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EFFECT OF SENATE ACTION DELETING
SECTION 2(d) of H.R. 4567
(Authorization To Issue 15,000
Visas To Iron Curtain Refugees)

Introduction

In the final version of the Displaced Persons Bill approved by the Senate there was eliminated the provision in H. R. 4567 (Section 2(d)) authorizing the issuance of 15,000 visas, upon the recommendation of the Secretaries of State and Defense, to persons fleeing into Italy or the western areas of Germany or Austria since January 1, 1946.

The purpose of this memorandum is to appraise the effect of this action and to outline in some detail the important policy considerations upon which the Department of State bases its earnest hope that the Senate and House conferees may agree to the restoration of the aforementioned provision.

Original Purposes of Provision

In the original proposal for authority to issue 15,000 visas, upon the recommendation of the Secretary of State, the Department had three separate purposes in mind, namely:

1. To do justice to alien employees of our diplomatic missions in Eastern European countries, who, in order to save their lives or escape imprisonment, were forced to flee from their homeland because of faithful service to the United States;
2. To assist the friends of the United States and proponents of democracy whose presence in the United States would be deemed in the national interest as a result of the prominent or active part they played in the struggle against Communism or because of the position which they had held prior to escape from their countries of origin;
3. To make possible, because of the unique circumstances surrounding the displacement from Czechoslovakia, the admission of persons who fled that country after the general cut-off date of arrival in Italy, Germany and Austria established in the definition of eligible displaced persons.

Effect of H. R. 4567 and Senate Action

An expeditious solution to these problems was provided in Section 2 (d) of H. R. 4567, which modified the original proposal by requiring the approval of the Secretary of Defense as well as of the Secretary of State. Under this provision, all of the objectives set forth above could have been accomplished.

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The Senate action not only strikes out the proposal for the admission of 15,000 displaced persons in this manner, but also makes no provision for otherwise accomplishing those objectives.

It is firmly believed for the reasons given below in each case that the Displaced Persons Act should be amended to cover those three categories: former loyal employees of the United States, national interest cases and Czechoslovak refugees not already included under the terms of the present law and H. R. 4567.

1. Former Employees of United States Diplomatic Missions.

During the past two years the Foreign Service, Department of State, has operated a non-publicized program for the protection of loyal local employees of Foreign Service establishments in the Communist dominated countries of Eastern Europe. Under this program the loyal local employees, whose lives and liberty are endangered because of their association with these establishments, are granted assistance in varying degrees.

This program has been impeded by two difficulties. First, the satellite governments will not authorize the departure of local employees and it is becoming increasingly difficult in most countries, being virtually impossible in Rumania, Bulgaria and Poland, to escape through underground channels. To date 20 employees have escaped from behind the Iron Curtain; of this number the Department has determined that only 8 employees plus 8 family members or a total of 16 are entitled to immigration visas in accordance with established program standards.

Secondly, it has been virtually impossible for the Department to implement that portion of the program pertaining to entrance into the United States. Of those 16 entitled to visas only two have been able to obtain them, one under the Czech and one under the Belgian quota. These difficulties are occasioned by the following:

(a) Under provisions of the immigration laws, such aliens would not be eligible for Section 3 (2) visitors visas, since they could not prove the existence of a permanent domicile outside the United States which they did not intend to abandon; nor could they prove that their entrance into the United States was for a temporary sojourn;

(b) Entrance into the United States under quota visas is precluded because of the long waiting list which already exists; and

(c) The permissive authority of the Joint Chiefs of Staff to grant priority under the non-preference portions of the quotas does not suffice as the admission of few, if any, of these aliens

could be

could be approved due to the restrictive criteria. Even in cases where priority is granted by the JCS, a visa cannot be issued until a quota number becomes available under the non-preference section of the quota involved. A case in point is that of a Rumanian employee who received JCS first priority over a year ago but for whom a quota number has not and will not become available in the foreseeable future.

Section 2 (d) of H. R. 4567 provided admission into the United States without indicating in specific terms the types of persons entitled to such admission. Such a provision was particularly desirable in that it provided additional protection to the local employees. The Department believed that the inclusion in the Act of any provision covering the local employees, except in general terms, would result in bringing the protection program to the attention of the governments of the Eastern European countries. This in turn would add to the persecution of the local employees or might nullify the protection program. For this reason it was desirable not to request specific legislation for the local employees but to blanket them under the Displaced Persons Act.

The restoration of Section 2 (d) would be highly desirable as it would provide an adequate mechanism for obtaining visas for the local employees who have escaped to date. No employee who escaped prior to January 1, 1946 is entitled to a visa under the protection program. In requesting restoration based, in part, on the utilization of such legislation for local employees the following considerations are pertinent:

(a) If the deleted Section is not restored in its previous form, it would be desirable, for security factors previously mentioned, to have any proposed restoration drafted in general terms. However, the chances of escaping from the Iron Curtain countries have been so drastically reduced during the past year that the security consideration of the protection program, as it pertains to those locals still employed behind the Iron Curtain, is now of secondary importance. If restoration can be obtained only by including a specific provision covering local employees, such a provision would be acceptable but not desirable.

(b) The number of local employees entitled to immigration visas is not large. The Foreign Service establishments in Eastern Europe estimate that approximately 25 additional employees would be entitled to assistance if they escaped. Of this number it is estimated that approximately 10 employees would be entitled to visas. Therefore, an estimated total of approximately 50 visas would be required to permit entrance of the 14 persons awaiting visas plus any additional escapees and their families.

(c) The

(c) The local employees to whom visas are granted constitute even less of a security risk than other types of persons who are admitted under the Act. Many of the employees have been associated with the Foreign Service for an extended period of time, adequate information exists concerning their past history, and their loyalty to the United States has been proven.

(d) If supplementary information is desired concerning local employees already granted assistance by the Department, such information is available. However, it will be presented only upon request and with the assurance that it will be discussed by the Congress only in closed or executive sessions.

2. National Interest Cases (Post January 1, 1949):

These cases comprise persons among the anti-Communist masses of the satellite countries who were leaders or exceptionally active in the resistance of democratic groups to Communist efforts to acquire power or to the Communist regime subsequent to the seizure of power. Many of them have a record of friendship and assistance to the United States which places an obligation on the United States to help them in return in any way we can. They have frequently furnished representatives of this Government with useful information prior to or following their escape; some would be in a position to provide valuable intelligence and technical or specialized knowledge after coming to this country if they were permitted to do so; and many of them would be of assistance to the United States in connection with Voice of America broadcasts to their own countries. Accordingly, there is a very real national interest to be served in admitting to the United States a limited number of such refugees.

There have already been some four or five cases of former (USIE)-United States Information and Education employees who fled their countries and whose services were sought by (IBD)-International Broadcasting Division for broadcasting. Because there was no way in which these people could be brought to the United States quickly, the Voice of America has been unable to use them. To achieve maximum effectiveness, the Department should be able to use persons when they are qualified. It is obvious that persons who have been in the target area of our broadcasts recently, are good prospects for use on the Voice. Their language is probably better than that of others away from the area longer. They also have intimate knowledge of the current target audiences we are trying to reach. Employment should be available to such persons if we have jobs open.

If the leading country in the community of nations resisting the advance of Communism is not prepared to help these anti-Communist friends of the democracies, it is certain that the situation will be well publicized in the satellite countries. The Communist regimes would use this as an effective part of their propaganda designed to beat down the spirit of the

non-Communist masses in Eastern Europe. The efforts of this Government to keep alive their hope and courage in the face of Communist repression would in these circumstances receive a serious check. That this would be the case is abundantly plain from the use already made by the Communist regime in Eastern Europe of the fact that a number of these anti-Communist refugees still remain in the displaced persons camps after months of waiting for the opportunity to move on to some western country where they may take a useful part in the work of the political emigration looking toward the liberation of their homelands from Soviet domination.

In connection with the National Committee for a Free Europe headed by the Honorable Joseph C. Grew, former Under Secretary of State, the leading political exiles from the Eastern European countries have established in the United States, national committees to serve as directing centers of the work of the refugees in behalf of a free and democratic order in their home countries. It is considered important that our legislation should not foreclose the possibility of admitting to the United States for an indefinite period individuals escaping after the general cut-off date who might be of value to these national committees.

It should also be pointed out that defectors from the Soviet Union and its satellites are among the very best sources of information on developments in the Soviet world. In general, the individuals having the greatest information potential, relative to the state of our knowledge, are Soviet defectors. A certain number of these defectors will be excluded under other provisions of the bill, notably Section 13; the bulk of the remainder can be satisfactorily exploited in the occupied areas and probably would not be of sufficient positive value to the United States to justify issuance of immigration visas. There remain, however, a small number who because of their experience and training can be of continuing value to the United States Government and can be adequately exploited only if brought here. Others, although thoroughly exploited abroad for intelligence purposes, have the necessary qualifications to become useful American citizens and might justifiably be granted visas in return for their contribution to our store of information.

In addition to the foregoing, there are a few important national interest cases who were lawfully admitted to the United States on a temporary basis after April 30, 1949, the cut-off date of the amended Section 4. For example, the former Czechoslovak Ambassador to France, Dr. Jindrich Nosek, came to the United States in May 1949. He is a well known anti-Communist, a member of the Council of Free Czechoslovakia, and is presently engaged in important research work in the Library of Congress for the National Committee for a Free Europe. While it is not proposed that the April 30, 1949 dateline in Section 4 be extended, the same result could be achieved for those few important cases by amending the language of Section 2 (d) in such a way as to apply (within the same numerical ceiling) in national interest cases not only to persons to be admitted to the United States but also to those who entered

the United States

the United States after April 30, 1949 on temporary visas so that the latter might receive the right of permanent residence.

3. Czechoslovak Refugees.

The present Displaced Persons Act recognizes that the Czechoslovak refugees constitute a special case with respect to eligibility as determined by date of arrival in Italy, Germany or Austria. Persons who fled from Czechoslovakia after January 1, 1948 and reached Italy, Germany or Austria prior to the effective date of the Act, on June 25, 1948, are consequently regarded as eligible displaced persons if otherwise qualified. In the House and Senate bills for amendment of the Displaced Persons Act there is no provision which would extend for Czechoslovak refugees the eligibility date of January 1, 1949. The Department urges that in dealing with the problem presented by the Czechoslovak refugees the pertinent clause be so drafted as not to exclude Czechoslovak refugees arriving after January 1, 1949.

The Department wishes to stress that the Communist seizure of power in Czechoslovakia occurred later than in any other satellite country and that although the purge of non-Communists from official positions began immediately after the coup of February 1948, it did not reach widespread proportions and persecution was limited in incidence until the second half of 1948. The most extreme Communist repression on a broad scale was reserved for the period after January 1, 1949. There has been a mass exodus from Czechoslovakia and a large part of it has accordingly occurred, at the rate of approximately 1,000 persons a month, since January 1, 1949.

A certain part of these refugees would probably not qualify as eligible displaced persons for reasons other than the date of their arrival. It is believed, however, that most of them are sincere non-Communists who represent excellent human material, including persons of intellectual attainments as well as of technical and vocational skills. If admitted to the United States, they could be expected to make a worthwhile contribution to American life so long as they might remain in this country. Their admission would also enhance the tendency already apparent to make the United States the headquarters of Czechoslovak democracy in exile and would assist the work of the Council of Free Czechoslovakia. Since the founding of the Czechoslovak Republic in 1918 under the guidance of Thomas G. Masaryk, a close affinity has developed between the American and Czechoslovak peoples and during the international war period no country in Europe showed itself more friendly to the United States or more receptive to American influence in the practice of democracy. The extension of eligibility to Czechoslovak refugees arriving after January 1, 1949 would serve to strengthen this long-established bond between American and Czechoslovak democracy and would do much to ensure a favorable position for the United States in this area of Europe in the event of its liberation from Soviet control.

Recommendations:

Recommendations:

1. In view of the foregoing, it is earnestly hoped that there may be restored the proposal in H. R. 4567 providing for the issuance of 15,000 visas, on the recommendation of the Secretary of State and the Secretary of National Defense, to applicants from the categories mentioned above. If this number proves to be too high, then it is hoped that it will not be necessary to reduce it too substantially.

2. If it should appear impossible to achieve a large number, whether 15,000 or one somewhat lower, it is suggested that Section 2 (d) of the Displaced Persons Act of 1948 be amended in the following manner:

(a) To authorize the issuance of visas to 1,000 displaced persons from all Eastern European countries by recommendation of the Secretary of State and the Secretary of National Defense; and

(b) To take account of the special aspects of the Czechoslovak political emigration, by recognizing as eligible displaced persons Czechoslovak refugees arriving in Italy, Germany or Austria prior to January 1, 1950 if otherwise qualified.

It is felt that these alternatives would not give rise to certain objections made against the original proposal yet would achieve in considerable measure the purposes of the Department set forth in this statement.

3. Since a number of the former employees referred to above escaped between January 1, 1946 and January 1, 1949, it would be preferable to retain the beginning date of January 1, 1946, as presently provided in H. R. 4567, or as close to it as possible. However, if this does not prove possible, then it would be advisable to begin in Section 2d with the date of January 1, 1949.