his residence abroad shall return to the United States within six months after the death of such relative; or

"(6) has his residence abroad for the purpose of pursuing a full course of study of a specialized character or attending full-time an institution of learning of a grade above that of a preparatory school: *Provided,* That such residence does not exceed five years; or

"(7) is the spouse or child of an American citizen, and who has his residence abroad for the purpose of being with his American citizen spouse or parent who has his residence abroad for one of the objects or causes specified in paragraph (1), (2), (3), (4), (5), or (6) of this section, or paragraph (2) of section 354 of this title; or

"(8) is the spouse or child of an American national by birth who while under the age of twenty-one years had his residence in the United States for a period or periods totaling ten years, and has his residence abroad for the purpose of being with said spouse or parent; or

"(9) was born in the United States or one of its outlying possessions, who originally had American nationality and who, after having lost such nationality through marriage to an alien, reacquired it; or

"(10) has, by Act of Congress or by treaty, United States nationality solely by reason of former nationality and birth or residence in an area outside the continental United States: *Provided,* That subsections (b) and (c) of section 404 of the Nationality Act of 1940, as amended (8 U. S. C. 804 (b) and (c)), shall not be held to be or to have been applicable to persons defined in this paragraph.

"Section 352 (a) (2) not applicable as to certain persons

"SEC. 354. Section 352 (a) (2) of this title shall have no application to a national—

"(1) who is a veteran of the Spanish-American War, World War I, or World War II, and the spouse, children, and dependent parents of such veteran whether such residence in the territory of a foreign state or states commenced before or after the effective date of this Act: *Provided,* That any such veteran who upon the date of the enactment of this Act has had his residence continuously in the territory of a foreign state of which he was formerly a national, or in which the place of his birth is situated for three years or more, and who has retained his United States nationality solely by reason of the provisions of section 406 (h) of the Nationality Act of 1940, shall not be subject to the provisions or requirements of section 352 (a) (1) of this title: *Provided further,* That the provisions of section 404 (c) of the Nationality Act of 1940, as amended, shall not be held to be or to have been applicable to veterans of World War II;

"(2) who has established to the satisfaction of the Secretary of State, as evidenced by possession of a valid unexpired United States passport or other valid document issued by the Secretary of State, that his residence is temporarily outside of the United States for the purpose of (A) carrying on a commercial enterprise which in the opinion of the Secretary of State will directly and substantially benefit American trade or commerce; or (B) carrying on scientific research on behalf of an institution accredited by the Secretary of State and engaged in research which in the opinion of the Secretary of State is directly and substantially beneficial to the interests of the United States; or (C) engaging in such work or activities, under such unique or unusual circumstances, as may be determined by the Secretary of State to be directly and substantially beneficial to the interests of the United States;

"(3) who is the widow or widower of a citizen of the United States and who has attained the age of sixty years, and who has had a residence outside of the United States and its outlying possessions for a period of not less than ten years during all of which period a marriage relationship has existed with a spouse who has had a residence outside of the United States and its outlying possessions in an occupation or capacity of the type designated in paragraphs (1), (2), (3), (4), or (5) (A) of section 353, or paragraphs (1), (2), or (4) of this section;

"(4) who has attained the age of sixty years, and has had a residence outside of the United States and its outlying possessions for not less than ten years, during all of which period he has been engaged in an occupation of the type designated in paragraphs (1), (2), or (4) of section 353, or paragraph (2) of this section, and who is in bona fide retirement from such occupation; or

"(5) who shall have had his residence in the United States for not less than twenty-five years subsequent to his naturalization and prior to the establishment of his foreign residence.

"Loss of American nationality through parent's expatriation; not effective until person attains age of twenty-five years

"SEC. 355. A person having United States nationality, who is under the age of twenty-one and whose residence is in a foreign state with or under the legal custody of a parent who hereafter loses United States nationality under section 350 or 352 of this title, shall also lose his United States nationality if such person has or acquires the nationality of such foreign state: *Provided,* That, in such case, United States nationality shall not be lost as the result of loss of United States nationality by the parent unless and until the person attains the age of twenty-five years without having established his residence in the United States.

"Nationality lost solely from performance of acts or fulfillment of conditions

"SEC. 356. The loss of nationality under this chapter shall result solely from the performance by a national of the acts or fulfillment of the conditions specified in this chapter.

"Application of treaties; exceptions

"SEC. 357. Nothing in this title shall be applied in contravention of the provisions of any treaty or convention to which the United States is a party and which has been ratified by the Senate upon the effective date of this title: *Provided, however,* That no woman who was a national of the United States shall be deemed to have lost her nationality solely by reason of her marriage to an alien on or after September 22, 1922, or to an alien racially ineligible to citizenship on or after March 3, 1931, or, in the case of a woman who was a United States citizen at birth, through residence abroad following such marriage, notwithstanding the provisions of any existing treaty or convention.

"CHAPTER 4—MISCELLANEOUS

"Certificate of diplomatic or consular officer of the United States as to loss of American nationality under chapter IV Nationality Act of 1940, or under chapter 3 of this title

"SEC. 358. Whenever a diplomatic or consular officer of the United States has reason to believe that a person while in a foreign state has lost his United States nationality under any provision of chapter 3 of this title, or under any provision of chapter IV of the Nationality Act of 1940, as amended, he shall certify the facts upon which such belief is based to the Department of State, in writing, under regulations prescribed by the Secretary of State. If the report of the diplomatic or consular officer is approved by the Secretary of State, a copy of the certificate shall be forwarded to the Attorney General, for his information, and the diplomatic or consular office in which the report was made shall be directed to forward a copy of the certificate to the person to whom it relates.

"Certificate of nationality to be issued by the Secretary of State for a person not a naturalized citizen of the United States for use in proceedings of a foreign state

"SEC. 359. The Secretary of State is hereby authorized to issue, in his discretion and in accordance with rules and regulations prescribed by him, a certificate of nationality for any person not a naturalized citizen of the United States who presents satisfactory evidence that he is an American national and that such certificate is needed for use in judicial or administrative proceedings in a foreign state. Such certificate shall be solely for use in the case for which it was issued and shall be transmitted by the Secretary of State through appropriate official channels to the judicial or administrative officers of the foreign state in which it is to be used.

"Proceedings for declaration of United States nationality in the event of denial of rights and privileges as national

"SEC. 360. (a) If any person who is within the United States claims a right or privilege as a national of the United States and is denied such right or privilege by any department or independent agency, or official thereof, upon the ground that he is not a national of the United States, such person may institute an action under the provisions of section 2201 of title 28, United States Code, against the head of such department or independent agency for a judgment declaring him to be a national of the United States, except that no such action may be instituted in any case if the issue of such person's status as a national of the United States (1) arose by reason of, or in connection with any exclusion proceeding under the provisions of this or any other act, or (2) is in issue in any such exclusion proceeding. An action under this subsection may be instituted only within five years after the final administrative denial of such right or privilege and shall be filed in the district court of the United States for the district in which such person resides or claims a residence, and jurisdiction over such officials in such cases is hereby conferred upon those courts.

"(b) If any person who is not within the United States claims a right or privilege as a national of the United States and is denied such right or privilege by any department or independent agency, or official thereof, upon the ground that he is not a national of the United States, such person may make application to a diplomatic or consular officer of the United States in the foreign country in which he is residing for a certificate of identity for the purpose of traveling to a port of entry in the United States and applying for admission. Upon proof to the satisfaction of such diplomatic or consular officer that such application is made in good faith and has a substantial basis, he shall issue to such person a certificate of identity. From any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing his reasons for his decision. The Secretary of State shall prescribe rules and regulations for the issuance of certificates of identity as above provided. The provisions of this subsection shall be applicable only to a person who at some time prior to his application for the certificate of identity has been physically present in the United States, or to a person under sixteen years of age who was born abroad of a United States citizen parent.

"(c) A person who has been issued a certificate of identity under the provisions of subsection (b), and while in possession thereof, may apply for admission to the United States at any port of entry, and shall be subject to all the provisions of this Act relating to the conduct of proceedings involving aliens seeking admission to the United States. A final determination by the Attorney General that any such person is not entitled to admission to the United States shall be subject to review by any court of competent jurisdiction in habeas corpus proceedings and not otherwise. Any person described in this section who is finally excluded from admission to the United States shall be subject to all the provisions of this Act relating to aliens seeking admission to the United States.

"TITLE IV—MISCELLANEOUS

"JOINT CONGRESSIONAL COMMITTEE

"SEC. 401. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on Immigration and Nationality Policy (hereinafter referred to as the 'Committee') to be composed of ten members as follows: (1) five members who are members of the Committee on the Judiciary of the Senate, three from the majority and two from the minority party to be appointed by the President of the Senate; and (2) five members who are members of the Committee on the Judiciary of the House of Representatives, three from the majority and two from the minority party to be appointed by the Speaker of the House of Representatives.

"(b) No person shall continue to serve as a member of the Committee after he has ceased to be a member of the Committee on the Judiciary of either the Senate or the House of Representatives.

"(c) A vacancy in the membership of the Committee shall be filled in the same manner as the original selection and the Committee shall elect a Chairman from among its members.

"(d) It shall be the function of the Committee to make a continuous study of (1) the administration of this Act and its effect on the national security, the economy, and the social welfare of the United States, and (2) such conditions within or without the United States which in the opinion of the Committee might have any bearing on the immigration and nationality policy of the United States.

"(e) The Committee shall make from time to time a report to the Senate and the House of Representatives concerning the results of its studies together with such recommendations as it may deem desirable.

"(f) The Secretary of State and the Attorney General shall without delay submit to the Committee all regulations, instructions, and all other information as requested by the Committee relative to the administration of this Act; and the Secretary of State and the Attorney General shall consult with the Committee from time to time with respect to their activities under this Act.

"(g) The Committee or any duly authorized Subcommittee thereof is authorized to hold such hearings; to sit and act at such times and places; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; to take such testimony; to procure such printing and binding as it deems advisable. The provisions of sections 102 and 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witnesses to comply with any subpena or to testify when summoned under the authority of this Act.

"(h) The members of the Committee shall serve without compensation in addition to that received for their services as Members of Congress but they shall be reimbursed for travel, subsistence, and other expenses incurred by them in the performance of the duties vested in the Committee other than expenses in connection with meetings of the Committee held in the District of Columbia during such times as the Congress is in session.

"(i) The Committee is authorized, without regard to the civil service laws or the Classification Act of 1949, to appoint and fix the compensation of such clerks, experts, consultants, and clerical and stenographic assistants as it deems necessary and advisable. The Committee is authorized to reimburse the members of its staff for travel, subsistence, and the other necessary expenses incurred by them in the performance of the duties vested in the Committee other than expenses in connection with meetings of the Committee held in the District of Columbia during such times as the Congress is in session. The chairman of the Committee on the Judiciary of the Senate and the chairman of the Committee on the Judiciary of the House of Representatives may assign members of the staff of the said committees to serve on the staff of the Committee, without additional compensation, except for the reimbursement of expenses incurred by such staff members as prescribed in this subsection.

"(j) The expenses of the Committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the Chairman of the Committee or by any member of the Committee duly authorized by the Chairman.

"(k) This section shall take effect on the date of the enactment of this Act.

"Amendments to other laws

"SEC. 402. (a) Section 1546 of title 18 of the United States Code is amended to read as follows:

"'§ 1546. Fraud and misuse of visas, permits, and other entry documents

"'Whoever, knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, or other document required for entry into the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, or document, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or

" 'Whoever, except under direction of the Attorney General or the Commissioner of the Immigration and Naturalization Service, or other proper officer, knowingly possesses any blank permit, or engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, or makes any print, photograph, or impression in the likeness of any immigrant or nonimmigrant visa, permit or other document required for entry into the United States, or has in his possession a distinctive paper which has been adopted by the Attorney General or the Commissioner of the Immigration and Naturalization Service for the printing of such visas, permits, or documents; or

" 'Whoever, when applying for an immigrant or nonimmigrant visa, permit, or other document required for entry into the United States, or for admission to the United States personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name without disclosing his true identity, or sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, such visa, permit, or other document, to any person not authorized by law to receive such document; or

" 'Whoever knowingly makes under oath any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement—

" 'Shall be fined not more than $2,000 or imprisoned not more than five years, or both.'

"(b) Chapter 69 of title 18, United States Code, is amended by adding after section 1428 the following new section:

" 'SEC. 1429. Penalties for neglect or refusal to answer subpena.

" 'Any person who has been subpenaed under the provisions of subsection (e) of section 336 of the Immigration and Nationality Act to appear at the final hearing of a petition for naturalization, and who shall neglect or refuse to so appear and to testify, if in the power of such person to do so, shall be fined not more than $5,000 or imprisoned not more than five years, or both.'

"(c) Section 1114 of title 18, United States Code, is amended by deleting the language 'any immigrant inspector or any immigration patrol inspector' and by substituting therefor the language 'any immigration officer.'

"(d) Subsection (c) of section 8 of the Act of June 8, 1938 (52 Stat. 631; 22 U. S. C. 611–621), entitled 'An Act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes', as amended, is hereby further amended by deleting the language 'sections 19 and 20 of the Immigration Act of 1917 (39 Stat. 889, 890), as amended.' and by substituting therefor the language 'sections 241, 242, and 243 of the Immigration and Nationality Act.'

"(e) Section 4 of the Act of June 30, 1950 (Public Law 597, Eighty-first Congress, second session), entitled 'An Act to provide for the enlistment of aliens in the regular army' is amended to read as follows:

" 'SEC. 4. Notwithstanding the dates or periods of service specified and designated in section 329 of the Immigration and Nationality Act, the provisions of that section are applicable to aliens enlisted or reenlisted pursuant to the provisions of this Act and who have completed five or more years of military service, if honorably discharged therefrom. Any alien enlisted or reenlisted pursuant to the provisions of this Act who subsequently enters the United States, American Samoa, Swains Island, or the Canal Zone, pursuant to military orders shall, if otherwise qualified for citizenship, and after completion of five or more years of military service, if honorably discharged therefrom, be deemed to have been lawfully admitted to the United States for permanent residence within the meaning of such section 329 (a).'

"(f) Section 201 of the Act of January 27, 1948 (Public Law 402, Eightieth Congress, second session, 62 Stat. 6) entitled 'An Act to promote the better understanding of the United States among the peoples of the world and to strengthen cooperative international relations' is amended to read as follows:

" 'SEC. 201. The Secretary is authorized to provide for interchanges on a reciprocal basis between the United States and other countries of students, trainees, teachers, guest instructors, professors, and leaders in fields of specialized knowledge or skill and shall wherever possible provide these interchanges by using the services of existing reputable agencies which are successfully engaged in such activity. The Secretary may provide for orientation courses and other appropriate services for such persons from other countries upon their arrival in the United States, and for such persons going to other countries from the United States. When any country fails or refuses to cooperate in such program on a basis of reciprocity the Secretary shall terminate or limit such program, with respect to such country, to the extent he deems to be advisable in the interests of the United States. The persons specified in this section shall be admitted as nonimmigrants under section 101 (a) (15) of the Immigration and Nationality Act, for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General. A person admitted under this section who fails to maintain the status under which he was admitted or who fails to depart from the United States at the expiration of the time for which he was admitted, or who engages in activities of a political nature detrimental to the interests of the United States, or in activities not consistent with the security of the United States, shall, upon the warrant of the Attorney General, be taken into custody and promptly deported pursuant to sections 241, 242, and 243 of the Immigration and Nationality Act. Deportation proceedings under this section shall be summary and the findings of the Attorney General as to matters of fact shall be conclusive. Such persons shall not be eligible for suspension of deportation under section 244 of the Immigration and Nationality Act.'

"(g) Paragraph 7 of section 1 of the Act of February 4, 1887, as amended (24 Stat. 379; 54 Stat. 899; 62 Stat. 602; 49 U. S. C. 1 (7)), is further amended by deleting the words 'immigration inspectors' and by substituting therefor the words 'immigration officers'.

"(h) (1) The first sentence of subsection (c) of section 3 of the Act of June 25, 1948, as amended (62 Stat. 1009; 64 Stat. 219), is amended by deleting therefrom the language 'from the immigration quota for the country of the alien's nationality as defined in section 12 of the Immigration Act of May 26, 1924 (8 U. S. C. 212)' and by substituting therefor the language 'from the annual quota to which an immigrant is chargeable as provided in section 202 of the Immigration and Nationality Act,'.

"(2) The second proviso to subsection (c) of section 3 of the Act of June 25, 1948, as amended (62 Stat. 1009; 64 Stat. 219), is amended by deleting the language 'as defined in section 6 of the Act of May 26, 1924, as amended (8 U. S. C. 206),' and by substituting therefor 'as provided in section 203 (a) (4) of the Immigration and Nationality Act,'.

"(3) The proviso to section 4 (a) of the Act of June 25, 1948, as amended, is amended by deleting the language 'the immigration quota of the country of the alien's nationality as defined in section 12 of the Immigration Act of May 26, 1924,' and by substituting therefor the language 'the annual quota to which an immigrant is chargeable as provided in section 202 of the Immigration and Nationality Act,'.

"(4) Section 5 of the Act of June 25, 1948, as amended (62 Stat. 1009; Public Law 60, Eighty-second Congress), is amended to read as follows:

" 'SEC. 5. The quota to which an alien is chargeable for the purposes of this Act shall be determined in accordance with the provisions of section 202 of the Immigration and Nationality Act and no eligible displaced person shall be issued an immigrant visa if he is known or believed by the consular officer to be subject to exclusion from the United States under any provision of the immigration laws, with the exception of section 212 (a) (14) of the Immigration and Nationality Act; and all eligible displaced persons, eligible displaced orphans and orphans under section 2 (f) shall be exempt from paying visa fees and head taxes.'

"(5) Section 6 of the Act of June 25, 1948, as amended (62 Stat. 1009; 64 Stat. 219), is further amended by deleting the language 'section 6 of the Immigration Act of 1924, as amended (8 U. S. C. 206),' and by substituting therefor the language 'section 203 of the Immigration and Nationality Act,'. The last sentence of section 6 of the Act of June 25, 1948, is amended by deleting the language 'sections 19 and 20 of the Immigration Act of February 5, 1917, as amended.' and by substituting therefor the language 'section 241, 242, and 243 of the Immigration and Nationality Act.'

"(6) The first sentence of subsection (a) of section 12 of the Act of June 25, 1948, as amended (62 Stat. 1009; 64 Stat. 219), is amended by deleting the language 'section 12 of the Act of May 26, 1924, as amended,' and by substituting therefor the language 'section 202 of the Immigration and Nationality Act,'. Subsection (b) of section 12 of the Act of June 25, 1948, as amended (62 Stat. 1009; 64 Stat. 219), is amended by deleting the language 'section 11 (f) of the Immigration Act of May 26, 1924 (8 U. S. C. 211),' and by substituting therefor the language 'section 201 of the Immigration and Nationality Act,'. Subsection (b) of section 12 of the Act of June 25, 1948, as amended, is amended by deleting the language 'from the immigration quota of the country of nationality of the person who receives the visa as defined in section 12 of the Immigration Act of May 26, 1924 (8 U. S. C. 212)' and by substituting therefor the language 'from the annual quota to which the person who receives the visa is chargeable as provided in section 202 of the Immigration and Nationality Act'. The last sentence of subsection (c) of section 12 of the Act of June 25, 1948, as amended, is further amended to read as follows:

" 'Those provisions of section 5 of this Act which relate to section 212 (a) (14) of the Immigration and Nationality Act shall be applicable to persons whose admission is authorized under the provisions of this section.'

"(i) (1) Section 1 of the Act of March 2, 1931 (46 Stat. 1467; 8 U. S. C. 109a), is amended by deleting the word 'inspectors' and by substituting therefor the words 'immigration officers'.

"(2) The Act of August 22, 1940 (54 Stat. 858; 8 U. S. C. 109c), is amended by deleting the word 'inspectors' and by substituting therefor the words 'immigration officers'.

"(j) Public Law 114, Eighty-second Congress, first session, is hereby amended to read as follows:

" 'That a person who, while a citizen of the United States, has lost citizenship of the United States solely by reason of having voted in a political election or plebiscite held in Italy between January 1, 1946, and April 18, 1948, inclusive, and who has not subsequent to such voting committed any act which, had he remained a citizen, would have operated to expatriate him, may be naturalized by taking, prior to two years from the enactment of this Act, before any naturalization court specified in subsection (a) of section 310 of the Immigration and Nationality Act, or before any diplomatc or consular officer of the United States abroad, the oath required by section 337 of the Immigration and Nationality Act. Certified copies of such oath shall be sent by such diplomatic or consular officer or such court to the Department of State and to the Department of Justice. Such person shall have, from and after naturalization under this section, the same citizenship status as that which existed immediately prior to its loss: *Provided*, That no such person shall be eligible to take the oath required by section 337 of the Immigration and Nationality Act unless he shall first take an oath before any naturalization court specified in subsection (a) of section 310 of the Immigration and Nationality Act, or before any diplomatic or consular officer of the United States abroad, that he has done nothing to promote the cause of communism. The illegal or fraudulent procurement of naturalization under this amendment shall be subject to cancellation in the same manner as provided in section 340 of the Immigration and Nationality Act.

" 'SEC. 2. The Act of August 7, 1946 (Public Law 614; 60 Stat. 866), is hereby repealed.'

"Laws repealed

"SEC. 403. (a) The following Acts and all amendments thereto and parts of Acts and all amendments thereto are repealed:

"(1) Section 2164 of the Revised Statutes (8 U. S. C. 135);

"(2) Act of February 26, 1885 (23 Stat. 332);

"(3) Second paragraph under the heading 'Treasury Department' in Act of October 19, 1888 (25 Stat. 567; 8 U. S. C. 140);

"(4) Second and fourth sentences of section 7 of the Act of March 3, 1891 (26 Stat. 1085; 8 U. S. C. 101);

"(5) Section 8 of Act of March 3, 1893 (27 Stat. 570; 8 U. S. C. 172);

"(6) The last paragraph of section 10 of Act of April 30, 1900 (31 Stat. 143; 48 U. S. C. 504);

"(7) Section 3 of Act of April 29, 1902 (32 Stat. 177);

"(8) The proviso to the paragraph headed 'Bureau of Immigration' under caption 'Department of Commerce and Labor' in Act of February 3, 1905 (33 Stat. 684);

"(9) The proviso to the paragraph headed 'Enforcement of Chinese Exclusion Act' under caption 'Department of Commerce and Labor' in Act of March 3, 1905 (33 Stat. 1182);

"(10) Section 2 (e) of Act of February 9 1909 (35 Stat. 614; 42 Stat. 596; 21 U. S. C. 175);

"(11) The last proviso to the first paragraph headed 'Expenses of Regulating Immigration' under caption 'Department of Commerce and Labor' in the Act of March 4, 1909 (35 Stat. 982; 8 U. S. C. 133);

"(12) The proviso to the first paragraph headed 'Immigration Service' under caption 'Department of Commerce and Labor' in the Act of March 4, 1911 (36 Stat. 1442);

"(13) Act of February 5, 1917 (39 Stat. 874);

"(14) Section 5b of Act of March 2, 1917 (39 Stat. 951; 48 Stat. 1245; 48 U. S. C. 733a–1);

"(15) Act of May 22, 1918 (40 Stat. 559; 22 U. S. C. 223–226b);

"(16) Act of October 16, 1918 (40 Stat. 1012; 8 U. S. C. 137);

"(17) Joint resolution of October 19, 1918 (40 Stat. 1014);

"(18) Act of May 10, 1920 (41 Stat. 593; 8 U. S. C. 157);

"(19) Act of December 20, 1920 (41 Stat. 1082; 8 U. S. C. 170);

"(20) The proviso to the paragraph headed 'Expenses, Passport Control Act' in the Act of March 2, 1921 (41 Stat. 1217; 22 U. S. C. 227);

"(21) Act of May 19, 1921 (42 Stat. 5);

"(22) Joint resolution of December 27, 1922 (42 Stat. 1065);

"(23) Act of May 26, 1924 (43 Stat. 153);

"(24) Act of February 25, 1925 (43 Stat. 976; 8 U. S. C. 202 (f));

"(25) The last proviso to the paragraph headed 'Bureau of Immigration' in title IV of the Act of February 27, 1925 (43 Stat. 1049; 8 U. S. C. 110);

"(26) Section 7 (d) of the Act of May 20, 1926 (44 Stat. 572; 49 U. S. C. 177 (d));

"(27) Act of May 26, 1926 (44 Stat. 657; 8 U. S. C. 231);

"(28) Act of May 26, 1926 (44 Stat. 654; 8 U. S. C. 241–246);

"(29) Act of April 2, 1928 (45 Stat 401; 8 U. S. C. 226a);

"(30) Act of March 4, 1929 (45 Stat. 1551; 8 U. S. C. 180–180d);

"(31) Act of February 18, 1931 (46 Stat. 1171; 8 U. S. C. 156a);

"(32) Act of March 17, 1932 (47 Stat. 67; 8 U. S. C. 137b–d);

"(33) Section 7 of Act of May 25, 1932, (47 Stat. 166; 8 U. S. C. 181);

"(34) Act of July 2, 1932 (47 Stat. 571; 8 U. S. C. 368b);

"(35) Sections 8 and 14 of the Act of March 24, 1934, as amended (48 Stat. 462; 48 U. S. C. 1238; 48 Stat. 464; 48 U. S. C. 1244);

"(36) Section 3 of the Act of May 14, 1937 (50 Stat. 165; 8 U. S. C. 213a);

"(37) Act of August 19, 1937 (50 Stat. 696, ch. 698);

"(38) Act of July 27, 1939 (53 Stat. 1133; 48 U. S. C. 1251–1257);

"(39) Title III of Act of June 28, 1940 (54 Stat. 673; 8 U. S. C. 451–460);

"(40) Act of July 2, 1940 (54 Stat, 715–716);

"(41) Section 2 of Act of August 16, 1940 (54 Stat. 788);

"(42) Act of October 14, 1940 (54 Stat. 1137);

"(43) Act of June 20, 1941 (55 Stat. 252; 22 U. S. C. 228, 229);

"(44) Section 2 of Act of December 17, 1943 (57 Stat. 601; 8 U. S. C. 212a);

"(45) Sections 4 and 5 of Act of July 2, 1946 (60 Stat. 417; 8 U. S. C. 212b, 212c);

"(46) Section 5 of the Act of May 31, 1947 (61 Stat. 122; 8 U. S. C. 732a);

"(47) The paragraph headed 'General provisions—Department of Justice' in Chapter III of the Supplemental Appropriation Act, 1951 (Public Law 843, Eighty-first Congress);

"(48) The Act of March 28, 1951 (Public Law 14, Eighty-second Congress, first session).

"(b) Except as otherwise provided in section 405, all other laws, or parts of laws, in conflict or inconsistent with this Act are, to the extent of such conflict or inconsistency, repealed.

"Authorization of appropriations

"SEC. 404. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

"Savings clauses

"SEC. 405. (a) Nothing contained in this Act, unless otherwise specifically provided therein, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certificate of citizenship, warrant of arrest, order or warrant of deportation, order of exclusion, or other document or proceeding which shall be valid at the time this Act shall take effect; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any status, condition, right in process of acquisition, act, thing, liability, obligation, or matter, civil or criminal, done or existing, at the time this Act shall take effect; but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters the statutes or parts of statutes repealed by this Act are, unless otherwise specifically provided therein, hereby continued in force and effect. When an immigrant, in possession of an unexpired immigrant visa issued prior to the effective date of this Act, makes application for admission, his admissibility shall be determined under the provisions of law in effect on the date of the issuance of such visa. An application for suspension of deportation under section 19 of the Immigration Act of 1917, as amended, or for adjustment of status under section 4 of the Displaced Persons Act of 1948, as amended, which is pending on the date of enactment of this Act, shall be regarded as a proceeding within the meaning of this subsection.

"(b) Except as otherwise specifically provided in title III, any petition for naturalization heretofore filed which may be pending at the time this Act shall take effect shall be heard and determined in accordance with the requirements of law in effect when such petition was filed.

"(c) Except as otherwise specifically provided in this Act, the repeal of any statute by this Act shall not terminate nationality heretofore lawfully acquired nor restore nationality heretofore lost under any law of the United States or any treaty to which the United States may have been a party.

"(d) Except as otherwise specifically provided in this Act, or any amendment thereto, fees, charges and prices for purposes specified in title V of the Independent Offices Appropriation Act, 1952 (Public Law 137, Eighty-second Congress, approved August 31, 1951), may be fixed and established in the manner and by the head of any Federal Agency as specified in that Act.

"(e) This Act shall not be construed to repeal, alter, or amend section 231 (a) of the Act of April 30, 1946 (60 Stat. 148; 22 U. S. C. 1281a), the Act of June 20, 1949 (Public Law 110, section 8, Eighty-first Congress, first session; 63 Stat. 208), the Act of June 5, 1950 (Public Law 535, Eighty-first Congress, second session), nor title V of the Agricultural Act of 1949, as amended (Public Law 78, Eighty-second Congress, first session).

"Separability

"SEC. 406. If any particular provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

"Effective date

"SEC. 407. Except as provided in subsection (k) of section 401, this Act shall take effect

at 12:01 antemeridian United States Eastern Standard Time on the one hundred eightieth day immediately following the date of its enactment."

And the Senate agree to the same.

PAT MCCARRAN,
JAMES O. EASTLAND,
HERBERT R. O'CONOR,
WILLIS SMITH,
HOMER FERGUSON,
ALEXANDER WILEY,
WILLIAM E. JENNER,
Managers on the Part of the Senate.

FRANCIS E. WALTER,
FRANK L. CHELF,
J. FRANK WILSON,
LOUIS E. GRAHAM,
CLIFFORD P. CASE,
RUTH THOMPSON,
Managers on the Part of the House.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5678) to revise the laws relating to immigration, naturalization, and nationality; and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

In attempting to reconcile and compose the differences between the House and the Senate versions of H. R. 5678, the conferees have exerted every effort to perfect and refine the language of this necessarily complicated and involved legislative measure. The conferees have approached this task with particular care and in full realization of the fact that much of the criticism directed at this legislation from various quarters was based on misconstruction of its language by resorting to the use of quotations taken out of context and without reference to the intricate interplay of the many provisions of this bill.

The conferees believe that the final version of this legislation would preclude any strained construction which would distort its general purpose and its particular provisions.

In order to further clarify legislative intentions, the conferees have agreed to express in their respective statements certain of their unanimously held opinions, trusting that such statements will facilitate the task of the executive agencies charged with the administration of the proposed law.

(1) The provisions of both bills which provide for deportation of aliens who are convicted in the United States of certain criminal offenses have been unfortunately subjected to a misconstruction, distorting the true purpose of these provisions. In composing the differences between the Senate and the House versions, the conferees have refined the language so as to make it emphatically clear that the Attorney General may not (as has been erroneously charged) capriciously deport an alien solely on the basis of inconsequential, unwitting infraction of the law.

(2) Having extensively considered the problem of judicial review, the conferees are satisfied that procedures provided in the bill, adapted to the necessities of national security and the protection of economic and social welfare of the citizens of this country, remain within the framework and the pattern of the Administrative Procedure Act. The safeguard of judicial procedure is afforded the alien in both exclusion and deportation proceedings.

(3) In order to remove any fear that under the provisions of the bill certain religious, racial, or political persecutees would be arbitrarily excluded from admission to or deported from the United States, the conferees desire to make a few clarifying statements. Regarding the sections of the bill which provide for the exclusion of aliens convicted of two or more offenses, other than purely political offenses, it is the opinion of the conferees that those convictions which were obviously based on trumped-up charges or predicated upon repressive measures against racial, religious or political minorities, should be regarded as purely political in nature and should not result in the exclusion of the alien.

It is also the opinion of the conferees that the sections of the bill which provide for the exclusion of aliens who obtained travel documents by fraud or by willfully misrepresenting a material fact, should not serve to exclude or to deport certain bona fide refugees who in fear of being forcibly repatriated to their former homelands misrepresented their place of birth when applying for a visa and such misrepresentation did not have as its basis the desire to evade the quota provisions of the law or an investigation in the place of their former residence. The conferees wish to emphasize that in applying fair humanitarian standards in the administrative adjudication of such cases, every effort is to be made to prevent the evasion of law by fraud and to protect the interest of the United States.

In addition to perfecting and conforming changes, the legislation as recommended by the conferees, contains the following provisions which vary from the provisions of either the Senate or House versions of the bill:

(1) The Senate bill contained a provision which set minimum standards of "good moral character" to be applied where that expression is used in the bill. These standards were not included in the House bill. The conferees agreed to accept the Senate provision.

(2) The House bill contained a provision whereby persons of oriental stock who are the spouses or children of certain aliens may have their quota charge made in such a manner as to facilitate their entry into the United States and thus preclude the separation of families. This provision was not contained in the Senate bill. The conferees agreed to retain the provision of the House bill applicable to children.

(3) The Senate bill removed the 10 percent limitation which exists under the present law on the issuance of quota visas during the last 2 months of any fiscal year. This provision was not contained in the House bill. The conferees agreed to accept the Senate provision.

(4) The Senate bill contained a provision exempting certain relatives of citizens from literacy requirements for admission into the United States. This provision was not contained in the House bill. The conferees agreed to accept the Senate provision.

(5) The Senate bill precluded the continuation of the practice of preexamination whereby certain aliens in the United States were authorized to proceed to Canada for the purpose of adjusting their immigration status. The theory of the Senate bill was that the preexamination system was cumbersome, obsolete, and, as practiced, contained certain loopholes for the admission for permanent residence of undersirable aliens. A similar but not identical provision was contained in the House bill. The conferees agreed to retain the prohibition against preexamination, but modified other provisions of the legislation so that special classes of aliens lawfully in the United States in a temporary status may, under prescribed conditions, have their status adjusted to that of permanent residents without the necessity of leaving the United States.

(6) The Senate version of the bill excluded from admission to the United States aliens convicted of two or more offenses (regardless of whether they involved moral turpitude) for which an "aggregate possible sentence to confinement under the law" was more than 5 years. The House version would bar such alien if the sentences to confinement "actually imposed" had exceeded 5 years. The conferees agreed to the House version.

(7) The House bill contained a provision restoring citizenship to a limited number of persons who had lost American citizenship by voting in elections in Italy. This provision was not contained in the Senate bill. The conferees agreed to accept the House provision.

(8) The Senate bill prohibited the naturalization of an alien against whom deportation proceedings were pending. This provision was not contained in the House bill. The conferees agreed to retain the Senate provision exempting from it aliens who have served honorably in the Armed Forces of the United States and who are seeking naturalization on this basis either while so serving or following their honorable discharge.

(9) The conferees have agreed to provide for a naturalization oath (similar to that contained in the House version) which would not violate bona fide religious convictions if such convictions are properly proved to the naturalization court in accordance with standards set up in the Selective Service Act of 1948, as amended, and incorporated in this legislation.

(10) In conforming the language of both House and Senate versions regarding grounds for deportation of aliens the conferees have provided for a statute of limitations (as contained in the House version) in accord with humanitarian principles, particularly in the cases of aliens where deportation would be based on mental disease or on economic distress. Similarly, the conferees believe that they have applied very broad standards of humanitarianism in composing the differences between both versions of this legislation as they appeared in the sections governing the granting of suspension of deportation.

(11) In composing the differences as they appeared in the various sections of the bill applicable to retention of United States citizenship by naturalized citizens who reside in excess of 5 years in a foreign country other than that in which their place of birth is located, the conferees have agreed to the House version providing for the retention of such citizenship in the case of a citizen who has resided in the United States for 25 years subsequent to his naturalization.

(12) In composing the differences between the Senate and House bills as they appeared in the section relating to termination of dual nationality, the conferees have modified the language so as to remove any doubt that the loss of United States citizenship could occur by any other than affirmative action taken by the dual national.

(13) The House bill provided for a joint congressional committee to maintain surveillance over the administration and operation of the act and to study continuously matters affecting the immigration and nationality policy of the United States. This provision was not contained in the Senate bill. The conferees agreed to accept the House provision.

FRANCIS E. WALTER,
FRANK L. CHELF,
J. FRANK WILSON,
LOUIS E. GRAHAM,
CLIFFORD P. CASE,
RUTH THOMPSON,
Managers on the Part of the House.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALTER] is recognized for 1 hour.

Mr. WALTER. Mr. Speaker, on behalf of the conferees who unanimously agreed on this conference report, I wholeheartedly urge this body to adopt the report.

In the spirit of splendid cooperation with the group representing the other body, after a free exchange of opinions and arguments, we have achieved our common purpose, namely, the preparation of a refined and perfected version of a fair and equitable code of all our immigration and nationality laws.

Several amendments accepted on the floor of the Senate brought the original Senate measure closer to the version of the bill that passed the House on April 25, 1952, and therefore, your conferees accepted practically all of those amendments.

On the other hand, the managers on the part of the Senate accepted most of the provisions inserted by the Committee on the Judiciary of the House and by the House itself.

The report before you now is substantially the House bill, the Senate having yielded to our version of the legislation, and the report now under consideration contains almost exactly the subject matter of the bill which passed the House by a large majority on April 25 of this year.

In addition, I wish to recommend to the membership of the House that it acquaint itself with several very important statements of policy as they appear in the statement filed by the managers on the part of the House.

I believe that I express the unanimous opinion of all the members of the committee of conference that the perfected language of this important legislation would not lend itself to misconstruction and misinterpretation similar to the one used in the vicious campaign of vilification directed against this legislation from certain quarters which I prefer not to identify at this time.

It is our firm and unanimous belief that we are presenting to the House a legislative measure which, after almost 4 years of painstaking and tedious efforts, will operate to the best interest of the United States and its people; a measure which will be of great benefit to the law-abiding future immigrant who wants to join us in good faith and share with us the blessings of our land and of our constitutional liberties.

However, while benefiting such welcomed guests and our future co-citizens, this measure will not benefit the subversive, the criminal, the gambler, the stowaway, the seaman who deserts his ship, and the alien who sneaks across our borders trying to take in our midst the place of a person who for years patiently waited abroad until his or her turn was reached.

Mr. Speaker, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, may I inquire if the gentleman will yield me time that I in turn may yield to others on our side who wish to speak?

Mr. WALTER. I yield to the gentleman for that purpose a reasonable amount of my time.

Mr. GRAHAM. Mr. Speaker, in supplementing what the gentleman from Pennsylvania had to say, I briefly call attention to the fact that this conference report represents the untiring effort not only of the members who composed the board of conferees, as we might call them, but also the staff of the committees of the House and of the other body. I hold in my hand a statement of some 10 pages in length of minor points in disagreement. These were all carefully gone over and examined.

Our report covers 129 pages, including the statement of the managers. The bill itself covers 161 pages. In all probability and without exaggeration or overstatement this is probably one of the best-worked-out bills that has been brought before the House in years. Just where the credit should go is hard to say. Two men who formerly were associated with us, the Honorable Ed Gossett, of Texas, no longer a Member of this body, made a very very valuable contribution to this bill; and the late Frank Fellows of Maine practically wore out his life in devotion to the preparation of this bill. Then there are the members of the committee staff, Mr. Besterman and Miss Benn on our side, and Mr. Arens and Miss Johnson on the Senate side have given of their time and energy to bring before this House a bill which I firmly believe will last for many, many years. It is a complete codification of the law. Four years were spent in its preparation. We have gone into every phase of it; we thought we would answer every question.

I do not know of a single bill about which there is greater misunderstanding or about which more misstatements have been made than this bill. Therefore, in view of that, I urge that the Members of this House accept the work of the conferees, not that there is any glorification in our part of it.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Minnesota.

Mr. JUDD. I want to pay tribute to the gentleman from Pennsylvania, the chairman [Mr. WALTER] and the other members of the subcommittee for their work on this bill, which when considered in toto is, I think, a monumental piece of work. The net gains, the forward steps, the net advantages in this bill so outweigh those things than can be considered, as losses or backward steps or disadvantages that it seems to me there ought to be overwhelming support of it. Every Member, before voting against the report because the bill does not do all he believes it should in order to be just and equitable, ought to remind himself that he will be voting to continue present law, and thus voting for scandalously unjust and discriminatory provisions, for example, to give something less than wholly complete equality to orientals is certainly far better than to vote for total exclusion of them because of their race. Those are your only choices. I have no difficulty in choosing the course which vastly improves existing law. I want particularly to compliment the managers on the part of the House for their explanatory statement at the end of the conference report which cuts away in large degree the grounds of those who have misconstrued or misrepresented some provisions of the bill. It shows that a lot of the propaganda against it has been based on language which perhaps previously could be construed as ambiguous but which in the modified language of the law and in the language of the statement on the part of the managers of the House has now been so clarified that I think most of the objections that many sincere people have urged in the past have been removed. I wish to express my personal appreciation to the committee.

Mr. GRAHAM. I thank the gentleman. Mr. Speaker, I yield to the gentleman from Hawaii [Mr. FARRINGTON].

Mr. FARRINGTON. Mr. Speaker, I ask unanimous consent to insert as a part of my remarks a ruling of the Immigration and Naturalization Service holding that Filipinos who had been admitted to the Territory of Hawaii under section 8 (a) (1) of the act of March 24, 1934, the so-called Tydings-McDuffie Act, are permanent residents of the Territory of Hawaii.

The SPEAKER pro tempore. Is there objection to the request of the Delegate from Hawaii?

There was no objection.

Mr. FARRINGTON. Mr. Speaker, the ruling was rendered on August 8, 1949, in the case of Ricardo Fermin. On the strength of this ruling, United States District Courts of Hawaii have already qualified a considerable number of Filipinos from among this group for naturalization.

I call attention to this ruling because the proceedings of the court that have come in consequence of it appear to meet all of the purposes of the amendment that I offered to H. R. 5678 when it was under consideration in the House.

The purpose of the amendment was to give this group of Filipinos now in Hawaii the status of permanent residents. The amendment was rejected. The argument was made that the Filipinos who had entered the country under this law had not been properly screened by the immigration authorities, and therefore, should not be granted permanent residence for purposes of the immigration and naturalization laws.

It appears now that this is not in accordance with rulings already made and that the amendment as proposed was unnecessary.

The ruling follows:

AUGUST 8, 1949.

In re Ricardo Fermin, A–6719397.

This record relates to a native of the Philippine Islands who entered the Territory of Hawaii at Kahalui, Maui, on April 28, 1946, as a laborer under contract to the Hawaiian Sugar Planters' Association under section 8 (a) (1) of the act of March 24, 1934. He was not inspected by this Service upon his arrival, but the Hawaiian Sugar Planters' Association is in possession of the manifest of the steamship *Maunawili* showing the subject's arrival on the date mentioned. The subject is desirous of being naturalized as a United States citizen, and in order to initiate proceedings leading to that end he has submitted a form N–300.

The questions presented are:

1. Whether the subject has been lawfully admitted to the United States for permanent residence so as to be eligible for naturalization; and

2. Whether a certificate of arrival is required in the subject's case; and if so, whether a regular or a qualified certificate should be issued.

The subject is one of several thousand Filipino laborers admitted to the Territory of Hawaii under the last sentence of section 8 (a) (1) of the Philippine Independence Act of March 24, 1934, which became effective on May 1, 1934. Section 8 (a) of that act reads, in part, as follows:

"1. For the purposes of the Immigration Act of 1917, the Immigration Act of 1924 (except section 13 (c)), this section, and all other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were aliens. For such purposes the Philippine Islands shall be considered as a separate country and shall have for each fiscal year a quota of 50. This paragraph shall not apply to a person coming or seeking to come to the Territory of Hawaii who does not apply for and secure an immigration or passport visa, but such immigration shall be determined by the Department of the Interior on the basis of the needs of industries in the Territory of Hawaii.

"2. Citizens of the Philippine Islands who are not citizens of the United States shall not be admitted to the continental United States from the Territory of Hawaii (whether entering such Territory before or after the effective date of this section) unless they belong to a class declared to be nonimmigrants by section 3 of the Immigration Act of 1924 or to a class declared to be nonquota immigrants under the provisions of section 4 of such act other than subdivision (c) thereof or unless they were admitted to such Territory under an immigration visa. The Attorney General shall by regulations provide a method for such exclusion and for the admission of such excepted classes."

In the matter of Gran (A–6483063) the Board of Immigration Appeals affirmed a central office order of January 16, 1947, which affirmed the excluding decision of a Board of Special Inquiry in the case of a Filipino imported into Hawaii who subsequently left Hawaii for Japan as a civilian employee of the United States Army and thereafter desired to reenter Hawaii after an absence of 24 days. On May 27, 1947, this order was rescinded by the Board of Immigration Appeals, the appeal was sustained and it was ordered that the appellant be admitted for permanent residence. This subsquent order was made on the basis of a decision in the matter of Omo (A–6433310).

The Omo case involved a Filipino imported into Hawaii on March 15, 1946, under section 8 (a) (1) of the act of March 24, 1934. In August 1946 he departed for Guam as a civilian employee in the United States Army engineers, and on October 14, 1946, he applied for readmission to Hawaii. Central office order of April 1, 1947, affirmed by the Board of Immigration Appeals on May 23, 1947, without comment, ordered the appeal sustained and appellant admitted to Hawaii for permanent residence. This decision was predicated on the fact that the first portion of section 8 (a) (1) of the Philippine Independence Act provides that for immigration purposes, citizens of the Philippines who are not citizens of the United States shall be considered as if they were aliens and the last sentence provides that this paragraph shall not apply to those imported to Hawaii on a determination by the Department of the Interior. The conclusion was reached that Congress must have intended that the latter class of Philippine citizens were to continue to enter as prior thereto, that is, in the status of nationals, and that the appellant acquired permanent residence in Hawaii when admitted originally in March 1946.

From these decisions it follows that all citizens of the Philippine Islands who entered Hawaii under section 8 (a) (1) of the act of March 24, 1934, as did Gran and Omo, entered as nationals of the United States, and even though they were not inspected by this Service, they were lawfully admitted to Hawaii for permanent residence in the same manner as all citizens of the Philippine Islands admitted prior to the effective date of that act. The fact that citizens of the Philippine Islands who were not citizens of the United States were prohibited by section 8 (a) (2) of that act from being admitted to the continental United States from Hawaii unless they were nonimmigrants, as defined by section 3 of the Immigration Act of 1924, or nonquota immigrants as defined by section 4 of such act other than subdivision (c) thereof, or unless they were admitted to Hawaii with immigration visas, does not change that conclusion. Section 321A of the Nationality Act of 1940 provides in effect that a citizen of the Philippine Islands who entered the United States prior to May 1, 1934, the effective date of the act of March 24, 1934, may be naturalized without filing a declaration of intention or a certificate of arrival with his petition for naturalization. The basis for this legislation was that prior to that date such persons entered the United States as nationals of the United States and no records were made of their arrivals. The fact that Congress took cognizance of the fact that there were no records of such persons' arrivals and passed legislation enabling them to be naturalized without filing certificates of arrival with their petitions for naturalization is indicative that Congress considered such persons to be lawfully admitted to the United States for permanent residence and eligible for naturalization. Accordingly, citizens of the Philippine Islands who entered the United States subsequent to May 1, 1934, but according to law, in the same manner as those who entered prior thereto can likewise only be considered to be lawfully admitted for permanent residence. It is true that citizens of the Philippine Islands admitted to Hawaii under section 8 (a) (1) of the act of March 24, 1934, did not have the same freedom of entering the continental United States from Hawaii that other nationals of the United States had. However, that factor cannot give rise to the conclusion that such persons were not lawfully admitted for permanent residence to the Territory of Hawaii. Nor may that conclusion be drawn from the fact that persons admitted to Hawaii under section 8 (a) (1) of the act of March 24, 1934, were not mentioned by Congress in the enactment of section 321A of the Nationality Act. That section merely specified a certain group of Filipinos who may be naturalized without filing declarations of intention or certificates of arrival with their petitions for naturalization. No conclusive legislative intent may be inferred from that section concerning other citizens of the Philippine Islands.

The subject herein was admitted to Hawaii under section 8 (a) (1) of the act of March 24, 1934, and from the reasoning in the foregoing it must be concluded that he was lawfully admitted to the Territory of Hawaii for permanent residence.

Section 307 (a) of the Nationality Act of 1940 requires that a petitioner for naturalization must have resided continuously within the "United States" for 5 years. Section 101 (d) of the Nationality Act defines for the purposes of that act the geographical United States as "The Continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States." Since by definition Hawaii is included as part of the geographical United States, it must be concluded that the subject's lawful admission to Hawaii for permanent residence under section 8 (a) (1) of the act of March 24, 1934, was a lawful admission to the United States for permanent residence so as to qualify him for naturalization.

Section 329 (b) of the Nationality Act of 1940 reads as follows:

"No declaration of intention shall be made by any person who arrived in the United States after June 29, 1906, until such person's lawful entry for permanent residence shall have been established, and a certificate showing the date, place, and manner of arrival into the United States shall have been issued. It shall be the duty of the Commissioner or a Deputy Commissioner to cause to be issued such certificate."

Section 332 (c) of that act reads as follows:

"At the time of filing the petition for naturalization there shall be filed with the clerk of court, a certificate from the Service, if the petitioner arrives in the United States after June 29, 1906, stating the date, place, and manner of petitioner's arrival in the United States. * * *

"Title 8, Cer. 363.3, is the regulation concerned with the filing of a certificate of arrival with a petition for naturalization and states in part that 'unless specifically exempted by the Nationality Act of 1940' each petitioner for naturalization who entered the United States after June 29, 1906, shall file with his petition a certificate of arrival."

There is no provision in the Nationality Act of 1940 exempting citizens of the Philippine Islands who entered Hawaii under that act of March 24, 1934, from filing a certificate of arrival with their petitions for naturalization. Accordingly, the subject would be required to file a certificate of arrival with his petition for naturalization should he proceed that far in his naturalization proceedings. Under the provisions of section 329 (b), it is evident that a certificate of arrival must be issued before he can make a declaration of intention. It is to be noted that the first requirement of section 329 (b) is that the applicant shall have established a lawful entry into the United States for permanent residence. As discussed in the foregoing, the subject has complied with that requirement. The last sentence of section 329 (b) places the duty upon the Commissioner or a Deputy Commissioner of this Service to issue a certificate of arrival. In view of the subject's entry into Hawaii as a national of the United States, no record of

his entry was made by this Service and accordingly, no regular certificate of arrival may be issued. However, the subject should not be penalized and refused the right to file a declaration of intention merely because no such record was made. He is entitled to his day in court. In order for a judicial determination to be made of his eligibility for naturalization, it is suggested that a qualified certificate of arrival be issued for him stating the facts of his entry as shown by the manifest of the steamship *Maunawili* as furnished by the Hawaiian Sugar Planters' Association, which certificate of arrival should set forth that the alien was not inspected under the immigration laws and that there is no immigration record of his entry. The field office should instruct the clerk of the naturalization court, issuing the declaration of intention, to strike out in the eleventh allegation the words "lawful entry for permanent residence" and to insert the word "arrival."

It is recommended that a qualified certificate of arrival be issued, as indicated above, and that it be forwarded to the district director for Honolulu, Hawaii, district with the subject's N-300 and a copy of this memorandum.

Submitted by:

———— ————,
Examiner.

Approved:

A. C. DEVANEY,
Acting Assistant Commissioner.

Mr. Speaker, I wish to take this means of expressing to the members of the committee, particularly the members of the conference committee, the appreciation which we of Hawaii, the farthermost part our our country, feel for the work they have done on this legislation. I have yet to hear a single voice of protest raised against the bill from people who stem from the Pacific. There is no change in the immigration laws of greater importance to our future in the Pacific than this bill which undoubtedly will be approved by the House today. I want to say that it is a great step forward in strengthening the position of our country in the Pacific and I most earnestly hope it will finally be enacted into law.

Mr. GRAHAM. Mr. Speaker, I yield to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Speaker, I would like to call the attention of the two gentlemen from Pennsylvania, who have done such a splendid job and who are now handling this legislation, to page 112 of the committee report to language possibly in the act as it was originally sent here to the House.

Under subsection 3 it is stated that American citizens shall lose their nationality "by entering or serving in the armed forces of a foreign state," and so forth. May I now have the special attention of the gentleman from Pennsylvania [Mr. WALTER]? I call his attention to subsection 3 on page 112 of the report, which language may have been in the bill as it passed the House, where American citizens can lose their nationality by entering or serving in the armed services of another state.

It so happens that in a great many instances where United States citizens are sent abroad, and perhaps have children born abroad, the children may have dual nationality under the laws of the foreign state in which they were born although they are duly registered American citizen children. Not infrequently the foreign state where they were born has impressed such American citizen young men into military service on reaching their eighteenth birthday against their will. This language, "upon entering or serving in the Armed Forces," I take it, is intended to mean a voluntary entering or serving in such Armed Forces?

Mr. WALTER. That is correct.

Mr. HINSHAW. I just wanted to clear up that point because it has been the case on several occasions where American citizens have actually been arrested and been forcibly inducted into the armed services of the foreign state in which they happened to have been born, and there was no intention on their part to commit an act that would cause them to lose their American citizenship.

Mr. GRAHAM. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. JAVITS].

Mr. JAVITS. Mr. Speaker, I am opposed to this conference report. The gentleman from Pennsylvania, Judge WALTER, and my colleague, on the minority side, Judge GRAHAM, have both established a very formidable facade to sustain this bill, but I think that the bill still has very serious imperfections which call for its defeat. I yield to no one in my admiration for the painstaking care and the technical knowledge and the general capability of my colleague from Pennsylvania, Judge WALTER, but I would be less than a Congressman and less than a man if I did not oppose what I thought was wrong. Nothing that was inherent in the substantive part of the bill has been changed by this conference report, only some procedural matters, I think, have been improved. I think the bill resulting from the conference report is wrong for four fundamental reasons:

First, it establishes a color line on immigration from the Caribbean, breaking down to a small quota of 100 per source per year the long-established procedure by which Negroes from the West Indies were admitted under the British quota.

Secondly, it aggravates the discrimination against immigration from South and Southeast Europe inherent in the 1924 quota immigration law with its retention of the 1920 date for ascertainment of the quotas based on population despite the censuses of 1940 and 1950, by taking 50 percent of the present quotas and limiting them to immigrants with special skills. If Members vote "aye" on this conference report it will affect millions of families with friends and relatives in many European countries, whom they are trying to help emigrate to the United States and who will be unable to qualify under quotas because of that provision.

Third, it adds jeopardy in status for those who come in as immigrants in regard to deportation and naturalization. I think in that the conference report has made some improvement but it still adds jeopardy to what existed before, and makes the time during which an immigrant can be deported very much longer than it was before.

Fourth, it curtails discretion which we have heretofore vested in the Attorney General, and makes that discretion apply only in exceptional and unusual hardship cases; a very much tighter definition than we had for the 19 (c) cases before in which deportation could be suspended by action of the Attorney General and review by Congress.

I think these issues are all fundamental. In addition to which there is in a new way the exclusion of Asiatics, because the bill now puts in a special status of a very limited number of 100 per annum prospective immigrants regardless of place of birth if of one-half or more Asiatic blood. If the Asiatic peoples do not resent that, I miss my guess.

For all of those reasons, which have been argued many times before, I am opposed to this conference report and I believe it should be rejected.

Mr. WALTER. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I am opposed to this conference report and shall vote against it. I would not want my opposition to the report, however, and to the bill, to reflect in any manner upon my admiration and respect for Judge WALTER for whom I have the highest regard. To my mind, there is no one in the House who possesses his knowledge, his experience, and general understanding of our immigration laws and policies. I believe he has attempted in a very expert way to deal with one of the most complicated issues with which this Congress is confronted. In good conscience, however, I must respectfully disagree with my good friend and I must vote against the conference report because I believe that the bill closes our door to the peoples of overpopulated lands who have much to offer our country. Of course we must have limits to our immigration quotas but such limitations must be reasonable and fair. The limitations proposed in this bill continue an unnatural, inflexible and unrealistic separate quota system inaugurated in an anti-immigration period of 1924.

This bill throws away a golden opportunity to cooperate with other peoples who are opposed to the threat of Soviet domination. It could offer the opportunity to demonstrate to the world that we practice the principles of justice which we preach that we are a nation of warmth, of friendship, and sympathy. This bill rejects that concept. It endorses a closed door policy established long ago, which by its quota limitations, acknowledged the superiority of one national group against another. It allowed 150,000 people a year from all over the world to come to this country, and

of that number, it allotted 66,000 numbers to Great Britain. It granted 18,000 to Eire, the balance to all other nations. Year after year, neither Great Britain nor Eire used their total quota and under the immigration laws, those numbers were lost. Nobody can use them. This bill continues the same system. Is this reasonable? Is it not better that such unused numbers be allotted to other nations such as Germany, Italy, and Greece whose quotas are oversubscribed in order that their nationals may come to this country?

I want to join with my colleague from New York [Mr. JAVITS] in the position he has taken and the reasons he has given in opposition to the bill. I believe they are cogent and compelling ones; but if those reasons were not enough, I find an additional compelling reason in the tremendous powers accorded the State Department and its consulates, and to the Attorney General—power capable of being exercised arbitrarily, whimsically and capriciously, in many instances without the right of review by independent administrative agencies or by the courts. No such administrative power should be given without a check or review of some kind. None is provided in this bill. The consulates are the channels through which immigration flows to this country. We have a right to expect action based on reason, but I doubt that there is any Member in this House who has not experienced the frustration of trying and being unable to penetrate the reasons underlying a consul's rejection of a prospective immigrant who is seeking to join his relatives in this country. A groundless suspicion, a vague personal opinion by the consul, or perhaps a dyspeptic stomach, for all we know, may doom an immigrant and those awaiting him in this land to disillusionment and despair. There is no question that we must have security and protection from subversives and criminals who seek quota numbers. Such persons should be kept from our shores. I hold no brief for these and I am opposed to their coming to the United States; but I am not willing that the personal opinions of a consular officer, particularly when they are not founded upon reasonable or credible evidence, should be accepted as irrefutable and final to deny entry into the United States of persons who have fought the Communists and are opposed to communism. There have been such cases. Common sense insists that there should be provision for review of capricious, arbitrary action.

I endorse wholeheartedly the provision of this bill which grants naturalization to the Japanese. The first bill which I filed when I came to the Congress was to grant such rights of naturalization to the Japanese because I very much wanted to end the wrong perpetrated by the alien exclusion laws. The Japanese people have waited too long for the rectification of the know-nothing philosophy which subjected them to inferior status; but much as I desire the accomplishment of that goal, the other provisions in the bill which I consider to be detrimental to the best interests of our Nation overbalance this eminently worthy section.

Mr. Speaker, the district which I have the honor to represent draws its population from many parts of Europe and the Orient. We are cosmopolitan and proud of that fact, because we believe that we embody the essence of America—peoples of every ethnic and economic group, of all races and creeds and religions, fused in freedom and working to achieve the great American ideal of equal justice under law.

Our immigration laws should seek that same goal of equal justice under law. Our present law rejects that principle and discriminates against our friends in many of the lands of the free world. It discriminates against the Germans, the Italians, the Greeks, among other peoples. The law we are asked to pass today perpetuates that discrimination. I cannot vote for its approval.

Mr. SIEMINSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SIEMINSKI. Mr. Speaker, this bill moves in the right direction, but it is rather restrictive. It leaves too many worthy people on the side lines. Therefore, in its present form, I oppose it.

To me, America is a geographical term, free from specific racial or religious connotation. How unlike other countries.

Spin the globe. Put your finger down, What country does your finger touch? India. You think of the Indians. Try again: France. You think of the French. Again: China. You think of the Chinese. Once again: The United States of America. Whom do you think of? What nationality? What religion?

By phone, call anyone in New York, New Orleans, Chicago, Los Angeles, or Texas. What nationality? What religion? What race? Does it matter? They are Americans.

America is a powerful word, an unusual country.

America. It is like an umbrella. People have come here from all over the world for protection against the poisoned rays of pride and prejudice.

God, it seems to me, played His trump card when He opened up America. People have come here each to live out his life in dignity and peace. To worship as each sees fit. And to allow others to do the same.

America is a beautiful word. It is neutral. It is soothing. It is all-embracing. Woe to any person or group which would seek to corner a monopoly of its love.

In approaching this immigration problem, I am afraid some have been blinded by the record of races and their points of origin. It seems to me too little confidence is placed in the strength and inspiration of America. In its ability, with effortless ease, to mold a unique citizen—a true human being.

I am not afraid of other countries, of other peoples. There is something about America. The word is powerful, clean, refreshing.

I hope that this bill will be adjusted, in time, to leave fewer worthy people on the sidelines.

Incidentally, Mr. Speaker, I have asked the Library of Congress to work up research data on the immigration quotas of all the countries of the world, free and iron curtain. It should be an exceedingly interesting study.

In spite of our many faults and the many limitations of this bill, the staff study the Library of Congress is preparing on the immigration situation, will, I am sure, continue to put the United States of America heads and shoulders above others in the world.

I shall ask unanimous consent to insert the staff study in the CONGRESSIONAL RECORD when it is prepared.

CALL OF THE HOUSE

Mr. WALTER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 99]

Aandahl	Flood	Ostertag
Abbitt	Frazier	O'Toole
Abernethy	Fugate	Phillips
Adair	Fulton	Potter
Albert	Gore	Poulson
Anfuso	Granger	Powell
Bailey	Gwinn	Rabaut
Barden	Hale	Ramsay
Bates, Ky.	Hall,	Reed, Ill.
Beckworth	Edwin Arthur	Richards
Belcher	Halleck	Riehlman
Blackney	Harden	Robeson
Brehm	Harvey	Roosevelt
Brooks	Hays, Ohio	Sabath
Brown, Ohio	Heffernan	Sasscer
Buckley	Herter	Scott,
Buffett	James	Hugh D., Jr.
Burdick	Jenkins	Sheppard
Butler	Johnson	Short
Carlyle	Kennedy	Smith, Miss.
Carnahan	Keogh	Stanley
Case	Kerr	Steed
Chudoff	Lesinski	Stigler
Cole, N. Y.	McConnell	Stockman
Crawford	Magee	Sutton
Deane	Merrow	Tackett
Delaney	Miller, Calif.	Vinson
Denny	Miller, Md.	Welch
Dingell	Morano	Wickersham
Dorn	Morgan	Williams, Miss.
Doyle	Morris	Wilson, Ind.
Elliott	Morrison	Wolverton
Ellsworth	Morton	Wood, Ga.
Elston	Moulder	Woodruff
Fenton	Nelson	
Fernandez	O'Neill	

The SPEAKER pro tempore. On this roll call 322 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

IMMIGRATION AND NATIONALITY ACT

Mr. WALTER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

Mr. JAVITS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. JAVITS. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. JAVITS moves to recommit the conference report to the committee on conference.

Mr. WALTER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

Mr. JAVITS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and on a division (demanded by Mr. JAVITS) there were—ayes 203, noes 53.

So the conference report was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON ARMED SERVICES

Mr. VINSON. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight to file a report on the bill (H. R. 8120) to authorize certain construction at military and naval installations, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PROGRAM FOR THE REMAINDER OF WEEK

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I would like to inquire of the acting majority leader as to the changes in the program for this week.

Mr. PRIEST. Mr. Speaker, in response to the query made by the distinguished minority leader, the bill (H. R. 5012) to amend the naval rations statute, has been displaced on the program. On tomorrow, Wednesday, we will have first the conference report on the Federal-aid highway bill. The Committee on Rules has granted a rule on House Joint Resolution 477, extension of the statutory powers of the President. The rule calls for 2 hours of general debate. That will follow the conference report on the Federal Highway Act. The communications bill that was scheduled for Thursday has been displaced. Instead on Thursday we will consider H. R. 8120, the military-public-works bill, for which a rule was granted this afternoon, calling for 2 hours of general debate.

I might say also for the information of the Members that while next week's program has not yet been made, I think the Members will be interested to know that it is the plan to bring up on Monday the social-security bill under suspension of the rules. That is H. R. 7800.

Mr. MARTIN of Massachusetts. That is the one that gives the poor people the necessary and needful addition to the money they get now.

Mr. PRIEST. It is one that is in my opinion very important for the general welfare of all our people.

PROVISIONS FOR THE DURATION OF THE NATIONAL EMERGENCY

Mr. LYLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 677, Rept. No. 2138), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H. J. Res. 477) to continue the effectiveness of certain statutory provisions for the duration of the national emergency proclaimed December 16, 1950, and 6 months thereafter, but not beyond June 30, 1953. That after general debate which shall be confined to the joint resolution and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

MILITARY AND NAVAL INSTALLATIONS

Mr. SMITH of Virginia (at the request of Mr. LYLE), from the Committee on Rules, reported the following privileged resolution (H. Res. 678, Rept. No. 2139), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8120) to authorize certain construction at military and naval installations, and for other purposes. That after general debate which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

HOUSE RESOLUTION 51

Mr. MITCHELL, from the Committee on Rules, reported the following privileged resolution (H. Res. 653, Rept. No. 2140), which was referred to the House Calendar and ordered to be printed:

Resolved, That House Resolution 51, as amended, is further amended by inserting at the end thereof the following paragraph:

"The committee may report to the House at any time during the present Congress the results of any investigation made under authority of this resolution, together with such recommendations as it deems appropriate. Any such report which is made when the House is not in session shall be filed with the Clerk of the House."

RELATING TO THE THEFT OR RECEIPT OF STOLEN MAIL

Mr. MITCHELL, from the Committee on Rules, reported the following privileged resolution (H. Res. 679, Rept. No. 2143), which was referred to the House Calendar and ordered to be printed:

Resolved, that immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2198) to amend section 1708 of title 18, United States Code, relating to the theft or receipt of stolen mail matter generally. That after general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for admendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

RECOMMITAL OF BILL

Mr. LANE. Mr. Speaker, I ask unanimous consent that bill No. 1008 on the Private Calendar, H. R. 2181, be recommitted to the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THAT DINNER BELL

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARSHALL. Mr. Speaker, the following editorial written by Alfred D. Stedman, one of the foremost agricultural authorities in the United States, appeared in the Sunday issue of the St. Paul Pioneer Press.

It appears to me that some facts presented in this short editorial should be of interest to every member of the Congress since it very concisely states a problem that confronts farmers today and one for which they have been unfairly and unjustly criticized.

Mr. Stedman might also have commented on the fact that many housewives purchase foods today that are prepared to put on the table that formerly she prepared in the kitchen, and as long as she desires that these foods be prepared she can expect to pay the cost of such services.

Our eating habits change from year to year. We desire that our consuming public continue to have the best possible food on their tables. We do feel that we must find ways for a greater portion of the food dollar to be returned to the farmer in order that he can continue to produce quality products.

THAT DINNER BILL

(By Alfred D. Stedman)

As in skinning a cat, there are different ways of telling a food price story. One is to confront Mrs. American Housewife with the blunt news that farm prices have tripled and that her food bill has more than tripled since prewar days.

So far as it goes, that simple, familiar, irearousing story is true; and it would be adequate if, through the years, everything else had remained the same. But the related fundamentals have meanwhile changed. So the fair and informative thing seems to be to tell the food story in the perspective of the related facts of life.

First, let us look at other cost trends, including farm operating costs, farm wage levels, and nonfood costs and services. They are all up—farm production costs to 250 percent; farm wage rates to 412 percent; and nonfood costs and services to 254 percent of 1935–1939 levels. These account for some but not all of the advance in food costs.

Next, let us inquire about trends since prewar in average consumer income which, after taxes are paid, remains available for spending and saving. That, in 1951 was up to 284 percent of the 1935–39 level. Having more money to spend, consumers bid food prices up higher.

But still that's not all the story. Food costs have outrun even the rise of incomes, really pinching those whose incomes have lagged behind the average. In prewar years, food took 23 percent of average spendable income. In 1951, it took 26 percent. That rise is still to be explained.

Where could Mrs. Housewife possibly turn for an explanation? Well, she might look at her dinner table. On the average, she is setting it much better now. She is serving 11 percent more food on the average than she did in 1935–39. That jump in quantity alone offsets most of the cost increase.

Then, if the housewife compares closely, she will note that her menu contains more of the nutritious foods that are expensive to produce but are good for the health, especially of her children. She is serving one-fifth more dairy products other than butter, nearly a fifth more meat, poultry, and fish, a third more eggs, and one-tenth more fruits and vegetables.

Finally, the housewife will notice that today she is buying much more of her food fresh frozen, otherwise refrigerated, selected, graded, and conveniently wrapped and processed. Thus she is getting more of services that, with labor as the largest item of expense and wages up 5 percent in the past year, cost more money, and less than half of her dollar spent for farm foods reaches the farmer.

So improvements in the amounts and kinds of food and in servicing tell the story. The same quantities of the same foods that took 23 percent of average income after taxes in 1935–39 would have taken only 19 percent in 1951.

The farmer is doing a lot better for himself and his family now with the housewife as a good spending customer than he did in 1935–39. But is that hurting the housewife? At average income, her husband is able to buy good food with the shortest working time in the world. She is paying more for more and better food, and is serving her family the healthiest diet in the world.

HOME OWNERS' LOAN ACT

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. McDONOUGH addressed the House. His remarks appear in the Appendix.]

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from New York [Mrs. ST. GEORGE] is recognized for 30 minutes.

POST OFFICE DEPARTMENT

Mrs. ST. GEORGE. Mr. Speaker, I have asked for this time to bring before the House some questions concerning the administration and running of the United States Post Office Department.

Mr. Speaker, to many of our people throughout the length and breadth of this great land the only contact with the Federal Government and its employees is through their local post offices. This contact has long been a friendly one on both sides and no one in the Federal service has more truly earned the affection and respect of the American people than the postal employees.

These people have taken pride in their work, it has, in the past, meant a great deal to them to keep up a high standard of work and of morale.

But, recently this picture has changed very radically.

Mr. Speaker, my information comes to me from the employees themselves and their accredited spokesmen, many of these people I am proud to call my friends.

They are distressed and concerned at what is happening to the postal service. They feel, and justly as I shall show later, that their high standards and fine morale are being blasted. I have heard this thought expressed dozens, nay hundreds of times and I sincerely believe for that reason, if for no other, that a committee of the House of Representatives should be appointed to investigate and report on conditions in the Post Office Department.

To this end I have this day introduced a resolution, to this effect and I trust that this study of the Department, so long overdue, will be undertaken in the near future.

I know that there is nothing less popular than to question the running of Government departments by appointed officials; they are the Brahmins of our modern civilization; they are the Pretorian guard of our modern Rome. But we are the Representatives of the people, duly elected by them, and we are greatly to blame, it seems to me, if we do not demand good, honest service from the executive branch of Government. When a Congressman is bold enough to stand in the well of this House and note laxness in any Government department, he or she is immediately accused of smearing devoted and patriotic civil servants and conscientious postal employees. Let me say, Mr. Speaker, that is most certainly not my purpose, but the very reverse. What I am attacking is corruption at the top, and I am doing it as much for the rank and file of the Government employees as I am for the people back home that I have the honor to represent.

Now, some will say, why more investigations? Is there any reason for all of this?

Mr. Speaker, there is abundant reason for all this. The House is already familiar with the Boston Post Office scandals where, as a result of some investigations, 1,298 permanent and temporary employees were dismissed or resigned for malfeasance in office.

They were let off easy, only one man went to jail, and the rest were given light fines or nothing at all. Yet Assistant Postmaster General Burke said:

The Boston case stands out as the most aggravating case of its kind that we know of.

Now, I have here with me documents confirming scandals in the New York City office, Chicago, and in the State of Mississippi, and I shall take them up in order.

Finally, the curtailment order limiting delivery of the mail has caused a very great hardship to business and to our people.

Letters sometimes take 4 days to come from New York City to Washington; in the days of the stagecoach they made better time than that. This order was put in, in the name of economy, but the economy that it has effected is small, if

it exists at all. Nothing is more expensive and extravagant than to allow the mail to pile up as it does under this system. First-class mail often gets mixed with other classes of mail, thereby causing added inconvenience and loss to patrons.

Besides, the extra burden put on our letter carriers and other employees by the curtailment order is very great, and I can cite you many cases of illness and forced retirement that can definitely be traced to this order.

Some of the affairs that have happened under the present postal administration have been very much along the scandalous order. Take the case of Harold Ambrose, who started as a clerk in the postal service and rapidly rose to the position of Special Assistant to Postmaster General Donaldson at a salary of $10,000 a year. He was indicted on October 17, 1950, and pleaded guilty on January 8, 1951, to fraud charges. He admitted the conversion of $50,000 to his own use. This man used the Postmaster General's stationery to sell commemorative stamps. He is now serving from 2 to 7 years in a Federal penitentiary.

The Nation was shocked in March of 1951 when a 32-year-old veteran, who had been a German prisoner of war for 26 months, told how he paid $250 to get a job as a temporary mail carrier. This occurred in the State of Mississippi. The records developed that there were 48 jobs sold in this State. Because the Senators and Congressmen from Mississippi were Dixiecrats the authority to make selection among the top three eligibles on the civil-service register was taken away by the Postmaster General from the elected representatives of the people and given to unreliable people in the State of Mississippi. Again, like Pontius Pilate, the Postmaster General unctiously wrung his hands and disavowed responsibility.

In February of 1951 the story broke that temporary employees in the South Station in Boston, Mass., were drawing pay, but not actually working for this pay. One post-office clerk was on the clock in the post office in Boston, and being paid by the post office, although at the time he was enjoying himself on the sands of sunny Florida. The policeman on the beat, before starting his tour as a policeman, punched in at the post office and drew post-office pay for the time he was working as a policeman. It was reported that supervisors were being paid to punch the cards of men who were not working. After this situation had gone on for a long period of time and was quite generally well known in Boston, the postal administrators discovered the fact. Indictments were returned by the Federal grand jury against 114 employees. Eighty-four of these employees pleaded guilty. The career postmaster of Boston retired more or less under compulsion. This gross administrative confusion was lightly dismissed by the Postmaster General.

Again, in April 1952, another scandal rocked the once scandal-free Post Office Department when it was discovered that in the city of New York, supervisory positions were being sold to employees. Again an investigation and another scandal. The postmaster of New York City retired under fire.

On Saturday, May 31, 1952, the Chicago Daily News carried the story headlined "Quiz postal workers here on job selling." This investigation has not been concluded, but again it appears that scandal has reared its ugly head in the Post Office Department.

In the meantime, under the same administration, the postal employees have not fared so well. At Watervliet, N. Y., the rural carriers in that office had been working extremely long hours in order to serve their routes. Finally, in October 1951 a great deal of territory was taken from the rural route of one carrier and a new mounted route established. Usually, in cases where a mounted city delivery route is established in territory formerly served by a rural route, the rural carrier is tansferred to the new mounted route and in this way his salary is protected. In this particular case, however, the rural carrier was not given the mounted route and his salary was reduced from $3,257 a year to $2,670 a year. He made a protest to the postmaster at Watervliet—his organization protested to the Post Office Department in Washington. Nothing has been done to date to correct this injustice. This man has had his salary reduced by approximately $600. There is a vacant route to which he should be transferred, but the postmaster at Watervliet and the Post Office Department have refused to grant this man justice.

There are innumerable other cases of this type that could be related to establish the premise that the Post Office Department administration has been a lamentable failure under Postmaster General Jesse M. Donaldson. An investigation is sorely needed.

True, in time, after some Member takes the matter up, after these cases are brought up on the floor years later in fact, something is done. But, Mr. Speaker, that surely is not the way we are used to having the post office handled; it never used to be so, and our present Postmaster General had a great opportunity when he assumed his office; he was a career man; we all gave him our earnest and our heartfelt support. For that reason the employees believed that in him they would have an understanding and a sympathetic champion. Those of us who had worked on the committee felt the same way; we felt that here was someone who would know the fundamentals, the background, all the great traditions of the Post Office Department.

We have been bitterly disappointed, and so now it seems to me it is time that this Department be investigated in a thorough, impartial, and judicial manner.

Mr. Speaker, I brought with me some of the exhibits. I ask unanimous consent that they be included in the RECORD.

The SPEAKER pro tempore (Mr. BURNSIDE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. ST. GEORGE. I have newspaper articles. This one is from the Washington Post in regard to the blanketing of postmasters under civil service. Many of us believe that is an extremely good thing, because we want to take the Department out of politics as much as possible. But there is grave danger that under the present administration many will be blanketed in who ought now to be given their walking papers.

[From the Washington Post of May 3, 1951]

DONALDSON WOULD END SENATE CONFIRMATION OF POSTMASTERS

(By Murrey Marder)

The remains of the political spoils system which still clings to postmaster jobs is a violation of at least "the spirit of the law," the Senate's investigation subcommittee was told yesterday.

Postmaster General Jesse M. Donaldson said the only way political influence will be removed from the appointments is by a law which ends the requirement for Senate confirmation of postmasters.

Senator KARL E. MUNDT, Republican, of South Dakota, said he was startled to learn that civil-service regulations specifically prohibit political affiliation from entering into such appointments.

With more curiosity than indignation, MUNDT said he was not questioning the fact that the party in power distributes the political plums.

"I understand the rules of the game and I'm not complaining about it," said MUNDT, noting that Republicans and Democrats both use such patronage when the opportunity presents itself.

"I wonder if we just can't have a fine display of candor here," he told Donaldson. "Say it's in the law and it's being violated every day."

IMPROVED AFTER 1938

Donaldson told the subcommittee, which is investigating the outright sale of postal jobs in Mississippi, that the selection of postmasters improved markedly after 1938 when they came under civil-service regulations.

The names of the top three postmasters in each civil-service examination are turned over to the political advisers designated, at present, by the Democratic National Committee. The adviser then recommends one of the three, and while political affiliation is not mentioned, it is obviously at issue said Donaldson.

"It has always been that way in both parties," said Donaldson—a nonpolitical appointee himself—and he told MUNDT and Senator JOSEPH R. MCCARTHY, Republican, of Wisconsin, who joined in the questioning: "I don't call it a violation of the law. It's a violation of the spirit of the law."

Donaldson and Subcommittee Chairman CLYDE R. HOEY, Democrat, of North Carolina, both said the Justice Department will be given investigation reports on the 48 acting postmaster and rural mail carrier jobs which were alleged paid for in Mississippi.

Eight of the forty-eight have already been fired in the alleged job sales by members of a proadministration Democratic committee group.

Donaldson said that as soon as he received evidence in February that money had changed hands in job appointments, he ordered his Department to discontinue relations with Mississippi's pro-Truman Democratic national committeeman, Clarence E. Hood.

The evidence indicates that Hood himself wasn't involved in the job selling, said Donaldson, "but some of the fellows associated with him" were.

Robert M. Moore, assistant to William M. Boyle, Jr., chairman of the Democratic National Committee, told the Senators the White House had no hand in the designation of Hood as Mississippi committeeman.

He said the selection, eliminating from the national committee, the anti-Truman Democrats who are in control of the party in Mississippi, was recommended by the credentials committee here. Hood was ousted when the job-sale charges were made.

Mr. KEATING. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from New York.

Mr. KEATING. I want to compliment my colleague from New York for the hard work which I know she has done in preparation for this address today which is so illuminating although disturbing to all of us, and also for the great research which went into her work in preparing this resolution. It seems to me that the gentlewoman has performed a great service in bringing this matter to our attention, and it is my hope that the resolution which she offered will receive favorable action, because this is certainly an area of our Government operations which deserves a very thorough inquiry.

Mrs. ST. GEORGE. I thank the gentleman for his contribution; and may I say that I could not have gotten all this information together and that I could not have gotten the exhibits that I have without the help of many employees and organization members in the Post Office Department. I have worked closely with them, and they have helped us.

I also have an article from the World-Telegram; and may I say that the Scripps-Howard papers have done a great deal of research and have worked hard in this field, telling of the paying of $250 by the veteran in Mississippi to secure a temporary position:

[From the New York World-Telegram of March 5, 1951]

VET TELLS OF PAYING TRUMANITES $250 FOR MISSISSIPPI MAIL-CARRIER JOB

(By Clark Porteous)

JACKSON, MISS., March 5.—A 32-year-old veteran who was a German prisoner of war for 26 months today told me how he paid $250 to the pro-Truman faction of the Democratic Party "to get my job" as a temporary mail carrier.

The veteran is James Quentin Dickerson, a farmer near Senatobia, Miss. His charges were made after the United States Senate was told that Federal jobs were being bought and sold in this State.

An investigation demanded by Mississippi's two Senators would look into the postal service and the new wage- and price-control set-up for Mississippi.

HAD SHORT TENURE

Mr. Dickerson said his career as a mail carrier lasted from last June 12 to March 1, when his 29-mile-long route was eliminated through a consolidation. He blamed the consolidation on the pro-Dixiecrat postmistress at Senatobia, whose son he had displaced.

Mr. Dickerson said the suggestion that a contribution to the pro-Trumanites might help him get a job originated with an old friend, C. B. Rowse, principal of the grade school at Coldwater, Miss. He recalled:

"Mr. Rowse said he knew the fellows at Jackson (party headquarters) and suggested that if I sent a contribution to the Democratic Party, it might help me get the job. I asked him how much and he said, 'Oh, $200 or $300.' I told him I was sort of broke, and would $250 be all right. He said he thought it would."

SENT CERTIFIED CHECK

Mr. Dickerson said he sent a certified check to the Democratic committee at Jackson. He said he also went to see B. C. Beasley, then organization secretary for the Democrats, and was promised by Mr. Beasley that he would get the job.

After the temporary appointment came through, Mr. Dickerson said, he thought he would get a chance to take an examination for permanent tenure. "But I didn't," he said. "I'm through now. If that's the way the Government does things, I don't want any part of it."

Mr. Dickerson said his yearly salary was $2,536, but with the wear and tear on his car, and the $250 job payment, he didn't break even.

DENIES CHARGES

School principal Rowse told me that two postal inspectors had been to see him and had accused him of being a "go-between" on job sales. He said he denied it and also refused to sign a statement that he had suggested Mr. Dickerson make a contribution.

Mr. Rowse said as a school man he always "tried to get along with the group in power to help get jobs for my graduates."

Behind the job-sale scandal lies a bitter rivalry between the pro-Truman Democrats in Mississippi and the States Rights or Dixiecrat Parties. States Righters say when the Trumanites tried to take over, the latter were balked of any patronage requiring United States Senate confirmation because of the opposition of Mississippi's two Senators, JAMES O. EASTLAND and JOHN C. STENNIS.

TELLS OF LETTER

So, the States Righters say, the Trumanites concentrated on the lower grades in the postal service, which don't require confirmation. Early in the attempted Trumanite take-over, postmasters received a circular letter from Mr. Beasley asking to be notified of all upcoming vacancies.

Mrs. Hermine Lamar, the pro-Dixiecrat postmistress at Senatobia, said, "I got one. The postal inspectors who were here the other day asked me for it but I couldn't find it. It asked that Beasley be notified of all prospective vacancies in the post offices, either through retirements, men going into service, or whatever."

I telephoned Mr. Beasley. He was retired as party organization secretary last October, officially because of his health.

RECALLS APPOINTMENT

He said he recalled the Dickerson appointment and that "Mrs. Lamar tried to give me a lot of trouble about that one." He said job seekers had made party contributions "but we've found evidence that postmasters in northern Mississippi did that before we took over.

"I don't think they (the States Rights Democrats) were worried about losing patronage for jobs like rural mail carriers. It was when the jobs in the price stabilization set-up came along that they got worried."

One way the Trumanites raised money was by sending all the rural mail carriers batches of $15 tickets to a Jefferson-Jackson Day dinner.

Paul M. Moore, a prominent States Righter of Calhoun City, said he told all the carriers he knew to refuse to pay, except one, a carrier who 3 weeks ago received permanent status in a job paying $3,600 to $3,800 a year.

I also have a letter here from a member of branch 2553 of the National Association of Letter Carriers, in which he encloses two telegrams. I am not going to go too deeply into how he got them. This is sent from Greer, S. C., and he tells me that these two telegrams were sent by Senator MAYBANK and Representative BRYSON in answer to pleas that the post office employees be paid during the late week when it was impossible to get funds for that purpose.

This gentleman says in this letter:

These telegrams were delivered to the post office and the postmaster opened them before we received them. In other words, they were addressed to employees but were opened by the postmaster.

His letter continues:

They were delivered that morning and were found late that afternoon up at the window, and he has never mentioned them from that time on.

This is the kind of abuse that is constantly brought to our attention. It happens in various post offices; it happens—I do not say always, but in many instances—where a postmaster feels that he has the power, that he cannot be removed, that he can run the office to suit himself.

I have had other cases where mail addressed to employees from the department in Washington has been opened by the postmasters at the office and not delivered to the employee. It seems to me thtat is a definite abridgment of their rights and I think we would all agree on that.

The next thing I would like to speak of because it is one that the people of the country are talking of more than anything else, due to the fact it hits every man and woman and certainly every businessman in the country, is the curtailment order limiting the delivery of mail to one delivery a day which has caused such very great hardship to business and to all our people. Letters sometimes take 4 days to come from New York City to Washington, D. C. In the days of the stagecoach they made better time than that.

This order was put in, in the name of economy, but the economy it has effected is very small, if there is any at all. Nothing is more expensive or extravagant than to have the mail pile up, as it does of necessity, under this system. First-class mail often gets mixed up with the other mail, thereby causing added inconvenience and great loss to the patrons. Besides this an extra burden is put on our letter carriers and other employees.

We have had many cases brought to our attention in committee, and in our offices of letter carriers who have suffered heart attacks brought on by this very thing of carrying a heavy pack all day long, in many instances having practically no time out for lunch, having

to grab a sandwich on someone's back porch, then never getting through, never feeling that the work has been finished, yet receiving all the complaints, because we must remember that the letter carrier is near to everyone. People in the country districts and in the small towns do not write to Washington; they complain to the letter carrier, they show him the envelopes, the cancelled dates and ask: Why did I not get this 3 or 4 days ago? Why did I not receive my check? and so on. So he is burdened physically and mentally, and, as I said, this is done in the name of economy.

There are other great economies that could be effected in this department and I believe under a careful scrutiny and a careful investigation we will find many ways. We have already suggestions made by the Hoover Commission, but never put into full effect. I understand that only the other day ex-President Hoover himself remarked on that very fact, and said that the Post Office Department is one department of Government for which he hoped the Hoover Commission would remain on the job so that these matters could be put right.

But to come back to this idea of economy, why is it that whenever that question comes up the heads of these Government departments invariably economize in a way that is going to hurt the average citizen? I believe, Mr. Speaker, that there is great method in their madness. I think they want to have these protests brought to the Congress. I think they want to have the people say, as they quite naturally do, Why do you not make these appropriations? They have asked, "Why can I not get my pay check? I am told it is because you did not vote the money. Why can I not get my mail? It is because the Postmaster has had to curtail service due to your not voting the money."

Mr. Speaker, this is propaganda, and it is not very good propaganda, if we sift it through. The Postmaster, in my humble opinion, had a perfect right under the law to see that the postal employees were paid out of current receipts. He did not choose to do this or to exert the power that he had under the law. The Postmaster General could have found other and better ways to economize than by curtailing the service to our people. He did not choose to do that. In other words, it is exactly as though a man came home to his wife and said: "We have got to economize, we have got to stretch our budget, we have got to tighten our belts."

The next morning he gets up on a cold winter's day and sees his children go to school barefoot. What does he say then? "What is the idea? Why have the children no shoes and socks?" "Oh," she says, "that is because you want me to economize." How ridiculous.

In the first place the economy effected by this order is of a very dubious character. There probably is not very much to it. All it does is inconvenience people and when they complain they are told to come back and blame the Congress. We are up against that. We heard a very similar thing happen on the floor of this House today. We were told in no uncertain terms that all the troubles engendered by the present steel dispute could all be laid at the door of the Congress. We were given two alternatives: Take it and like it. It is a far cry from the days when the Legislative branch had equal power with the other two branches of Government.

Mr. Speaker, I hope that some of that power is gradually going to be restored. I hope that we as Representatives of the people will stand up boldly and demand that anything we hear in any department that is not being done in a proper way, in a legitimate way, in an economical and efficient way, be investigated and be corrected. We are here for that one purpose, it seems to me, to stand between the people and the encroachment of government. Let us try to do that even in cases where it seems difficult and let us start, I hope, soon, with this Post Office Department, this department so near to the people, this department with its many, many fine employees who are distressed, I can assure you, beyond measure, at what has happened to their service in which they take such pride.

Mr. CANFIELD. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from New Jersey.

Mr. CANFIELD. I am sure the gentlewoman from New York knows that the Postmaster General insists that his mail currently runs 100 to 1 in favor of his curtailment order.

Mrs. ST. GEORGE. Well, I can only say to the gentleman from New Jersey that I think he and I ought to send the Postmaster General a few samples of our mail, and I would also like to send him a few samples of things that happened to the small-business people of my district before this last Christmas, when in one instance a dealer ordered some Christmas cards to be delivered by the 12th of December and received them on January 1, 1952.

Mr. CANFIELD. May I say to the gentlewoman from New York that I happen to know one American lad who disagrees with the Postmaster General very seriously. Our Subcommittee on Treasury and Post Office Appropriations had occasion recently to visit the Aleutian Islands. On Unimak we rode in an Army weasel over the mountains to Scotch Cap, where the Coast Guard has a complement of four men in charge of a beacon light and foghorn. One of the Guardsmen, we learned, subscribes to the CONGRESSIONAL RECORD. He pays $1.50 per month to receive copies of the proceedings of the Congress, and when he saw two Congressmen at his station he said, "You know, I have one complaint to make. One of the worst things our Government ever did to the home folks was that curtailment of mail deliveries. I will never forget that."

Mrs. ST. GEORGE. May I also say to my friend from New Jersey that the service between our own country and the boys at the front, in Korea, has been very, very dreadful. I have had complaints, and I am sure you have, from many mothers and fathers of these boys who cannot get their mail through on time, and who do not hear from their sons; that is bad enough, but it seems to me it is far worse for these boys who are off there in that hell hole in Korea not at least to be able to hear regularly from the home folks.

Mr. CANFIELD. The gentlewoman has brought up the case of Harold Ambrose, who used to be assistant to the Postmaster General. Long before—yes, months before he was caught in this stamp difficulty, for which he received a jail sentence—our subcommittee discovered he was sending out to the postmasters of the United States a weekly news letter at $10 per postmaster. We had that stopped by his chief, the Postmaster General.

Mrs. ST. GEORGE. That is one reason I mentioned specifically the Ambrose case, may I say to my good colleague from New Jersey, because I want to make it very clear that most of the abuse stems from the heads in the Department. I am not saying that they are dishonest, but I am saying if they are not dishonest, they are culpably negligent. We have seen so many of these cases, and they have invariably tried to tell us when we criticized that we were criticizing the postal employees. We are not criticizing the postal employees. We are siding with the postal employees in the face of these very great abuses by some of the more important appointed people in the Department.

Mr. BOW. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Ohio.

Mr. BOW. I should like to compliment the gentlewoman from New York on the very fine address she has made. and particularly on speaking out on behalf of the fine public servants we have in the postal service. I think we have no better public servants than the postal employees.

Mrs. ST. GEORGE. I thank the gentleman. I am glad to have that reiterated over and over again, because it is a fact.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. I, too, desire to compliment the gentlewoman on the presentation she has just made to the House. Things are coming to a pretty pass in this Nation when moral decadence has gone so far that today we begin to distrust even a great organization like the Post Office Department, which has been, as the gentlewoman has said, so close to the hearts of people all over the Nation. I think the postal employees themselves should be very grateful to the gentlewoman for bringing this matter to the attention of the Congress.

Mrs. ST. GEORGE. I can assure the gentleman that, although I do not know that the postal employees want me to do it, I do know they feel this should be

aired and that we should understand their position on it.

Mr. REED of New York. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield.

Mr. REED of New York. I congratulate the gentlewoman on her very constructive address. It is one that I believe will bear fruit, because I think she has expressed what has been in the minds of a great many of the Members of this House from their own experience.

Mrs. ST. GEORGE. I thank my friend from New York.

Miss THOMPSON of Michigan. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentlewoman from Michigan.

Miss THOMPSON of Michigan. I, too, congratulate the gentlewoman from New York on the very fine talk she has given. Incidentally, I should like to ask this question. May it not be possible for the Post Office Committee to make some recommendations in regard to the appointment of postmasters?

I have had a great deal of correspondence during the past few weeks in regard to a vacancy in my district which is to be filled by a veteran because of the additional points he has over and above other members of the postal service. This man very recently borrowed a car from one of the prominent officials in that little town and under the influence of liquor he ran into a school bus. None of the children were seriously injured but they were all, of course, shaken up, and the back end of the bus was destroyed. In an effort to get out of this situation he backed into another car, which belonged to a very poor Baptist preacher who had no funds with which to repair his car, and so on.

This man is commonly known as the town drunkard, but, in spite of that fact, I am told he cannot be replaced by anyone else because he has already been certified and is going to be appointed to the job. I was told that we would have to name some specific situations.

The situation has not yet been settled. We have been definitely told that we will have to come in with a sworn statement and we will have to have many witnesses certify to the situation in spite of the fact that we have petitions from about 95 percent of the residents of that little community to have another appointment made.

Mrs. ST. GEORGE. May I say to the gentlewoman that here again we have all been very lax in allowing the Department to make appointments such as the one she describes, and in allowing them to get away from the rules and evading the civil-service provisions which call for their making appointments from the three top people on the roster. They do not do that. They give every kind of excuse for not doing so, even to the point of giving the examinations in some instances to the same individual three and four times, and keeping such individuals on the payroll in a temporary status. I am very glad that the gentlewoman contributed that particular incident because it points up another thing, which under investigation, should be corrected.

Mr. SAYLOR. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield.

Mr. SAYLOR. I join with my other colleagues in congratulating the gentlewoman on the excellent presentation she has made because I feel she has done the veterans of the postal service a great service, and pays them a tremendous compliment. The veterans of the postal service are men and women who have given their lives to this service, and they are now being blighted in the public eye because of some few instances, which have been pointed out. The rank and file of the men who are in the postal service are sincere public servants, and are entitled to every protection that this committee of Congress can give to them.

Mrs. ST. GEORGE. The gentleman is very right. I certainly hope that I have been able to bring that out fully in my presentation.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. ARMSTRONG] is recognized for 30 minutes.

ARMY OF LIBERATION IN EUROPE

Mr. ARMSTRONG. Mr. Speaker, I am glad to present to my colleagues who are present, and to get into the RECORD, a brief report of an investigation which I recently made in countries of Western Europe in regard to a great and unused military asset, namely, the many refugees and escapees from the countries behind the iron curtain who are ready and willing to join with us in the defense of Western Europe and of the free world. Mr. Speaker, we are strengthening our military forces in Western Europe and throughout the world in order to stand against a very serious threat of Communist aggression. Yet, we are not using one of the biggest assets we have in this fight. The whole burden of my report this afternoon will be a plea that the time has come to utilize this great asset, which we have in the refugees and escapees from the iron curtain countries of Eastern Europe. I make a plea that we establish an Army of Liberation from the available military personnel among those refugees and exiles from the countries bordering the Soviet Union which are now unhappily dominated and controlled by the Kremlin.

My colleagues will recall that in consideration of the Mutual Security Administration appropriation last August there was inserted in that bill an item known as the Kersten amendment. The amount involved was $100,000,000. The purpose of that appropriation item was to assist refugees and escapees, exiles, if you please, from those countries now dominated by the Kremlin, who have escaped and gotten into zones of Western Germany and into other areas of Western Europe, in finding themselves and in relocating and also in preparing them to assist us in standing against Communist aggression in Western Europe. Specifically, it was in the minds of many of us who supported that amendment to the appropriation bill that this money could be utilized through authorization of the State Department and the Mutual Security Administration, and then specifically by the Military Department, in order to bring into our military forces such available manpower as would be found among these refugees and exiles. We hoped they would be utilized in strengthening our NATO and western European defense forces.

I am sorry to report that, according to information given to me today by the responsible authority in the State Department, not one cent of that $100,000,000 has been utilized. I was assured, it is true, that plans are under way to utilize that money sometime. To give the State Department credit, they assure us that they have plans not only to assist those refugees in getting additional food and housing and taking care of their immediate needs, but they are hoping sometime to take up with other members of the NATO group the utilization of the able-bodied manpower that can be brought into our military defense.

I am only sorry that that has not been done long ago. I think the time has come to utilize this great asset that we have, namely, the burning desire of those refugees, those escapees, those exiles from behind the iron curtain, for the liberation of their own people and the reestablishment of freedom in their homelands. I refer specifically, of course, to those countries starting with the Baltic area, little countries now completely absorbed by the Soviet Union—Estonia, Latvia, Lithuania; and then farther down the map the great country of Poland, for whose freedom so many freedom-loving people went to war in 1939, 1940, and 1941; Czechoslovakia, now absorbed by the Soviet Union, at least as far as its political domination is concerned; and those other countries, Hungary, Bulgaria, and Rumania. Those constitute the captive lands, filled with captive peoples who resent the enslavement that the Kremlin has forced upon them.

Now, the Kersten amendment will be explained further by my colleague [Mr. KERSTEN of Wisconsin], who is to speak after I conclude, but I can report that only a little more than $4,000,000 of that $100,000,000 has even been earmarked or authorized for expenditure. As I said a moment ago, not one cent has yet been spent. Yet we have here a great political asset, and a little expenditure of money would utilize it.

To determine just what an asset it is, I investigated as carefully as I could, in the brief time of 10 days that I had at my disposal, the actual status of some of these refugee people in Europe. I was particularly interested in interviewing that great Polish patriot and hero, Gen. W. Anders, who so valiantly led his Polish Army against the Nazis, standing shoulder to shoulder with Gen-

eral Clark's army in north Africa, then into Italy, and after the victory, from Italy he went into exile in London. There General Anders and his staff, his officers, many of his noncommissioned officers, are still sitting rusting away with their armies scattered throughout England and other countries waiting for the time when they can be utilized as a part of the defense of Western Europe.

I talked to General Anders at great length. I asked him several searching questions which he readily answered. I pause to pay tribute to the heroism of General Anders and his fine Polish people; they are in every respect a tribute to the same type of bravery that sent to our shores during our struggle for independence under General Washington such men as Generals Pulaski and Kosciusko and others from Poland who helped us fight for our freedom.

I grant you that 7 years have elapsed since 1945 when General Anders' army disbanded. I asked General Anders how many men he could put into uniform to supplement the western defense forces. He said at least 70,000. When I reminded him that these fighting men are now 7 years older than they were in 1945, that many of them were not as fit as they were at that time, he reminded me that the average age of those Polish fighters in 1944 and 1945 when they made such a brilliant struggle against nazism was far older than the average of our men; yet, he said, we will admit that they fought as bravely as our troops; and the reason was that they were fighting for their own freedom. He said they will make up in that same kind of bravery for the added age that may now be upon them.

I have here a report in the form of a joint memorandum to the Supreme Command of the Armed Forces of the Atlantic Pact in Europe, from the military representatives of the eight eastern central European countries residing in the west. The memorandum is the result of a meeting in Paris on the 12–15 of March, 1952, on the part of the following military leaders in exile:

Gen. W. Anders, of Poland.
Gen. D. Veltchev, of Bulgaria.
Gen. C. Kudlacek of Czechoslovakia.
Gen. A. Zako of Hungary.
Col. A. Rebane of Estonia.
Col. A. Silgailis of Latvia.
Col. J. Lanskornskis of Lithuania.
Gen. D. Petrescu, of Rumania.

These leaders form an unofficial military staff for the exiled groups from behind the iron curtain of Eastern Europe. All of them are intensely eager to give their activities reality and substance through an army of liberation. As result of the discussions of these leaders in Paris last March, and from previous meetings, we can piece together a picture of the military activities of the Moscow dominated regimes of Eastern Europe. I quote from a report given me by General Anders:

A gradual building up of the armed forces of eastern central Europe and their ever closer binding with the Soviet Red Army has been going on since 1949.

A Bureau of the Allied Armies with Marshall Bulganin at its head, was instituted in Moscow in 1949. At the beginning of 1950 the command over the satellite armies was taken over entirely by the Russians or by avowed Communists. Soviet officers were de facto placed in charge of all the senior commanding and staff posts. Local trained Communists filled posts of lower grades.

Military budgets were substantially increased and in 1951 stood as follows: Bulgaria, 20,000,000 leva; Czechoslovakia, 10,400,000 koruny; Hungary, 3,500,000 forints; Poland, 123,000,000 zlotys; Rumania, 62,000,000 lei.

A very intensive training of reserves was started in 1949. A modernization of the armed forces, and especially of the army, with respect to their armament, organization, and training is proceeding now at a full pace. The local industries have been increasing their efforts toward armament and equipment of the armed forces of the Soviet bloc.

It is, therefore, evident that the intention of the U. S. S. R. is to create soon, out of the armies of the Eastern Central Europe, a modern weapon of warfare totally bound with the Soviet armed forces.

The U. S. S. R. is in a position to use against Western Europe as many as 72 divisions made up of Central European military forces. One-fourth of those divisions are armored and motorized. It is, therefore, evident that a substantial satellite armed force, capable of heavy striking power, is in existence and ready to be used against the free world.

With the announcement of the creation of a new German Army, came a feeling of depression and hopelessness among our people of Eastern Europe. Communist propaganda has played up the creation of this German Army, in a way to instill fear throughout Central Europe. There is only one way to counteract this situation, and that is to bring into the western defense organization, military units of Eastern Europe who are still loyal to their own freedom and willing to help protect the freedom of Western Europe and the entire free world.

I end the quote of General Anders, the great Polish patriot and hero.

Now, assuming his figure of 70,000 Polish troops still in exile in England and elsewhere in Western Europe is entirely too high, assuming that some have become weak and flabby and diseased, assuming some of them cannot be found, suppose we reduce that figure to 30,000. The 30,000 will include many young men from Poland who escaped into the western zone of Germany and went farther on into England and elsewhere. Suppose that 30,000 could be used effectively. What a striking force that would be. Quickly they could be utilized. Quickly they could be put into uniform and equipped. They are already in Europe, where they are needed. They all have a burning desire to fight for their freedom. Suppose, and I put this supposition before some of our own military advisers in London and in Bonn and at NATO headquarters, you should cut that figure entirely in two and say that only 15,000 of these brave Poles could be used as combat troops. You would still have 15,000 more that could be used as auxiliary troops. And you can add to those a certain number from every one of the iron curtain countries.

It is true that no other country could furnish as many as Poland would, but Czechoslovakia could furnish at least 20,000 at the present time. Figures given me by General Anders and other leaders of these military units indicate there could be put into uniform promptly at least 120,000 effective combat troops from all the Eastern European countries.

Now, may I refer to some figures in regard to how many young men are being drafted from out of our homes and districts and States. It just happens that I added together the figures of the young men inducted from the States of Missouri, 14,421; California, 15,142; Illinois, 31,716; Texas, 12,679; and New York City and State, 46,691, for the period from May 1951 to the conclusion of April 1952. That totals 120,649 troops inducted off the farms, from out the schools and the workshops and the homes of that many States of our Nation. It equals just a little bit more than those from behind the iron curtain that could be put into uniform immediately and could take the places of those whom we are drafting from these five States alone. If you take the figures from other States you would find a comparable number from every one of them as compared to those that I have read. The army of liberation would relieve much of the pressure of the draft of our young manpower into the military forces.

Mr. CANFIELD. Mr. Speaker, will the gentleman yield?

Mr. ARMSTRONG. I yield to the gentleman from New Jersey.

Mr. CANFIELD. It is my understanding that real friends of General Anders are much concerned over the oft-repeated expression of American policy "containment of communism." What hope, they ask, does that extend to the liberty-loving people of Poland and other nations that want to be free from iron-curtain control? Does the gentleman have anything to say about that?

Mr. ARMSTRONG. I do, and I appreciate the gentleman's question. He has asked it at exactly the right time.

I have mentioned the great value of using these forces from a military standpoint. They are actually there and in being, ready to be equipped, to take their place in the fight for freedom and to take the places of those whom we are having to send from the United States. But there is a greater value of these troops, as the gentleman has indicated. Let me make it specific: The greatest value of establishing an army of liberation will be the hope that we give to these people, represented by General Anders and others, these people behind the iron curtain, that we are going to change our policy of containment and we are going to work steadily for the liberation of these people now enslaved by Soviet Russia. Personally, I believe that that would be even a greater value to our cause than the value of these men fighting militarily.

Mr. SIEMINSKI. Mr. Speaker, will the gentleman yield?

Mr. ARMSTRONG. I yield to the gentleman from New Jersey.

Mr. SIEMINSKI. I think the gentleman from Missouri is making a very fine contribution to a world we want to have in the future. I refer particularly to a possibility that might result from amending the Geneva Convention, which would allow the combatants that we now have on Koje, who have declared against going back to Communist Russia or China or North Korea, to come into the South Korean Army immediately, right now, just as General Anders' army and his forces were allowed to come into the Allied Army after they were liberated from Soviet dungeons, after Russia knifed Poland in the back. We have to be ready for the Koje situation.

Lastly, if I may pursue the question further, I think we must address ourselves to this fact: if the guns go off and we have to advance against iron-curtain countries, there will be many escapees from their armies, and instead of having them clog roads and highways, blocking military movements, they will want to join the fight with us. The shame of it is there is no rule that allows any commander on the ground to take these people into his own force. A second important point is this, if wounded, orders prevent our medics from giving them attention. Perhaps all this can be done now—without amending the Geneva Convention.

Mr. ARMSTRONG. I thank the gentleman, a veteran of the Korean war himself, for his valuable contribution. It is true we need to amend the Geneva Convention in exactly the way the gentleman has said. We need also to place before the NATO countries, our allies, the 14 countries, the 13 working with us, the full proposition, and get them quickly to agree upon it. Time is of the essence in this matter. If we move quickly we can get the needed agreements which will permit the building up of this army. I protest, of course, if I need to, that our purpose is not to precipitate war but to build such strength, added to the strength we are already building in Western Europe, that the Kremlin tyrants would not dare to attack Western Europe or any other free area.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ARMSTRONG. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I have very much enjoyed the gentleman's very fine address. I contrast his idea with the request of the administration to arm the Communists in China. The gentleman may remember there was a hearing before the Committee on Foreign Affairs, and at that time Mr. Acheson, for General Marshall, asked for a large appropriation for the arming of the Communists in China, a very different proposition. The committee was assured by the Secretary of State after a question by me that the Communists would not use their arms against us. The gentleman's proposition is totally different, just the reverse of that.

Mr. ARMSTRONG. I thank the gentlewoman. I think my proposition to establish an army of liberation is entirely on the constructive side. Certainly it is in keeping with the spirit of what we free people are trying to do to bolster our defenses to strengthen the forces of the free world.

May I conclude by saying this: It is squarely in line with the progressive thinking of our leaders of both political parties, of all complexions of thought in this country, that we must move beyond the present policy of so-called containment. It is not fair to say to the people of Poland, or Czechoslovakia, or Bulgaria, or I might add to the people of Russia itself, and going across the Pacific, to the people of China, or any other area dominated by the Kremlin, that "We have forgotten you. We are going to seal you off and defend only our own free area."

I say we must move beyond that. We must abandon the policy of containment, we must move now into the area of liberation, assuring these people behind the iron curtain that they will have their rallying point in this army of liberation.

Our plan should be that each unit would be commanded by its own officers. They should rally under their own flag, they should wear their own uniform. They may be put together as an army, but I was assured by leaders of these military forces that if you give them the units that they desire, their own national unity under their own flag, under their own leaders, then very quickly this army of liberation can be assembled. I say to you that in its creation we would be not only adding to our strength but we would be giving hope and inspiration to the people now enslaved that some day through the efforts of their own patriots they too can be free.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. KERSTEN] is recognized for 20 minutes.

PUT $100,000,000 KERSTEN AMENDMENT TO MUTUAL SECURITY ACT INTO ACTION AS THE BEGINNING OF A NEW AND AMERICAN FOREIGN POLICY OF LIBERATION

Mr. KERSTEN of Wisconsin. Mr. Speaker, as I listened to the remarks of the gentleman from Missouri in the major part of his speech and also in his exchange with the gentleman from New Jersey, a veteran of the Korean war, I was reminded of the place and time of the great speech of Patrick Henry, one of the first great statesmen of this country, who based himself squarely on the proposition of liberty. The ringing words of the honorable gentleman from Missouri, I think, are a challenge to this Congress to step out with a bold, new foreign policy based upon the proposition of liberation.

Mr. Speaker, the black death swept Europe in the fourteenth century and left whole towns silent and ships at sea derelict. It destroyed over one-quarter of the population. There was really only one problem that confronted the people then, to which all other problems were subsidiary; how to combat the dread plague which threatened the physical life of all the people of the Western World.

There is a modern black death that today threatens the whole spiritual and much of the physical existence of all mankind: Aggressive, atheistic materialism controlled from the Kremlin which already enslaves nearly half of the world and extends its malignant influence throughout the globe.

Providence has placed the United States of America in the role of leadership to combat this plague of universal enslavement. Perhaps it was because our fathers had the moral courage to found the Nation on a true understanding of the nature of man and of his divine origin: That all men are created equal and that they are endowed by their Creator with the right to life, liberty, and the pursuit of happiness.

Success or failure in the struggle against world communism is dependent upon the way or manner in which we oppose it. That way or manner is determined by our foreign policy. Of all issues that confront us, the issue of the kind of foreign policy we shall employ is paramount.

That issue confronts all candidates of both political parties. It confronts the 156,000,000 people of the United States. It will permanently affect the 2,500,000,000 people of the world.

All other issues are subservient to the issue of a sound American foreign policy.

The amount of taxes taken from every worker's paycheck; the price of food paid by every housewife; the value of bank deposits, insurance policies, pensions, and fixed salaries; the extent of our personal liberty, of free enterprise, of free collective bargaining; and of the choice of a place to work; controls over industry and agriculture; the fate of every able-bodied young man; the destiny of American troops in Europe; the deployment of the major part of our combat forces which are now tied down in Korea; every person, every family, every home, every village, every city, every State, our structure of government, the whole of our natural resources, our way of life, our very existence as a Nation is dependent on the ultimate success or failure of American foreign policy in dealing with Soviet aggression, the objective of which aggression is to make Stalin and his gangsters jailers for the world.

The foreign policy developed by the administration from 1947 to date is containment of communism. Such a policy would scarcely have been successful in the nineteenth century, let alone today. In the modern era where world-wide

espionage has been developed to a fine art, where propaganda can instantaneously circle the globe, where transportation and major weapons are intercontinental you cannot merely contain communism as it has been put into action by the satanically clever men of the Kremlin. When every third man in Italy and every fourth man in France is a member of this international conspiracy taking orders from Moscow can you contain communism at the iron curtain in Eastern Europe?

Containment is merely defensive and negative like our so-called police action in Korea, and the most that can be hoped from it is a stalemate and armed truce. Any truce with an aggressive criminal conspiracy can be neither successful nor honorable.

The Secretary of State has estimated that we should look forward to a policy of containment for about 20 years. No nation can indulge in the policy of containment under modern conditions and remain free. In a few more years we should have to be a garrison state—not too unlike Soviet Russia whose people do not know freedom as we do.

A long-term containment policy would bankrupt the United States. This year we have appropriated approximately $60,000,000,000 for defense against Communist aggression. We shall have to appropriate even larger sums as scientists invent newer, deadlier, and costlier weapons.

The weapons of 1952 will not be adequate for 1956. Consider the relative cost of a jet plane today over that of a fighter plane of World War II. Sixty billion dollars a year for 20 years would be $32,000 per family. It is more likely to be near $100,000 per family. Such a program would destroy, not only the American economy, which the Marxist confidently predict, but it would destroy America.

But above all the administration's containment policy is un-American, it is contrary to the principles of our Judeo-Christian civilization—it is basically immoral. It seeks to negotiate a peace with criminal tyrants based on a permanent half-slave, half-free world. It abandons and fails to make an ally of the most powerful force against communism in the world, the hatred of 800,000,000 of people who are enslaved by it.

The administration has abandoned the peoples of Poland, Czechoslovakia Hungary, Rumania, Bulgaria, Albania, as well as the peoples of the Baltic States, the Lithuanian, Latvian, and Estonians, the peoples of China and North Korea, and also the non-Russian people as well as the Russian people of the Soviet Union.

It has abandoned them all to the horrors of a permanent slave state, a state of patricide and matricide and fraticide and genocide. A new utopia where they are trying to make the new Soviet man the soulless socialist robot who will laugh and cry and march and shoot at the direction of the master planner.

The repeated public statements by our Secretary of State proclaiming a long term policy of containment gives Stalin complete confidence that we have abandoned the morals and principles that sustain our civilization. He therefore can with complete confidence risk the arming of 60 divisions in the captive nations of Eastern Europe which he would not dare to if these peoples had not been abandoned.

I charge that the policy of containment developed by Secretary of State Dean Acheson has delivered the 60 divisions of the Eastern European countries to Stalin.

In November of 1945, Mr. Acheson stated at Madison Square Garden, New York, that it was necessary for the peace of the world that the Soviet Union have friendly nations around its borders. Stalin relied upon that statement of Mr. Acheson and proceeded to make these nations friendly.

In January of 1950, Mr. Acheson clearly stated, in effect, that we would not defend Korea—that it was outside the defense perimeter of the United States. Stalin again took Mr. Acheson at his word and shortly thereafter proceeded to take over South Korea.

In the early part of 1951, the administration removed General MacArthur from Korea because he was fighting to win. When Stalin understood that our policy was not to win in Korea but merely to contain he again took us at our word that we were fighting not to win but only to contain. He then called for truce talks to give him the time to build up his Communist forces in North Korea so that we couldn't win.

There is something horrible about fighting only to negotiate with criminals. In this case the horror involves the abandonment of the 800,000,000 peoples of the Soviet Union and of the captive nations. There is a stopping of the wells of spiritual and moral sustenance that have made us great as a nation.

Today the President suddenly called upon the Congress to avoid any stoppage of the production of steel in this country. There is no doubt that we need every ton of steel in the defense effort of the United States. Steel constitutes a great part of the material force with which to oppose the Communists.

But the administration has long abandoned much of the spiritual and moral force that we need to win over communism by trying to negotiate for a half-slave, half-free world.

Leaders of the Republican Party are facing the issues squarely and denouncing the policy of containment and asking for a foreign policy based on our Declaration of Independence.

Such a foreign policy is a policy of liberation. John Foster Dulles has called for a new and bold foreign policy of liberation.

Senator TAFT in his foreign policy speech, June 1, called for a policy of liberation.

General Eisenhower at Abilene, Kans., called for an implementation of the principles of the Declaration of Independence.

Republican Members of Congress have already shown that there is an alternative to containment. Recently, my colleague, Congressman ALBERT P. MORANO, the gentleman from Connecticut, took a poll of the Republican Members of the House. One of the two questions submitted by Congressman MORANO to his Republican colleagues was: "Do you support the inclusion of the principles of national liberation and self-determination for all the Communist-enslaved peoples as planks in our party platform of 1952?"

On this question 82 Republican Congressmen declared themselves in favor of such a plank in the party platform and 7 declared themselves not in favor of such a platform. These principles of liberation and self-determination are a positive and effective alternative to the administration policy of perpetual defense. If we embark on this positive policy of rendering assistance to the peoples now enslaved by communism to enable them to eventually free themselves from the Communist tyranny, we can end this threat to our civilization at its very source.

The gentleman from Connecticut also asked his Republican colleagues how they regarded the resolutions—House Concurrent Resolutions 89, 94, 119, 120, 121, 123, 138, 139, and 168—which I introduced last year. Eighty-four Republican Congressmen declared their support of the resolutions, and five declared that they did not support the resolutions.

These resolutions reaffirm the historic friendship of the American people with the oppressed peoples in the Communist-dominated countries. These resolutions express the conviction of the American people that these suppressed peoples have the right of liberation and unqualified self-determination, and to the exercise of their basic inalienable rights and freedoms. Each of these resolutions refers to a different nation now enslaved by communism, namely, the Russian and non-Russian peoples of the Soviet Union, Poles, Czechs, and Slovaks, Hungarians, Bulgarians, Rumanians, Albanians, and Chinese. They call upon the President to formulate a new and stronger foreign policy which would exclude all further agreements, commitments and recognition of the Communist regimes, and to explore methods whereby the American people may offer aid and moral support to active fighters now struggling for the liberation of their native lands.

The Republicans, though not in power in the administration, have tried to lead our country into a new foreign policy of liberation.

In August of last year the House passed an amendment to the mutual security law, which provides for $100,000,000 for persons who have escaped from or who reside in Communist-dominated countries, either to form them into military units of their own nationality, or for other purposes.

To date, over 8 months after its passage, so far as I can ascertain not one dollar of this fund has been used by the administration. The reason would seem to be quite obvious as to why the administration has not seen fit to implement this amendment. The amendment definitely is based upon the idea of the ultimate liberation of the nations that are now captives of communism.

The principal measure to be taken under my amendment and which is spelled out therein is the creation of national military units of escapees from behind the iron curtain. These military units should have their own national flags and emblems, their own distinctive uniforms or identifying insignia. The units should be attached to NATO or the American Army for command purposes. Free battalions of Poles, Czechs, Slovaks, Hungarians, Rumanians, Bulgarians, Albanians, Chinese, Lithuanians, Latvians, Estonians, Byeorussians, Ukrainians, and Russians would be strong magnets of defection from Stalin's satellite armies and his own Soviet forces. They would weaken the will of the Communist forces to fight the west and might well be catalytic agents in the ultimate liberation of their native lands.

As these young men come through the iron curtain they should receive first aid and care at civilian border hostels. From there they should be taken on a voluntary basis, to military processing centers and formed into their respective national units. As these units would grow and strengthen the necessity for American troops in Europe would be greatly reduced. As one official in the Pentagon remarked to me, "One Pole, Czech, Hungarian, or other battalions of Eastern European nationals is worth a division of American, British, or French troops in opposing Stalin satellite armies." Such units would, according to a high American official just returned from Europe after spending 3½ years with iron-curtain refugees, disintegrate the morale of Red-controlled armies.

To put a hypothetical case: If America were taken over by the Reds and our Armed Forces were under the military control of the Soviets, what effect would the setting up of real American units with American uniforms and American battle flags on the Mexican or Canadian border have? What would be the effect on the will to fight for Stalin on the part of the average young American under this control? Would our sons fight for Stalin?

The possibilities for defection exist not only among the satellite countries of Eastern Europe, but within the Soviet Union itself. But let me assume for the moment that this policy of cutting away and isolating the Communist apparatus from the peoples it has victimized would only be successful in the satellite countries. In the event of war, let us examine how this would substantially and radically change the picture in Eastern Europe.

Gen. Alfred M. Gruenther, recently stated that the Soviet armed forces presently consist of 175 Soviet divisions and 60 satellite divisions. The Council of the North Atlantic Treaty in Lisbon recently stated that NATO this year will have approximately 50 divisions in appropriate conditions of combat readiness.

Two hundred and thirty-five Soviet divisions against our hoped-for 50 divisions—more than 4 to 1 against us.

But if we create these free battalions of Hungarians, Poles, Czechs, Slovaks, and the others we let these people behind the iron curtain know in a most practical way that we are willing to assist them. Then in the event of war, the 60 satellite divisions, which Stalin is now counting on to fight on his side, may well turn their guns around and fight with us instead of against us. These victimized soldiers would come over to join the West singly or in groups, or by mass surrender as they did in the early part of World War II before the Germans mistreated them. Or they may create armed insurrections within their own territory.

To give one example of the effect of this amendment to the Mutual Security Act when it was passed I should like to quote from the statement of Maj. Gen. George H. Olmsted, as it was contained in George Dixon's column of May 15:

> Tucked away in the appropriations for foreign-military assistance—

He said—

> was an item of $100,000,000. This fund was appropriated to provide sanctuary for, and take care of, deserters and defectors from behind the iron curtain.
>
> It worked beyond our wildest dreams. It got the biggest reaction from the Kremlin of anything we had done to date.
>
> It's the most effective piece of tit-for-tat that we've ever attempted.

Mr. Speaker, although the amendment seems to have given a strong ray of hope when it was passed, the failure to implement it will react to our detriment.

Mr. Speaker, these military units of escapees have not as yet been set up. The law authorizing them was signed by the President 8 months ago.

There is no justification for the failure to implement this law in respect to these military units and such failure is explained only by a blind adherence by the administration to the policy of containment and a rejection by the administration of a policy of liberation.

I think we have here the basic issue between the Democratic administration that has tied itself to the concept of half-slave, half-free world and the bold thinking by the Republican leaders of a foreign policy based on liberation.

Such a program offers our own American people a forseeable end to the continuous drafting of our people for military service, and for the dissipation of our blood and resources in stalemate Koreas around the world.

It provides something better for our American people than 20 years of confiscatory taxes, 20 more years of harassing bureaucratic restrictions, and 20 more years of burdensome armaments and the possible loss of our own liberties.

It provides a means of lifting this onerous burden from the backs of the American people by destroying the Communist threat of war at its very source.

But far more important than lifting this burden from the American people is lifting the infinitely greater burden of the enslaved peoples and the restoration to them of their God-given right to freedom. The peace the world wants is not a negotiated peace with Stalin and his gang of criminals, but a peace of liberty and justice for all.

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts asked and was given permission to address the House on tomorrow for 10 minutes, following any special orders heretofore entered.

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 10 minutes.

DISTRESSED AREAS

Mrs. ROGERS of Massachusetts. Mr. Speaker, we just heard about the plea for the liberation of the people in foreign countries. I am interested in the liberation of the industries in our own country, particularly the smaller industries. There seems to be a complete lack of coordination and cooperation between the Pentagon, the national defense, and the War Production Board, formerly headed by Mr. Charles Wilson, in assisting smaller war plants, particularly in distressed areas. The Munitions Board states that they will help distressed areas and they will see to it that war industries go into those areas. The Smaller War Plants Corporation says that they will help distressed areas and send business there, but, as a matter of fact, nothing is going into those distressed areas. The administration is crying about helping business that needs help; it is crying about spreading industry; instead it is segregating in congested areas. Instead it is concentrating industry, or a great amount of it, in already greatly industrialized areas. The task force that goes about for smaller war plants, I think, is almost perfectly helpless. They cannot seem to help small industries, so far as I can tell. They are extremely interested and they are kind and make helpful suggestions, and make very frequent investigations, but when it comes to getting industry into distressed areas they seem powerless. It is not their fault. They have amassed a great amount of material, but they are not allowed to finish their work and give real results.

I do not understand, Mr. Speaker, why all of these things take place or do not take place. I have repeatedly gone to the Pentagon and asked for help. Others appear there and present fine pleas to help their industries insofar as the pro-

duction of a certain product is concerned. I have one industry in particular in mind at the moment that my own city is vitally concerned with.

The Federal Reserve Board has approved loans and assistance to this small business. Ordnance approved assistance, because the industry is making a very necessary product. Yet the Pentagon will not go along and order production in that industry. It seems that they do not care whether an industry goes into bankruptcy or not, when for a very small amount of money the industry could be kept producing and a necessary item be sent to the department that needs it. Payrolls, earned payrolls, have been withheld.

It is one of the most incredible things I have ever known and makes a perfect farce and mockery, as I have said before, insofar as the hastening of production and the actual wanting to help distressed areas are concerned. Their pious pronouncements and their promises are as idle as an idle ship upon a painted ocean. I do not believe the American public are going to take this very long. It is the most un-American thing I have ever seen in all of my experience in Washington, and that experience goes back to 1913. It is also one reason why defense production has been retarded.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts [Mr. LANE] is recognized for 10 minutes.

IS TV RUNNING WILD?

Mr. LANE. Mr. Speaker, is TV running wild? Many parents, educators, clergymen, and plain viewers think so.

When grownups are offended by what they see on their screens, we can imagine the effect on impressionable youngsters who have not learned to separate the good from the bad.

The social impact of this new medium of communication is beginning to alarm the Nation, because the televisers are not in a mood to discipline themselves.

Even atomic energy has to be controlled in one way or another, or it would destroy us physically.

So too must TV become subject to certain limitations before its unbridled power corrupts the taste, the intelligence, and the character of our youth.

Parents cannot be expected to stand guard over the TV sets all the late afternoon and evening. And they cannot possibly censor the programs on sets that operate outside the home.

Children are imitators.

They do what they see and hear.

They want excitement, but sometimes they get too much of it.

We were faced with a similar problem when movies first came on the scene. But at least we had fair warning as to what type of programs were showing in the various theaters, and we could keep our children away from those that were objectionable. In addition, public opinion went to work on the problem. The producers were scared into setting up a code of conduct of their own. Hollywood saw the light just in time to save its industry from exile or an iron-fisted censorship.

We do not want to see TV commit suicide.

Its possibilities for good, wholesome fun—for information, education, and religious inspiration—are too valuable to be endangered by a public uprising against its present sensationalism that might go to the extreme and result in suffocating controls.

The mass production of murder, aggravated assaults, horrors on TV has the effect of being a school for crime to open-mouthed youngsters.

And there are other sophisticated or "cheesecake" programs which are too revealing for their tender years.

There are ways of entertaining children without keeping them in a state of morbid tension, but the brains of the new industry are working at the tabloid level and are failing to create suitable and satisfying shows for young America.

I cannot understand why advertisers do not realize their greater responsibilities to the public in this very sensitive field. Surely they do not mean to sponsor programs that will lose business.

Theaters and professional sports events cannot be expected to give up their money-producing audiences just to satisfy, for free, the people who want these spectacles brought into their homes. Because of higher costs, advertisers cannot be expected to foot the whole bill. Until some method of sharing the expense is devised, we will not get the best in this type of entertainment on TV.

Surveys prove that the people are willing to pay for good movies, plays, operas, prize fights, and for better entertainment before and after supper, which may be called the children's hours.

The costs of television programs run to as much as 10 times the expense of similar programs on radio.

If the show is to go on and improve, there must be a combination of better taste and better financing.

The point is that the quality of present programs can be raised considerably without further investment of money.

Will television do this job itself, or must it be policed by Government because it is the juvenile delinquent of show business?

Unless, in the course of hearings now under way, the industry presents a code of decency and convinces us that it will be self-enforced, we shall have no choice but to impose controls.

We have already seen how the automobile has transformed our way of life. It will be as nothing compared with the influence exerted by a revolutionary means of communication.

Video, with its dual personality, is on the spot.

We cannot permit it to debase our standards and lead our youth astray.

I am hoping that it will come forward with a house-cleaning program of its own that will lift the standard of its presentations, and restore our wavering confidence in its ability to picture the best in American entertainment, sports, news reporting, education, and spirit, for the American home.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. RODINO in two separate instances, in each to include extraneous matter.

Mr. GOLDEN and to include a newspaper article.

Mr. SITTLER in three separate instances, in each to include extraneous matter.

Mr. JENSEN and to include an exchange of correspondence.

Mr. SIEMINSKI and to include extraneous matter.

Mr. SASSCER and to include an address by Admiral Fechteler.

Mr. ADDONIZIO and to include an editorial.

Mr. ANDERSON of California (at the request of Mr. ARENDS) and to include a letter.

Mr. SMITH of Wisconsin in two instances, in each to include articles.

Mr. VAN ZANDT (at the request of Mr. GAVIN) and to include an editorial.

Mr. YORTY in two instances, in each to include extraneous matter.

Mr. RADWAN and to include two editorials.

Mr. HARRISON of Wyoming in two instances, in each to include extraneous matter.

Mr. PRICE and to include an address by Governor Stevenson.

Mr. HELLER (at the request of Mr. ROONEY) and to include extraneous matter.

Mr. MULTER in four separate instances, in each to include extraneous matter.

Mr. LANE in three separate instances, in each to include extraneous matter.

Mr. BAKEWELL.

Mr. JONES of Missouri and to include an editorial commenting on the President's recent address at Springfield, Mo.

Mr. ROGERS of Texas and to include an editorial.

Mr. REES of Kansas in two instances and to include extraneous matter.

Mr. GATHINGS and to include an editorial.

Mr. MANSFIELD to revise and extend the remarks he made this afternoon on House Resolution 644 and include certain material including a bill he introduced for an investigation of the Koje incident.

Mr. BENNETT of Michigan and to include an editorial.

Mr. JUDD in three instances and to include extraneous matter in each.

Mr. COLE of Kansas and to include a speech and a biography, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $224.

Mr. SADLAK and to include a speech made by Charles Rozmarek at Atlantic City.

Mr. JAVITS in four instances and to include extraneous matter and to revise and extend the remarks he made on the conference report on the immigration bill and include extraneous matter.

Mr. CANFIELD and to include an editorial.

Mr. HOFFMAN of Michigan in three instances and to include extraneous matter.

Mr. ANDERSON of California and to include a letter.

Mr. SHEEHAN in three instances and to include extraneous matter.

Mr. COUDERT (at the request of Mr. KEATING) in two instances and in one to include an editorial and in the other a news item.

Mr. HAYS of Arkansas (at the request of Mr. SIEMINSKI) and in include extraneous matter.

Mr. FURCOLO and to include extraneous matter.

ENROLLED BILLS SIGNED

Mr. STANLEY, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H. R. 6133. An act to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation;

H. R. 6661. An act to amend the Foreign Service Buildings Act, 1926; and

H. R. 7005. An act to amend the Mutual Security Act of 1951, and for other purposes.

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S. 2383. An act to amend the act entitled "An act to create a board of accountancy for the District of Columbia, and for other purposes," approved February 17, 1923.

BILLS PRESENTED TO THE PRESIDENT

Mr. STANLEY, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval bills of the House of the following titles:

H. R. 643. An act for the relief of Mrs. Vivian M. Graham and Herbert H. Graham;

H. R. 646. An act for the relief of Mrs. Inez B. Copp and George T. Copp;

H. R. 1826. An act for the relief of Ellis E. Gabbert; and

H. R. 1842. An act for the relief of Mrs. Ann Morrison.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ELLSWORTH (at the request of Mr. MARTIN of Massachusetts), for the balance of the week, on account of a death in the family.

Mr. DELANEY (at the request of Mr. PATTEN), on account of a death in his family.

Mr. POWELL (at the request of Mr. CELLER), indefinitely, on account of illness.

ADJOURNMENT

Mr. SIEMINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until tomorrow, Wednesday, June 11, 1952, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1555. A letter from the Acting Postmaster General, transmitting a draft of proposed legislation entitled "A bill for the relief of Homer C. Boozer, Terry Davis, Leopold A. Fraczkowski, Earl W. Keating, and Charles A. Paris"; to the Committee on the Judiciary.

1556. A letter from the Chairman, United States Civil Service Commission, transmitting a draft of a bill entitled "A bill to amend the Classification Act of 1949, as amended"; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. VINSON: Committee on Armed Services. House Resolution 661. Resolution requesting the Secretary of the Army to furnish to the House of Representatives full and complete information with respect to insurgency in prisoner-of-war camps in Korea and Communist-inspired disturbances of the peace in Japan; without amendment (Rept. No. 2128). Referred to the House Calendar.

Mr. VINSON: Committee on Armed Services. House Resolution 662. Resolution requesting the Secretary of Defense to furnish to the House of Representatives full and complete information with respect to insurgency in prisoner-of-war camps in Korea and Communist-inspired disturbances of the peace in Japan; without amendment (Rept. No. 2129). Referred to the House Calendar.

Mr. VINSON: Committee on Armed Services. House Resolution 663. Resolution requesting the Secretary of the Army to furnish to the House of Representatives full and complete information with respect to the reduction in grade of Col. Charles F. Colson; without amendment (Rept. No. 2130). Referred to the House Calendar.

Mr. MANSFIELD: Committee on Foreign Affairs. House Resolution 664. Resolution requesting the Secretary of State to furnish to the House of Representatives full and complete information with respect to insurgency in prisoner-of-war camps in Korea and Communist-inspired disturbances of the peace in Japan; without amendment (Rept. No. 2131). Referred to the House Calendar.

Mr. FALLON: Committee of conference. H. R. 7340. A bill to amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes. (Rept. No. 2132). Ordered to be printed.

Mr. WALTER: Committee on the Judiciary. S. 1770. An act to amend the Administrative Procedure Act, and eliminate certain exemptions therefrom; with amendment (Rept. No. 2133). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. S. 1536. An act to stabilize the economy of dependent residents of New Mexico using certain lands of the United States known as the North Lobato and El Pueblo tracts, originally purchased from relief program funds, and now administered under agreement by the Carson and Santa Fe National Forests, to effect permanent transfer of these lands, and for other purposes; without amendment (Rept. No. 2134). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALTER: Committee on the Judiciary. S. 1932. An act to authorize the establishment of facilities necessary for the detention of aliens in the administration and enforcement of the immigration laws, and for other purposes; without amendment (Rept. No. 2135). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on Veterans' Affairs. S. 2390. An act to amend section 302 (4) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, relating to penalties; without amendment (Rept. No. 2136). Referred to the Committee of the Whole House on the State of the Union.

Mr. KILDAY: Committee on Armed Services. S. 3019. An act to amend the Career Compensation Act of 1949, as amended, to extend the application of the special-inducement pay provided thereby to physicians and dentists, and for other purposes; without amendment (Rept. No. 2137). Referred to the Committee of the Whole House on the State of the Union.

Mr. LYLE: Committee on Rules. House Resolution 677. Resolution for consideration of House Joint Resolution 477, joint resolution to continue the effectiveness of certain statutory provisions for the duration of the national emergency proclaimed December 16, 1950, and 6 months thereafter, but not beyond June 30, 1953; with amendment (Rept. No. 2138). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 678. Resolution for consideration of H. R. 8120, a bill to authorize certain construction at military and naval installations, and for other purposes; without amendment (Rept. No. 2139). Referred to the House Calendar.

Mr. MITCHELL: Committee on Rules. House Resolution 653. Resolution to amend House Resolution 51, relating to the authority of the Committee on Interstate and Foreign Commerce to investigate matters within its jurisdiction; without amendment (Rept. No. 2140). Referred to the House Calendar.

Mr. MITCHELL: Committee on Rules. House Resolution 679. Resolution for consideration of S. 2198, an act to amend section 1708 of title 18, United States Code, relating to the theft or receipt of stolen mail matter generally; without amendment (Rept. No. 2141). Referred to the House Calendar.

Mr. BUCKLEY: Committee on Public Works. H. R. 8127. A bill to amend the act of June 21, 1940, relating to the alteration of certain bridges over navigable waters, so as to include highway bridges, and for other

purposes; without amendment (Rept. No. 2142). Referred to the Committee of the Whole House on the State of the Union.

Mr. VINSON: Committee on Armed Services. H. R. 8120. A bill to authorize certain construction at military and naval installations, and for other purposes; without amendment (Rept. No. 2143). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WILSON of Texas: Committee on the Judiciary. H. R. 1913. A bill for the relief of Milagros Aujero; without amendment (Rept. No. 2103). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 4634. A bill for the relief of Johann Komma; without amendment (Rept. No. 2104). Referred to the Committe of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 4644. A bill for the relief of Mrs. Mildred G. Kates and Ronald Kates; without amendment (Rept. No. 2105). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 4719. A bill for the relief of Yee Chin-ying and Yee Won-yi; without amendment (Rept. No. 2106). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 4758. A bill for the relief of Donald James Darmody; without amendment (Rept. No. 2107). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 4842. A bill for the relief of Joseph Manchion; without amendment (Rept. No. 2108). Referred to the Committee of the Whole House.

Mr. CASE: Committee on the Judiciary. H. R. 4866. A bill for the relief of Emma Gazzaniga, Cecelia Trezzi, Clelia Mainetti, Bonosa Colombo, Emma Baldisserotto, Lina DalDosso, Lucia Paganoni, and Regina Pagani; without amendment (Rept. No. 2109). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 4890. A bill for the relief of Mrs. Ruth R. Ekholm; without amendment (Rept. No. 2110). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 4891. A bill for the relief of the estate of Emil A. Pesnek; with amendment (Rept. No. 2111). Referred to the Committee of the Whole House.

Mr. FINE: Committee on the Judiciary. H. R. 4921. A bill for the relief of Silas B. Morris, without amendment (Rept. No. 2112). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 5111. A bill for the relief of Jaroslav, Bozena, Yvonka, and Jarda Ondricek; without amendment (Rept. No. 2113). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 5188. A bill for the relief of Mrs. Pia Biondi; without amendment (Rept. No. 2114). Referred to the Committee of the Whole House.

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 5442. A bill for the relief of Martin A. Dekking; without amendment (Rept. No. 2115). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 5570. A bill for the relief of Paul Myung Ha Chung; with amendment (Rept. No. 2116). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 5578. A bill for the relief of certain employees of the Alaska Railroad; with amendment (Rept. No. 2117). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 5961. A bill for the relief of Frieda Margarete Eckert; without amendment (Rept. No. 2118). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 6356. A bill for the relief of William J. Martin; with amendment (Rept. No. 2119). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H. R. 6445. A bill for the relief of Jacob Athias Robles and Esther de Castro Robles; with amendment (Rept. No. 2120). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 6732. A bill for the relief of the alien Ilona Lindelof; with amendment (Rept. No. 2121). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 6884. A bill for the relief of Yosiko Nakamura; without amendment (Rept. No. 2122). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 6940. A bill for the relief of Sayoko Uchida; without amendment (Rept. No. 2123). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H. R. 7052. A bill for the relief of Masuko Kosaka; without amendment (Rept. No. 2124). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 7235. A bill for the relief of Mrs. Mary Campion; with amendment (Rept. No. 2125). Referred to the Committee of the Whole House.

Mr. FINE: Committee on the Judiciary. H. R. 7331. A bill for the relief of Andrianne Luis and John Luis; with amendment (Rept. No. 2126). Referred to the Committee of the Whole House.

Mr. CASE: Committee on the Judiciary. H. R. 7366. A bill for the relief of Erika O. Eder; with amendment (Rept. No. 2127). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H. R. 8144. A bill to authorize works for development and furnishing of water supplies for waterfowl management, lower San Joaquin Valley, Central Valley project, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BAILEY:

H. R. 8145. A bill to improve and extend the duration of Public Law 874 of the Eighty-first Congress, to extend the period during which appropriations may be made to pay entitlements under title II of Public Law 815 of the Eighty-first Congress, to provide temporary supplementary aid for schools in critical defense housing areas, to make grants to States to assist distressed school districts in construction of urgently needed school facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. BARTLETT:

H. R. 8146. A bill to amend the Judicial Code to permit the registration of judgments in or from the United States District Court for the District of Alaska; to the Committee on the Judiciary.

By Mr. CELLER:

H. R. 8147. A bill to amend section 2255, title 28, United States Code, relating to remedies on motion attacking sentences on prisoners in Federal custody; to the Committee on the Judiciary.

By Mr. CLEMENTE:

H. R. 8148. A bill to increase the amount of deduction allowed, for income-tax purposes, for medical and dental expenses; to the Committee on Ways and Means.

By Mr. MULTER:

H. R. 8149. A bill to amend title II of the Social Security Act to increase the amount of earnings permitted without loss of benefits; to the Committee on Ways and Means.

By Mr. SASSCER:

H. R. 8150. A bill to provide price support for the 1952 crop of Maryland tobacco, and for other purposes; to the Committee on Agriculture.

By Mr. SIMPSON of Pennsylvania:

H. R. 8151. A bill to provide for the correction of inequities under the Excess Profits Tax Act of 1950, as amended; to the Committee on Ways and Means.

By Mr. ROGERS of Colorado:

H. J. Res. 479. Joint resolution authorizing the erection of a memorial to Dr. J. Finley Wilson, in Washington, D. C.; to the Committee on House Administration.

By Mr. MURDOCK:

H. Res. 680. Resolution authorizing the printing of the manuscript, Reclamation Pays an Extra Dividend in Recreation and Conservation, with illustrations, as a House document; to the Committee on House Administration.

By Mrs. ST. GEORGE:

H. Res. 681. Resolution authorizing the Committee on Post Office and Civil Service to conduct studies and investigations of matters within its jurisdiction, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of the rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKLEY:

H. R. 8152. A bill for the relief of Agnes Rosenberg; to the Committee on the Judiciary.

By Mr. HINSHAW:

H. R. 8153. A bill for the relief of Nelson Shig-Liang Sheng; to the Committee on the Judiciary.

H. R. 8154. A bill for the relief of Paula Vetter; to the Committee on the Judiciary.

By Mr. WOODROW W. JONES:

H. R. 8155. A bill for the relief of Corp. Jackson C. Gilbert; to the Committee on the Judiciary.

By Mr. LANHAM:

H. R. 8156. A bill for the relief of Col. William Henry Boshoff; to the Committee on the Judiciary.

By Mr. LATHAM:

H. R. 8157. A bill for the relief of Salih Hougi, Bertha Catherine, Noor Elias, Isaac, and Mozelle Rose Hardoon; to the Committee on the Judiciary.

By Mr. McGRATH:

H. R. 8158. A bill for the relief of Alfonso Redo; to the Committee on the Judiciary.

By Mr. MILLER of New York:

H. R. 8159. A bill for the relief of P. Diacon Zadeh; to the Committee on the Judiciary.

By Mr. MITCHELL:

H. R. 8160. A bill for the relief of James Watanuki; to the Committee on the Judiciary.

By Mr. ROSS:

H. R. 8161. A bill for the relief of Cosimo Damiano Campanelli; to the Committee on the Judiciary.

By Mr. SMITH of Mississippi:

H. R. 8162. A bill for the relief of Sadie Badir Ellis Nassif-Azar and George Badir Ellis Nassif-Azar; to the Committee on the Judiciary.

By Mr. WALTER:

H. R. 8163. A bill for the relief of Hildegard Hobmeier; to the Committee on the Judiciary.

By Mr. WALTER (by request):

H. R. 8164. A bill for the relief of Prof. Max Horkheimer; to the Committee on the Judiciary.

By Mr. LANE:

H. Res. 682. Resolution providing for sending to the United States Court of Claims the bill (H. R. 2972) for the relief of Harold Joe Davis; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

755. By the SPEAKER: Petition of city clerk, Chicago, Ill., relative to urging the United States Congress to cause a survey to be made of all waters of the Great Lakes Basin and to authorize the use of Federal funds to control lake levels on a long-term basis; to the Committee on Public Works.

756. Also, petition of Mr. and Mrs. Victor H. White, Seattle, Wash., relative to redress of grievances as provided in article 1 of the amendments to the Constitution, relating to payment of $81 covering so-called social-security tax for the year 1951; to the Committee on Ways and Means.

757. Also, petition of the president of the National Institute of Municipal Clerks, Brookline, Mass., relative to going on record as opposing the assumption of local and States' rights by the Federal Government; to the Committee on the Judiciary.

758. Also, petition of James J. Laughlin, Washington, D. C., relative to requesting the impeachment of Judge Edith H. Cockrill, judge of the juvenile court for the District of Columbia; to the Committee on the Judiciary.