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SENATE

{ REPORT
No. 1563

BRENDA NICHOLSON MILLER

JUNE 13, 1960.—Ordered to be printed

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

REPORT

[To accompany S. 2855]

The Committee on the Judiciary, to which was referred the bill (S. 2855) for the relief of Brenda Nicholson Miller, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 8 following the words "such Act", change the period to a colon and insert the following:

Provided, That if the said Brenda Nicholson Miller is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to one who has had an attack of insanity in behalf of the wife of a U.S. citizen member of our Armed Forces. The bill has been amended to provide for the posting of a bond, in the event the beneficiary is not entitled to medical care under the Dependents' Medical Care Act, as a guarantee that she will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native and citizen of Great Britain, who presently resides in England with her son and her native-born U.S.-citizen husband who is a member of the U.S. Air Force with the rank of technical sergeant. She has been refused a visa because of an attack of insanity in 1954, but has had no recurrence since and has apparently recovered. Her husband was due to be reassigned to the United States in May 1960. Without the waiver provided for in the bill, she and her son will be unable to accompany him to the United States.

A letter, with attached memorandum, dated March 31, 1960, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., March 31, 1960.

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Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2855) for the relief of Brenda Nicholson Miller, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D.C., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have had one or more attacks of insanity. The bill limits the exemption granted the beneficiary to a ground for exclusion known to the Department of State or the Department of Justice prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE BRENDA NICHOLSON
MILLER, BENEFICIARY OF S. 2855

Information concerning the case was obtained through correspondence from Cleo Travis Miller, the beneficiary's husband.

The beneficiary, a native and citizen of Great Britain, was born on December 29, 1927. She resides in Aldeburgh, England, with her husband and has never been in the United States. She is not employed and is dependent upon her husband for support. Her parents live in Folkstone, England.

The beneficiary was refused a visa by the American consul at London, England, on September 23, 1959, on the ground that she has had one or more attacks of insanity. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The beneficiary was married to Cleo Travis Miller on August 3, 1957, at Folkstone, England. They have a son who was born on December 27, 1958, in Ipswich, England. Cleo Travis Miller was born on February 11, 1927, in Covington, Tenn. He entered the U.S. Air Force on March 17, 1949. His present rank is technical sergeant and he earns \$4,215 per year. His assets consist of \$6,000 in savings. His parents live in Covington, Tenn.

Senator Estes Kefauver, the author of the bill, has submitted the following information in connection with the case:

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN EMBASSY,
London, May 23, 1960.

Hon. ESTES KEFAUVER,
U.S. Senate, Washington, D.C.

DEAR SENATOR KEFAUVER: I wish to refer to the Embassy's letter of April 21, 1960, to you concerning Mrs. Cleo T. Miller, on whose behalf you have introduced a private bill, S. 2855. In that letter we stated that we were arranging for Mrs. Miller to be examined by a psychiatrist and that as soon as the latter had made his report we would get in touch with you again.

The psychiatric consultant's report is now at hand and a copy thereof is enclosed for your information. While it is, in general, favorable to the applicant she continues to be ineligible for a visa inasmuch as section 212(a)(3) of the Immigration and Nationality Act prohibits the issuance of a visa to anyone who has ever had an attack of insanity, regardless of the fact that he or she may have since recovered. In Mrs. Miller's case she was hospitalized from April 29 to September 25, 1954, as the result of such an attack, having been admitted into the hospital in a "state of schizoid depression and was treated with electroshock and insulin coma therapy" to quote from a letter dated September 16, 1959, received by us from the hospital concerned. The hospital added that she had "made a good adjustment and seemed quite well on discharge." It had heard nothing of her in the 5 years which had passed since she left the institution and thought the prognosis could be quite good.

Should you require any further information concerning Mrs. Miller's case we shall be glad to provide it upon request.

Sincerely yours,

NORMAND REDDEN, *American Consul.*

LONDON, May 10, 1960.

Re Mrs. Brenda F. Miller, aged 31.

Dr. EDWARD O'ROURKE,
MOC, U.S. Public Health Service,
American Embassy, London.

DEAR DR. O'ROURKE: Thank you for asking me to see this lady and enclosing a letter from St. Augustine's Hospital, Chartham Down, Nr. Canterbury.

From the history which she gave me of phobia and depression, I would say that this illness was not psychotic in type but rather

one of the type recently included in the term "phobic anxiety—depersonalization syndrome."

She responded well to electrical treatment and put on weight. Deep insulin was given though one should not necessarily conclude from this that "schizoid" was diagnosed. Since her discharge from hospital she has obtained a job and married, and now has a 16-month-old boy. There has been no recurrence of symptoms. Of course, her premorbid personality remains fairly typical in that she is inclined to be obsessional and anxious but there is no doubt, in my view, of risk of recurrence of her trouble. There is no family history of mental illness and a five year remission is in itself a point in her favour.

Sincerely yours,

MICHAEL DAVYS,
Psychiatric Consultant.

Dictated by Dr. Davys and signed in his absence.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
January 25, 1960.

Hon. JAMES O. EASTLAND,
*Chairman, Subcommittee on Immigration and Naturalization,
New Senate Office Building, Washington, D.C.*

DEAR JIM: I am enclosing background data in behalf of Brenda Miller, for whom I have introduced a private bill, S. 2855.

It would appear to me that in view of the time which has elapsed and no further evidence of her illness has manifested itself, that perhaps some kind of examination could now be conducted to assure that Mrs. Miller is cured of the mental attack which she once suffered.

Sergeant Miller states he is scheduled for reassignment to the United States in May 1960. I am very hopeful favorable action can be taken on the bill as soon as possible in order to permit Mrs. Miller to return to the United States with her husband and child.

My kindest regards.

Sincerely,

ESTES KEFAUVER, *U.S. Senator.*

81ST FIELD MAINTENANCE SQUADRON,
APO 755, New York, October 13, 1959.

Hon. ESTES KEFAUVER,
U.S. Senate, Washington, D.C.

DEAR SIR: Presently, I am stationed with the U.S. Air Force in England, with a rotation date of November 1959 to the United States for reassignment.

I married Miss Brenda Nicholson, British national, on August 3, 1957, in Folkstone, Kent, England, and now we have one child. On September 14, 1959, my wife made immigrant visa application through the American Embassy, London, England, but was informed that she is ineligible to receive a visa and excludable from admission into the United States under section 212(a) of the Immigration and Nationality Act. 1st Lt. Joseph M. Carleton Jr., wing personal affairs officer

and I had an appointment with Dr. O'Rourke, U.S. Public Health Service physician, at the American Embassy, London, on October 8, 1959. Dr. O'Rourke stated that my wife was inadmissible, because she was confined to St. Augustine Mental Hospital, Kent, for a 4-month period during 1954 with a serious mental illness. He further stated that, when she was released from the hospital, her prognosis was excellent. To this date, my wife has not had any relapse of this or any other mental disease or disorder.

Respectfully request information as to whether my wife might gain permanent admissibility to the United States through special congressional legislation. I have made application to Headquarters, USAFE, to extend my oversea tour to 60 months, so that I may assist and be with my wife. I do not yet know whether or not it has been approved.

My home address in the United States is: Route 1, Box 10, Covington, Tenn.

Thank you for your consideration.

I remain,

CLEO T. MILLER,
Technical Sergeant, AF14324373, USAF.

81ST FIELD MAINTENANCE SQUADRON,
APO 755, New York, N.Y., December 2, 1959.

Hon. ESTES KEFAUVER,
U.S. Senate, Washington, D.C.

DEAR SIR: Yesterday, I received the letter forwarded to your office by the American Embassy, London, England, which was, in turn, endorsed to me by your special assistant, Mr. Frank Brizzi. In his endorsement, Mr. Brizzi stated the following: "It is deeply regretted that a more favorable response is not forthcoming. If there is any way further we can be of assistance, please let us know."

As you must realize, words cannot express the deep concern that I have for my wife and her admissibility into the United States. Since I am scheduled for reassignment to the United States in May 1960, I, therefore, respectfully request information, as to whether special legislation may be initiated by you, whereby the provisions of section 212(a)(3) of the Immigration and Nationality Act may be waived in the case of my wife, Mrs. Brenda Miller, and she may be eligible for permanent admission to the United States. All assistance that you can render will be most assuredly appreciated.

Sincerely,

CLEO T. MILLER,
Technical Sergeant, AF14324373, USAF.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2855), as amended, should be enacted.

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