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82D CONGRESS 1st Session } SENATE { REPORT No. 766

HENDRYK KEMPSKI

SEPTEMBER 17 (legislative day, SEPTEMBER 13), 1951.—Ordered to be printed

Mr. MCCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 579]

The Committee on the Judiciary, to which was referred the bill (H. R. 579) for the relief of Hendryk Kempski, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Hendryk Kempski. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Poland who was admitted to the United States as a visitor on June 8, 1949. He was forcibly taken from his home in Poland in 1941 by the Germans and transported to Berlin where he was a forced laborer until liberated by the Russians in April 1945. Following his refusal to comply with orders to enter the Russian Army, he joined the Polish underground forces and subsequently escaped from Poland to Norway.

A letter dated September 18, 1950, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to H. R. 6988, which was a bill pending in the Eighty-first Congress for the relief of the same alien, reads as follows:

SEPTEMBER 18, 1950.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 6988) for the relief of Hendryk Kempski.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The bill would provide that Hendryk Kempski, who arrived at the port of New York, N. Y., June 4, 1949, shall, upon the payment of the required head tax, be considered to have been lawfully admitted to the United States. The bill would also direct the Secretary of State to instruct the proper quota-control officer to deduct one number from the appropriate quota.

The files of the Immigration and Naturalization Service of this Department disclose that the alien is a native and citizen of Poland, having been born in Posnan, Poland, on June 8, 1924. He was last admitted to the United States on June 8, 1949, at New York, as a temporary visitor for approximately 5 months, upon the posting of a $500 departure bond. He failed to depart and on January 3, 1950, a warrant of arrest was issued on the ground that after admission as a visitor, he had remained in the United States for a longer time than permitted under the Immigration Act of May 1924.

The alien testified that he had been forcibly taken from his home in Poland in 1941 by the Germans, and transported to Berlin, where he was a forced laborer until April 1945, at which time he was freed by the Russians. He returned to Poland, and has testified that he joined the Polish underground. He also stated that in February 1947 he was approached by agents of the Polish Communist Party and asked to attend a school for indoctrination in Communist theories; that he refused the offer and fled from Poland to Norway where he remained until May 1949.

The quota of Poland, to which Mr. Kempski is chargeable is oversubscribed, and an immigration visa is not readily obtainable. The record presents no facts, however, which would justify granting him a preference over other aliens chargeable to the same quota.

Accordingly, the Department of Justice is unable to recommend enactment of the bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Congressman James C. Auchincloss, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following documents in support of the bill:

AFFIDAVIT OF HENDRYK KEMPSKI

STATE OF NEW JERSEY,
County of Middlesex, ss:

Hendryk Kempski, of full age, being duly sworn according to law, upon his oath deposes and says:

1. I was born on the 8th day of April 1924, at Poznan, Poland. My father's name is Wladyslaw Kempski and he was a postal clerk until the year 1934, when he retired. My mother's name is Anastazja, her maiden name being Grabowski and she is of Polish descent and a Roman Catholic.

2. One year after my birth, my parents moved to Wielien nad Notecia, which is located near Poznan, at which place they resided until the outbreak of the war in 1939.

3. At the outbreak of the war, I had finished the second class of "Gymnasium" with an excellent scholastic standing at Czarnkowie nad Notecia. I worked on a farm until the year 1941. On June 16, 1941, I was sent to Berlin for forced labor, which labor consisted of the removal of unexploded bombs and shells. I performed this work until April 22, 1945, at which time the Russian front formed around Berlin.

4. While attempting to escape to the American lines, I stumbled into Russian territory. Upon encountering the Russians, I showed them my identification and was immediately scheduled for the firing squad. My life was spared because of a sympathetic Russian officer. After 4 weeks of forced marches, I returned home to Poland on the 20th day of May 1945. I remained at home with my parents for 3 weeks and shortly thereafter I received orders to report for army duty at a tank school in Charkov, Russia.

5. I refused to comply with the orders to enter the Russian Army, but joined the underground forces in the forests of Czarkova. These forces functioned in the area of Zieliniec, Dwiejce, Pilka, and Kamienik. As soon as the Warsaw regime was recognized with Stanislaw Mikolajczyk as Vice Premier, the underground forces took advantage of the offered amnesty and laid down their arms. Immediately there were many arrests and executions.

6. As soon as the underground forces laid down their arms, I returned home to my parents and shortly thereafter I received an offer from the president of the Communist Party to become an officer in the security police. I informed the party that I would think it over, but not desiring to be affiliated with such a group, I immediately left for Szczecin without proper authority. At Szczecin I was first employed as a postal clerk and later as a bank clerk. I then became a member of Mikolajczyk's Peasant Party and performed secretive work.

7. During the year 1946, I worked constantly against the Communist Party and in the early part of 1947 the Communist Party tried to force me and other workers to become members of their party under a penalty of loss of employment. I refused to become a member and when mass arrests became common, after Mikolajczyk's escape from Poland and upon being advised of the danger involved, I escaped from Poland on January 24, 1948, by means of a Norwegian ship. As soon as I arrived in Norway, I reported to the American Embassy. I was detained for 6 weeks and subsequently I obtained the legalization of my status as a political refugee and was given the right to remain in Norway.

8. Life in Norway was extremely difficult for me, in view of the fact, that I lack the knowledge of the language and because of the scarcity of employment and housing accommodations as well as the antagonistic attitude of the people.

9. I made several attempts to come to the United States through an aunt living in Brooklyn, N. Y. On March 4, 1949, I received a passport from the Polish consul in Dublin representing the London Polish Government to which I had to apply since the Communist Government was antagonistic toward me. I was given a tourist's visa for the period of 1 year.

10. On June 4, 1949, I arrived at the port of New York on the steamship *Gripsholm*. My visa was for the period of 1 year, however, it was shortened to 6 months and my present status in the United States is that of an illegal immigrant.

11. I presently reside at 103 Jackson Street, South River, N. J.

HENDRYK KEMPSKI.

Sworn and subscribed to before me this 31st day of January 1950.

WALTER W. SCHACK,
Attorney at Law of New Jersey.

BOROUGH OF SOUTH RIVER,
South River, N. J., May 21, 1951.

Hon. JAMES C. AUCHINCLOSS,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: Some time ago I addressed a letter to you in reference to my acquaintance with Hendryk Kempski and he has requested me to furnish you with a similar one to be used by your committee.

As you already know Mr. Kempski is a displaced person and resides at 103 Jackson Street, South River, N. J.

I have known Hendryk since June 1949 and found him to be ambitious, trustworthy, and a young man of good moral character.

I have also observed him on many occasions and he appears to be sincere and worthy of your consideration.

He is employed at the Triangle Cable Works in New Brunswick, N. J.

With personal regards and many thanks for your interest, I am,

Respectfully yours,

JOHN F. FITZPATRICK, *Mayor.*

ST. MARY'S RECTORY,
South River, N. J., May 21, 1951.

Hon. JAMES C. AUCHINCLOSS,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: This is to certify that Hendryk Kempski is a member of St. Mary's Parish in South River, N. J. He is of a very nice character and disposition, of a high moral standing, and in my acquaintance with him I find out that he never was connected with any kind of subversive doctrine. I think that he will be a loyal citizen of the United States if he be permitted to stay in this country.

Respectfully yours,

Rt. Rev. Msgr. M. WUJEK,
Pastor of St. Mary's.

TRIANGLE CONDUIT & CABLE CO., INC.,
New Brunswick, N. J., May 18, 1951.

To Whom It May Concern:

This is to certify that Henryk Kempski, residing at 103 Jackson Street, South River, N. J., has been steadily employed in our casting shop since October 31, 1949, during which time he has proven himself a very satisfactory employee.

Very truly yours,

WILKES G. DAVIS, *Personnel Manager.*

SOUTH RIVER, N. J., *May 18, 1951.*

To Whom It May Concern:

Mr. Julius Thomas and I, Frank Chadwick, have known Henry Kempski of 103 Jackson Street, South River, N. J., for the past few years and we find in our associationship with him that he is honest and a respected young gentleman.

He has made a host of friends in this community and he impressed us very much as being a man welcome to become a citizen of this country.

Respectfully yours,

FRANK CHADWICK.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 579) should be enacted.

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