Calendar No. 952

91st Congress, 2d Session } SENATE { Report No. 91-945

CURTIS NOLAN REED

June 24, 1970.—Ordered to be printed

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

REPORT

[To accompany S. 3212]

The Committee on the Judiciary, to which was referred the bill (S. 3212) for the relief of Curtis Nolan Reed, 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 facilitate the entry into the United States in an immediate relative status of an alien child adopted by citizens of the United States, notwithstanding the fact that the adoptive parents have previously had the maximum number of petitions approved.

STATEMENT OF FACTS

The beneficiary of the bill is an infant native and citizen of New Zealand who was adopted there on December 17, 1969, by a U.S. citizen couple. The adoptive father has been employed in New Zealand as a counselor by the Church of Jesus Christ of Latter-day Saints attached to the church college. The adoptive parents have previously adopted two alien children who have immigrated to the United States and are now citizens.

A letter, with attached memorandum, dated March 11, 1970, 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:

37-007

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., March 11, 1970.

A-19118253.

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. 3212) in behalf of Curtis Nolan Reed, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the 5-month-old beneficiary, who was adopted by U.S. citizens, may be classified as a child and be granted immediate relative status. The bill further provides that the provisions of the Immigration and Nationality Act, which limits the number of petitions that may be approved for adopted children shall not be applicable in this case.

Absent enactment of the bill, the beneficiary, a native of New Zealand, would be chargeable to the nonpreference portion of the numerical limitations for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 3212

Information concerning this case was obtained from Mr. and Mrs. Harold Nolan Reed, the beneficiary's adoptive parents and the interested parties in this case.

The beneficiary, Curtis Nolan Reed, a native and citizen of New Zealand, was born on September 24, 1969, and was adopted by the interested parties on December 17, 1969, by order of the Hamilton Magistrates Court at Hamilton, New Zealand. He resides with them in Hamilton, New Zealand.

The interested party, Harold Nolan Reed, a citizen of the United States, was born October 6, 1935, at Thatcher, Ariz. He received a Master of Education degree in 1968 from Brigham Young University, Provo, Utah, and has been employed as a counselor since 1963 by the Church of Jesus Christ of Latter-day Saints. He is now performing his duties in New Zealand and receives an annual salary of $8,300. Mr. and Mrs. Reed were married on December 21, 1959, at Mesa, Ariz., and they are the adoptive parents of Kevin Harold Reed and Collette Elaine Reed, born May 16, 1963 and February 8, 1965 in New Zealand. They were admitted to the United States at Honolulu, Hawaii on July 14, 1967 for permanent residence as the immediate relatives of U.S. citizens. They were naturalized in the U.S. District Court at Salt Lake City, Utah, on May 2, 1968. They reside with their

parents in New Zealand. His parents are U.S. citizens and residents.

Interested party, Sue Dette Elaine Reed, a U.S. citizen, was born on April 20, 1937 at Safford, Ariz. She received a bachelor of science degree in business education in August 1959 from Brigham Young University, Provo, Utah. She was divorced from her previous spouse in September 1955 at Safford, Ariz. A son was born to her from that marriage and the child presently resides in Mesa, Ariz. Mrs. Reed had three miscarriages. Her father is a U.S. citizen and resident. Her mother is deceased.

A letter dated February 18, 1970, to the chairman of the Senate Committee on the Judiciary from the Acting Assistant Secretary for Congressional Relations, U.S. Department of State, with reference to the bill reads as follows:

DEPARTMENT OF STATE,
Washington, February 18, 1970.

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

DEAR MR. CHAIRMAN: Reference is made to your request for a report concerning the case of Curtis Nolan Reed, beneficiary of S. 3212, 91st Congress.

The bill would provide for the beneficiary's classification as a child and for the granting of immediate relative status upon approval of a petition filed by Mr. and Mrs. H. Nolan Reed, American citizens. It would also waive the provision of the Immigration and Nationality Act relating to the number of petitions which may be approved on behalf of orphans. It further provides that no brothers or sisters of the beneficiary shall be accorded any right, privilege, or status under the act by virtue of such relationship.

The American Consulate at Auckland, New Zealand, has reported that the beneficiary was born on September 24, 1969, at Hamilton, New Zealand. He resides with Mr. and Mrs. Reed at Hamilton. It is understood that the beneficiary's adoption will become final in about 6 months.

Mr. and Mrs. Reed have had petitions approved on behalf of two other orphans and, under the provisions of 204(c) of the act, they are precluded from having a petition approved on behalf of the beneficiary. He is registered as a nonpreference immigrant with a priority date of October 13, 1969. The prospective adoptive parents plan to return to the United States in July 1970, and should a visa number not be available for the beneficiary at that time, he will not be able to accompany them, in the absence of private legislation on his behalf.

The beneficiary's recent medical examination revealed no grounds of ineligibility.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

Senator Wallace F. Bennett, the author of the bill, has submitted the following information in connection with the case:

U.S. SENATE,
Washington, D.C., April 3, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
New Senate Office Building, Washington, D.C.

DEAR JIM: It is my understanding that all the reports are now in from the State Department and the Immigration Department on my private bill, S. 3212, for Curtis Nolan Reed.

The adoptive parents of this young boy, Mr. and Mrs. H. Nolan Reed, hope to leave New Zealand the first of May if everything is in order regarding the visa for Curtis because Mr. Reed is being transferred from the church college of New Zealand to the church college of Hawaii. Mr. Reed has been employed by the department of education of the Church of Jesus Christ of Latter-day Saints (Mormon) since 1960. He is financially able to care for this child and I am sure both he and his wife will make excellent parents.

I am enclosing several documents to support this bill. If you need any further information, please call Mrs. Squires of my office at 5444.

Because of the time factor involved, anything you can do to expedite action on this bill will be greatly appreciated.

With kindest personal regards.

Sincerely,

WALLACE F. BENNETT.

NOVEMBER 27, 1969.

Name of child: Curtis Nolan Reed.
Address: House 12, Temple View, Hamilton, New Zealand.
Birthdate: September 24, 1969.
Birthplace: Waikato Hospital, Hamilton, New Zealand.
We have two other children who are also adopted. They are:
Name: Kevin Harold Reed.
Birthdate: May 16, 1963.
Birthplace: Putaruru, New Zealand.
Name: Collette Elaine Reed.
Birthdate: February 8, 1965.
Birthplace: Auckland, New Zealand.

We were married December 19, 1959, and were not able to have children. We consulted several doctors in the United States and they were not able to diagnose the problem. They suggested that we should think about adopting children.

On February 9, 1963, we came to New Zealand where I, Nolan Reed, was hired as a member of the faculty of the church college of New Zealand. In New Zealand we consulted a specialist. He also suggested that we should consider adopting children. We adopted our first two children during the 4½ years we were at the church college of New Zealand.

On July 8, 1967, we returned to the United States taking our two adopted children on nonquota immigration visas. I, Nolan Reed, was on a year's sabbatical leave from the Church College of New Zealand to continue graduate study at the Brigham Young University in Provo,

Utah. During the year we were home, we were able to obtain citizenship for our two children. On July 14, 1968, we returned to New Zealand. We had hoped to be able to adopt another child while we were in the United States for the one year, but because of the time factor, we were not able to make these arrangements. As we were desirous of having more children, we investigated the possibility of adopting another child in New Zealand and taking this child into the United States when we returned. Our doctor here felt that it would be a wise thing to adopt another child at this point since he didn't hold out too much hope that we would be able to have children ourselves.

The U.S. Ambassador in New Zealand felt that we should be able to secure a visa if we didn't anticipate leaving within the next few years. We took steps to make application for a child, and the Child Welfare Agency was able to secure a baby for us to adopt. Shortly after we had our new baby we learned that the church was assigning us to go to the Church College of Hawaii and that there was every possibility that they would like us to go in July, 1970. I contacted the U.S. Consul, and he said that he could give no guarantee that a visa would be available at that time. I told him that I had been in touch with Ambassador Henning, who suggested that I approach Senator Bennett about having a private bill introduced to allow us to take our son back to the States with us. He said he would put our child's name on the waiting list of applicants for a visa, but that we should also see about the private bill. He said the availability of a visa number would depend on the number of applicants. Our child would not qualify for a preference visa and would only receive a visa if the preference numbers were not used up. He would not know until sometime between March and May if there was likely to be a visa available.

When we return to the United States, I, Nolan Reed, will be taking a position at the Church College of Hawaii as the director of placement and financial aids. In this position I will have sufficient finance to support our family adequately.

I have been employed by the department of education for the Church of Jesus Christ of Latter-day Saints since September 1960. I have a $20,000 life insurance policy on myself with the Beneficial Life Insurance Co. I hold a master's degree in the field of guidance and counseling. I, Sue Dette Reed, hold a B.S. degree in business education and have taught for 3 years besides working as a private secretary for 3 years. I have not taught school since we have had our children.

HAMILTON, NEW ZEALAND,
November 20, 1969.

Mr. H. N. REED,
Church of Jesus Christ of Latter-day Saints,
Post Office, Temple View

DEAR MR. REED: I acknowledge your request for details regarding the adoption which is at present underway.

I am enclosing, so that you may transmit to your Senator in the United States, a copy of a statement signed by the natural mother of the child. The witness is a notary public and if necessary I could get it notarially attested though this will add to the expense and I will not do so unless it is necessary.

I understand that for the purposes of some American legislation the child is deemed to be an orphan although in fact its natural mother is still living. I cannot remember the legislation in question but some years ago I went into this matter and as far as I can recall, for the purposes of some acts of Congress governing immigration, a child was deemed to be an orphan if its parents were unable to support it and consented to its adoption.

I trust that this covers the points mentioned and I return to you the letter which your Senator wrote to you.

Yours faithfully,

F. L. CURTIN,
Barrister and solicitor.

Enclosure.

I , Veronica Rose Hipworth of Matamata in the Dominion of New Zealand, Clerk, the mother of a male child born at Hamilton, on the 24th day of September, 1969, do hereby consent to an order being made for the adoption of the said child by the persons who are entitled to receive the said child for adoption in accordance with an approval which was given on the 6th day of October 1969 by Margaret Elizabeth Ray Redfern-Hardisty, a child welfare officer, and I further say as follows:

1. That I am consenting to the adoption of the said child because I believe it to be in the best interests of the said child and I am unable adequately to support it.
2. That the said child is an illegitimate child and no person has been adjudged the father of the said child.
3. That no person has contributed to the maintenance of the said child.
4. That I have no objection whatsoever to the persons entitled to receive the said child for adoption in accordance with the said approval taking the child to be brought up and to live in the United States of America.

Signed by the said Veronica Rose Hipworth at Matamata this 10th day of October 1969 in the presence of _____.

V. R. HIPWORTH.

CHURCH COLLEGE OF NEW ZEALAND,
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,
Temple View, New Zealand, November 19, 1969.

To Whom It May Concern:

This is to certify that I have been acquainted and closely associated with Mr. H. Nolan Reed for the past 6½ years during which time we have served together on the faculty of the church college of New Zealand and for the past 3 years on the administrative council of the college. We have also been closely associated with church work in the Church of Jesus Christ of Latter-day Saints.

During all of this time I have found Mr. Reed to be an honest, reliable, and hard-working member of the staff. He is in full fellowship in the church and holds a responsible position as a member of the stake (diocese) high council.

Mr. Reed is well qualified as a counselor and as a commercial teacher.

He and his wife are very responsible parents and have made a good home for their children all of whom they have adopted. He provides well for them and, as a member in full fellowship in the church, he neither smokes nor drinks.

LARRY R. OLER,
Vice-Principal.

CHURCH COLLEGE OF NEW ZEALAND,
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,
Temple View, New Zealand, November 27, 1969.

To Whom It May Concern:

This is to certify that Mr. H. Nolan Reed has been employed by the church college of New Zealand from February 1963 to the present time. During this period he has served as a teacher, director of counselling, and director of placement and vocational guidance. Professionally he is highly qualified in his position and is recognized in his field.

I have known Mr. and Mrs. Reed personally since 1963 and know them to be people of exceptionally high moral and spiritual character. They have deep religious convictions and are faithful and active members of the Church of Jesus Christ of Latter-day Saints. Mr. and Mrs. Reed do not smoke, drink, or use foul language. I believe that any child would be blessed as a result of being a member of this family.

Sincerely,

ALTON L. WADE,
Principal.

VALLEY NATIONAL BANK,
Safford, Ariz., December 1, 1969.

Hon. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: The above subject has been known to me for a good many years and his family has been known to me for over 30 years. I know Nolan to be of excellent character and is a very industrious and responsible young man.

He has maintained both a checking and a savings account at our bank for several years which have always been handled in an excellent manner. In addition, we have advanced him funds for the purchase of an automobile which has been paid in an excellent manner.

I know that his family and friends will certainly be grateful to you for any help that you may give him in obtaining an immigration visa for he and his wife's newly adopted son.

Sincerely,

DONALD I. WELKER,
Vice President and Area Manager.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3212) should be enacted.

O