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U.S. Department of Justice
Office of the Deputy Attorney General

August 7, 1984

TO: John Roberts
Associate Counsel to
the President

FROM: Phillip D. Brady 
Associate Deputy Attorney General

Pursuant to your request, please find attached a short summary of Corporal Staniszewski's immigrant status at the time of his death and the applicable statutes, a review of previous legislative enactments conferring citizenship on individuals who have served in World War II, Korea and Vietnam, the draft DOJ report to the House Judiciary Committee on the pending legislation (the report was sent to OMB 8/3/84 for clearance) and DOD's report on Corporal Staniszewski's service career.

Don't hesitate to ask if I can provide further assistance in this matter.

WLADYSLAW STANISZEWSKI
Corporal, U. S. Marine Corps

Corporal Wladyslaw Staniszewski, U. S. Marine Corps, was killed in action in Vietnam on July 7, 1967. He is the beneficiary of H.R. 960 introduced on his behalf posthumously by Mr. Donnelly on January 26, 1983. The legislation, if enacted, would hold and consider Corporal Staniszewski to have been a citizen of the United States at the time of his death.

Corporal Staniszewski was born in Scotland on June 22, 1947 of parents neither of whom was a U. S. citizen. On December 19, 1964, as a national of Great Britain, he was lawfully admitted to the United States as an immigrant coming to reside permanently. He enlisted in the U.S. Marine Corps on June 30, 1966, while still a national of Great Britain. He arrived in the Republic of Vietnam on April 9, 1967, and was killed in action on July 7, 1967.

In order for Corporal Staniszewski to be held and considered to be a United States citizen at the time of his death, private legislation is necessary.

Naturalization is a judicial process. The public laws of the United States do not provide for posthumous naturalization. Indeed, those laws are specific in their requirement for a personal petition for naturalization, a personal appearance in court and a personal taking of the oath of allegiance as part of the process. These requirements relate to all naturalization applicants. The following sections of the Immigration and Nationality Act relate:

Section 334 of the Act (8 USC 1445)
Section 335 of the Act (8 USC 1446)
Section 336 of the Act (8 USC 1447)
Section 337 of the Act (8 USC 1448)

Of interest, section 329 of the Act (8 USC 1440) sets forth special provisions for naturalization eligibility relating to aliens who have served honorably in the Armed Forces of the U. S. for any length of time during certain defined periods of hostility. Corporal Staniszewski was killed in action on July 7, 1967. It was not until October 24, 1968 (82 Stat. 1343) that Congress enacted legislation amending Section 329 to include Vietnam service during a period beginning February 28, 1961.

Another special section of naturalization law deals with peace-time military service. Section 328 of the Act (8 USC 1439) bestowed eligibility on one who served honorably in the Armed Forces of the United States for a period or periods totaling three years. Corporal Staniszewski was not yet eligible for these special benefits inasmuch as at the time of his death he had served on active duty in the U.S. Marine Corps just over 12 months.

Also inapplicable in this instance would have been the general provisions for naturalization eligibility found in Section 316 of the Act (8 USC 1427) which requires, among other things, five years of continuous permanent residence in the United States. At the time of his death Corporal Staniszewski had been a lawful permanent resident of the United States for just over two and one-half years.

There is ample precedent for the private legislative relief sought for Corporal Staniszewski. Bills containing identical language have been approved in the past for those who served during World War II, Korea and Vietnam.

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 Nison Miller becoming a public charge.

Approved October 16, 1951.

Private Law 334

CHAPTER 514

AN ACT

October 18, 1951
[H. R. 950]

To confer jurisdiction on the Court of Claims to hear, determine, adjudicate, and render judgment on the claim of Preston L. Watson, as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased.

Preston L. Watson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear, determine on the merits, and to render in accordance therewith judgment upon the claim with such interest as the court may determine, of Preston L. Watson, as administrator of the goods, chattels, rights, and credits which were of Robert A. Watson, deceased, against the United States for alleged loss and damages suffered by Robert A. Watson arising out of certain transactions between said Robert A. Watson and the Department of Justice of the United States, involving the purchase and importation of sugar from the Republic of Argentina in June 1920, and the alleged neglect, refusal, and failure of the Department of Justice to provide for the distribution thereof in accordance with the terms of a written agreement between claimant's decedent and said Department. Suit upon such claim may be instituted at any time within six months after the date of enactment of this Act, notwithstanding the lapse of time, laches, or any statute of limitations. Proceedings for the determination of such claim, and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which said court has jurisdiction under section 1491 of title 28 of the United States Code: *Provided*, That this Act shall be construed only to waive the defense of lack of authority of the Department of Justice or its officers in making said agreement and the immunity from suit of the Government of the United States with respect to the claim of Preston L. Watson, as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased, and not otherwise to effect any substantive rights of the parties. Enactment of this Act shall not be construed to raise any implication of liability by the United States.

Approved October 18, 1951.

CHAPTER 515

AN ACT

October 18, 1951
[H. R. 782]

Conferring United States citizenship posthumously upon Siegfried Oberdorfer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Siegfried Oberdorfer, a soldier in the United States Army, who served honorably with the Thirty-fifth Infantry Medical Detachment, and who was killed in action on Guadalcanal on May 20, 1943, shall be held and

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Approved October 18, 1951.

Private Law 336

CHAPTER 516

AN ACT

For the relief of Mr. and Mrs. Richard G. Adams and legal guardian of Dorothy Margaret Adams.

October 18, 1951
[H. R. 4371]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$398 to Mr. and Mrs. Richard G. Adams, of Norfolk, Virginia, for the medical and hospital expenses incurred on account of the injury of their minor daughter, Dorothy Margaret Adams, in an accident involving an Army truck, which occurred at the intersection of Poindexter and D Streets, South Norfolk, Virginia, on January 23, 1941, and the sum of \$602 to the legal guardian of said Dorothy Margaret Adams for the personal injuries sustained by her in said accident: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. and Mrs. Richard G. Adams.

Approved October 18, 1951.

Private Law 337

CHAPTER 517

AN ACT

For the relief of the estate of Nora B. Kennedy, deceased, and Mrs. Ann R. Norton.

October 19, 1951
[H. R. 3430]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Nora B. Kennedy, late of South Boston, Massachusetts, the sum of \$5,000, and to pay Mrs. Ann R. Norton the sum of \$1,500. The payment of such sums shall be in full settlement of all claims against the United States for the death of Nora B. Kennedy, deceased, and for personal injuries and expenses incident thereto sustained by Mrs. Ann R. Norton which occurred as a result of an accident during which they were struck by a United States Army vehicle on December 31, 1944, while they were crossing D Street near the intersection of Third Street in South Boston, Massachusetts: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a

Estate of Nora B. Kennedy.

Mrs. Ann R. Norton.

Private Law 251

CHAPTER 37

AN ACT

For the relief of Amir Hassan Sepahban.

February 27, 1954
(S. 236)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Amir Hassan Sepahban shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved February 27, 1954.

66 Stat. 163.
8 USC 1101 note.

Quota deduction.

CHAPTER 38

AN ACT

Conferring United States citizenship posthumously upon Henry Litmanowicz (Litman).

February 27, 1954
(S. 296)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Henry Litmanowicz (Litman), the son of Mr. and Mrs. Morris Litmanowicz (Litman), of Cleveland, Ohio, who was killed while serving with the United States Armed Forces in Korea, shall be held and considered to have been a citizen of the United States at the time of his death.

Approved February 27, 1954.

Henry Litmanowicz.

Private Law 253

CHAPTER 39

AN ACT

For the relief of Antonio Vocale.

February 27, 1954
(S. 305)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Antonio Vocale shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved February 27, 1954.

66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Private Law 254

CHAPTER 40

AN ACT

For the relief of Isaac D. Nehama.

February 27, 1954
(S. 313)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Isaac D. Nehama shall

66 Stat. 163.
8 USC 1101 note.

Private Law 91-148

August 18, 1970
[S. 2863]

AN ACT

For the relief of Mrs. Cumorah Kennington Romney.

Cumorah K.
Romney.
54 Stat. 1139.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 201 (g) of the Nationality Act of 1940, Mrs. Cumorah Kennington Romney shall be held and considered to have been residing in the United States for a period of five years after attaining the age of sixteen years.

Approved August 18, 1970.

August 18, 1970
[S. 3136]

AN ACT

To confer United States citizenship posthumously upon Guy Andre Blanchette.

Guy A.
Blanchette.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Guy Andre Blanchette, a native of Sainte Garard, Quebec, Canada, who served honorably in the United States Army from May 13, 1965, until his death on August 26, 1969, shall be held and considered to have been a citizen of the United States at the time of his death.

Approved August 18, 1970.

Private Law 91-150

August 24, 1970
[H. R. 12446]

AN ACT

To confer United States citizenship posthumously upon Jose Guadalupe Esparza-Montoya.

Jose G.
Esparza-Montoya.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jose Guadalupe Esparza-Montoya, a native of Mexico, who served honorably in the United States Army from August 21, 1966, until his death on May 20, 1969, shall be held and considered to have been a citizen of the United States at the time of his death.

Approved August 24, 1970.

August 24, 1970
[H. R. 13997]

AN ACT

To confer United States citizenship posthumously upon Staff Sergeant Ryuzo Somma.

S. Sgt. Ryuzo
Somma, USA.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Staff Sergeant Ryuzo Somma (51629652), a native of Japan, who served honorably in the United States Army from September 19, 1966, until his death on March 4, 1969, shall be held and considered to have been a citizen of the United States at the time of his death.

Approved August 24, 1970.

Private Law 91-152

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Be it enacted by United States of A, poses of sections 202 ality Act, Low Yin sidered to be the nat Low, citizens of the or brothers or sister relationship, be acc Immigration and N: Approved August

Private Law 91-153

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Approved August

Private Law 91-154

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Be it enacted by United States of An Frank J. Krec, a na States Marine Cor March 2, 1968, shall United States at the Approved August

Private Law 91-155

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Be it enacted by United States of An tration of the Imm

THREE YEARS AGO, HIS PARENTS, WHO LIVE IN BROCKTON, MASS., APPROACHED DONNELLY ABOUT OBTAINING CITIZENSHIP FOR THEIR SON, WHO WAS BORN IN SCOTLAND.

STANISZEWSKI NEVER FORMALLY APPLIED FOR CITIZENSHIP BUT ACCORDING TO HIS PARENTS, HE HAD TALKED ABOUT HOW HE FELT THE UNITED STATES WAS "WORTH FIGHTING FOR."

A BILL WAS PREPARED AND EVENTUALLY GAINED 112 SPONSORS BUT IT WAS STALLED BECAUSE THERE WAS LITTLE PRECEDENT. A SPOKESMAN IN DONNELLY'S OFFICE SAID ONLY FOUR SIMILAR CASES WERE FOUND.

THE MEASURE SIMPLY STATES THAT STANISZEWSKI "SHALL BE HELD AND CONSIDERED TO HAVE BEEN A CITIZEN OF THE UNITED STATES AT THE TIME OF HIS DEATH."

A SPOKESMAN FOR DONNELLY SAID PASSAGE OF THE BILL WOULD NOT ENTITLE STANISZEWSKI'S FAMILY TO ANY ADDITIONAL GOVERNMENT AID.

UPI 08-10-84 04:38 AED

R W

PH-MARINE SKED 8-18

JUSTICE DEPARTMENT WILL NOT OPPOSE CITIZENSHIP FOR MARINE
BY JOSEPH MIANOWANY

WASHINGTON (UPI) -- A CONGRESSIONAL EFFORT TO GRANT CITIZENSHIP TO A MARINE KILLED IN VIETNAM IS PAST A MAJOR JUSTICE DEPARTMENT ROADBLOCK BUT FACES A RACE AGAINST TIME IN THE FEW WEEKS LAWMAKERS HAVE LEFT THIS SESSION.

THE JUSTICE DEPARTMENT ENDED 14 MONTHS OF STUDY THURSDAY AND SAID IT WOULD NOT OBJECT TO LEGISLATION TO GRANT CITIZENSHIP POSTHUMOUSLY TO MARINE CPL. WLADYSLAW "SCOTTY" STANISZEWSKI.

RESIDENT ALIENS WHO SERVE IN THE U.S. ARMED FORCES IN WARTIME REGULARLY ARE GRANTED CITIZENSHIP WHEN THEY RETURN. HOWEVER, THERE IS APPARENTLY LITTLE PRECEDENT FOR GRANTING CITIZENSHIP TO THOSE WHO ARE KILLED IN ACTION.

"IT EXPEDITES THE CITIZENSHIP PROCESS IF YOU MANAGE TO STAY ALIVE," JUSTICE DEPARTMENT SPOKESMAN THOMAS STEWART SAID THURSDAY.

SPONSORS OF THE BILL TO MAKE STANISZEWSKI A CITIZEN SAID HOUSE COMMITTEE ACTION HAD BEEN DELAYED PENDING THE JUSTICE DEPARTMENT'S DETERMINATION IN THE CASE.

HOWEVER, DESPITE THE CLEARANCE GIVEN THURSDAY, BACKERS OF THE MEASURE SAID THEY FACED SERIOUS PROBLEMS WITH GETTING THE BILL APPROVED BY THE END OF THE 98TH CONGRESS.

REP. BRIAN DONNELLY, D-MASS., THE BILL'S CHIEF SPONSOR, SAID HE IS "RELIEVED AND ENCOURAGED" BY THE DEPARTMENT'S ACTION.

BUT, "IT'S UNFORTUNATE THAT THEY HAVE TAKEN SO LONG TO RESPOND TO THE REQUEST. THEY HAVE LEFT US WITH VERY LITTLE TIME," HE SAID.

CONGRESS IS EXPECTED TO BE IN SESSION FOR ABOUT ONLY ONE MORE MONTH THIS YEAR.

STANISZEWSKI, A BRITISH CITIZEN WHO CAME TO THE UNITED STATES IN 1964, ENLISTED IN THE MARINES IN 1966. HE WAS KILLED BY SHRAPNEL IN THE QUANG NAM PROVINCE OF VIETNAM IN 1967, TWO WEEKS AFTER HIS 20TH BIRTHDAY.



August 8, 1984

MEMORANDUM FOR KATHY CAMALIER
STAFF ASSISTANT TO THE
CHIEF OF STAFF

FROM: FRED F. FIELDING *Orig. signed by FFF* *RAH for*
COUNSEL TO THE PRESIDENT

SUBJECT: Wladyslaw Staniszewski

You have asked for information on the case of Corporal Wladyslaw Staniszewski, a.k.a. Andrew Stanashevsky.

Corporal Wladyslaw Staniszewski, U.S. Marine Corps, was killed in action in Vietnam on July 7, 1967. He is the proposed beneficiary of H.R. 960, introduced on his behalf by Mr. Donnelly on January 26, 1983. The legislation, if enacted, would hold and consider Corporal Staniszewski to have been a citizen of the United States at the time of his death.

Corporal Staniszewski was born in Scotland on June 22, 1947 of parents neither of whom was a U.S. citizen. On December 19, 1964, as a national of Great Britain, he was lawfully admitted to the United States as an immigrant coming to reside permanently. He enlisted in the U.S. Marine Corps on June 30, 1966, while still a national of Great Britain. He arrived in the Republic of Vietnam on April 9, 1967, and was killed in action on July 7, 1967.

The public laws of the United States do not provide for posthumous naturalization. Indeed, those laws are specific in requiring a personal petition for naturalization, a personal appearance in court, and a personal taking of the oath of allegiance as part of the process. Accordingly, in order for Corporal Staniszewski to be held and considered to be a United States citizen at the time of his death, private legislation is necessary.

Had Corporal Staniszewski not been killed in action he would have been eligible for naturalization upon his honorable discharge from the Marines, pursuant to 8 U.S.C. § 1440. This section provides that aliens who have served honorably in the Armed Forces of the U.S. for any length of time during certain defined periods of hostility -- including the Vietnam conflict -- are eligible for naturalization.

There is ample precedent for the private legislative relief sought for Corporal Staniszewski. Bills containing identical language have been approved in the past for those who served and were killed during World War II, Korea and Vietnam. A draft Department of Justice report on H.R. 960, noting no objection to its enactment, is awaiting OMB clearance (Tab A). Also attached is a copy of Corporal Staniszewski's military service record (Tab B). All of the foregoing information may be made public in response to inquiries, except for the draft Justice report (until it is cleared and sent) and the military service record.

FFF:JGR:aea 8/8/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

August 8, 1984

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STAFF ASSISTANT TO THE
CHIEF OF STAFF

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COUNSEL TO THE PRESIDENT

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FFF:JGR:aea 8/8/84

cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1

Name of Correspondent: Andrew Stanachewicz

John

☐ MI Mail Report

User Codes: (A) (B) (C)

Subject: Andrew Stanachewicz

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
W Holland		ORIGINATOR	84108102		1/1
WAT18		Referral Note:	84108103		84108113
		Referral Note:	1/1		1/1
		Referral Note:	1/1		1/1
		Referral Note:	1/1		1/1
		Referral Note:	1/1		1/1

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

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THE WHITE HOUSE

WASHINGTON

August 1, 1984

249876

NOTE FOR: FRED FIELDING
FROM: KATHY CAMALIER *KJC*
SUBJECT: ANDREW STANASHEVSKY

On July 30, 1984, CBS and ABC carried the story of Corporal Andrew Stanashevsky (I've also seen it spelled "Staniczewski"). He was a Scottish citizen who lived in Brockton, Massachusetts, for 18 months before he was drafted into the U.S. Marine Corps in 1967. He died in service to the United States in Vietnam that same year.

Stanashevsky's parents are fighting to get him U.S. citizenship posthumously. His mother is Scottish and his father is Polish. According to ABC, if Stanashevsky had been discharged from the service, instead of dying for the United States, he would have been automatically eligible for naturalization. ABC reported that a Congressional committee has repeatedly put off action on this.

Our office has received a request from a "general citizen" for additional information on this. May I/your office request a "fact sheet" from INS or the appropriate office? Does the White House or Justice have an opinion on this matter? Or is it simply before Congress?

What, if anything, can I do to seek additional information on this? Please advise.

Thanks.

U. S. Department of Justice

Office of Legislative and Intergovernmental Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

DRAFT

Dear Mr. Chairman:

This letter is in response to your request for the views of the Department of Justice on H.R. 960, a bill "to confer citizenship posthumously on Corporal Wladyslaw Staniszewski. The Department has no objection to enactment of this legislation.

H.R. 960 would provide that Wladyslaw Staniszewski who served honorably with the United States Marine Corps, and who was killed in action on July 7, 1967, in the Republic of Vietnam, shall be held and considered to have been a citizen of the United States at the time of his death.

The Department of the Navy has advised that the deceased was born on June 22, 1947 in Scotland. He enlisted in the Marine Corps on June 30, 1966 in Boston, Massachusetts, while still a national of Great Britain. He arrived in the Republic of Vietnam on April 9, 1967 and was killed in action on July 7, 1967. At the time of his death he held the rank of corporal. His decorations and awards include the Vietnam Service Medal with star, the Vietnam Campaign Medal with device, and the National Defense Service Medal.

Our review of H.R. 960 and the above information has led us to conclude that we have no objection to enactment of this legislation.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT A. McCONNELL
Assistant Attorney General

cc: Honorable Brian Donnelly
House of Representatives

July 25, 1984

TO: John Logan (633-2078)
Department of Justice

FROM: Branden Blum (395-3802)
Office of Management and Budget

SUBJECT: H.R. 960, a bill to confer citizenship posthumously on
Corporal Wladyslaw Staniszewski

Per our discussion, attached is a copy of info provided
by Defense.

HR 960

File

OFFICE OF LEGISLATIVE AFFAIRS
WASHINGTON, D. C. 20380-1300IN REPLY REFER TO
LA-61:mr1

19 JUL 1984

Dear Mr. Blum:

Pursuant to your request for information on the late Corporal Wladyslaw Staniszewski, USMC, in connection with H.R. 960, 98th Congress, a bill "To confer citizenship posthumously on Corporal Wladyslaw Staniszewski," the offices of Director of Personnel Management Division, Deputy Chief of Staff for Manpower, Headquarters United States Marine Corps, were able to provide the following information:

- Born 22 June 1947 in Scotland.
- Enlisted in the U. S. Marine Corps on 30 June 1966 in Boston, MA, while still a national of Great Britain. Parents were residing in Boston, MA, at this time.
- Arrived at Da Nang, Republic of Vietnam, on 9 April 1967.
- Participated in
 - Counterinsurgency operations against Viet Cong on 9 April 1967.
 - Operation Duval in Tinh Quang Nam Province from 19 to 24 May 1967.
 - Operation Arizona in Quang Nam Province from 13 to 22 June 1967.
- Killed in action on 7 July 1967 as a result of multiple shrapnel wounds received while occupying a defensive position in Quang Nam Province.
- Decorations and awards include
 - Vietnam Service Medal with star
 - Vietnam Campaign Medal with device
 - National Defense Service Medal
- Received no derogatory comments on Administrative Remarks page (page 11) of Service Record Book.
- Received no disciplinary action.
- Proficiency and Conduct Marks averaged 4.4/4.4 on a scale of 5.0/5.0 (3.5/4.0 are required for an honorable discharge).

- Promoted to
- Private First Class on 22 September 1966.
 - Lance Corporal on 16 January 1967.
 - Corporal on 15 May 1967.

Sincerely,



WILLIAM D. COHEN
Captain, JAGC, U.S. Navy
Director, Legislation

Mr. Brandon Blum
Legislative Attorney
Office of Management and Budget
Room 7220, New Executive Office Building
726 Jackson Place, N. W.
Washington, D. C. 20503

THE WHITE HOUSE

WASHINGTON

September 14, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter in Support of Granting Posthumous
Citizenship to Corporal Wladyslaw "Scotty"
Staniszewski, USMC

Richard W. Johnson, Jr., the Director of Legislative Affairs of the Non Commissioned Officers Association of the United States, has written the President in support of the efforts to confer posthumous citizenship on Corporal Wladyslaw Staniszewski. You will recall from our previous work on this subject that Staniszewski, a British subject admitted to permanent residence, joined the Marines and was killed in action in Vietnam in 1967. If he had survived his voluntary military service he would have been eligible for immediate naturalization under 8 U.S.C. § 1440, but private legislation is required to confer posthumous citizenship. Such a private bill, H.R. 960, is pending before the House Judiciary Committee.

As I noted in my memorandum for you of August 8, there is considerable precedent for such private legislation. The Administration position has been communicated to Congress by the Department of Justice. That Department, in response to a request from Chairman Rodino for its views, has advised that the Administration has no objection to the enactment of H.R. 960. You indicated on the tracking sheet that you would like to do something other than wait on Congress, if possible. The grant of citizenship is totally within Congressional control, however, and the Executive cannot naturalize individuals without Congressional authorization. The most we could do is take a more aggressive posture in support of H.R. 960. Such Administration support for private legislation would be unusual; indeed, it is unusual for the Administration not to object to private legislation.

The attached draft reply advises Johnson that the Administration has no objection to granting Corporal Staniszewski citizenship, but that for this to be accomplished Congress must act.

Attachment

THE WHITE HOUSE

WASHINGTON

September 14, 1984

Dear Mr. Johnson:

Thank you for your letter to the President concerning Corporal Wladyslaw Staniszewski. In that letter you noted that the Non Commissioned Officers Association supported efforts to grant posthumous citizenship to Corporal Staniszewski, who died bearing arms for his adopted country. You also requested that we assist these efforts.

You are correct that had Corporal Staniszewski not been killed in action he would have been eligible for naturalization upon his honorable discharge from the Marines, pursuant to 8 U.S.C. § 1440. This section provides that aliens who have served honorably in the Armed Forces of the U.S. for any length of time during certain defined periods of hostility -- including the Vietnam conflict -- are eligible for naturalization.

The public laws of the United States do not provide for posthumous naturalization. Indeed, those laws are specific in requiring a personal petition for naturalization, a personal appearance in court, and a personal taking of the oath of allegiance as part of the process. Accordingly, in order for Corporal Staniszewski to be held and considered to be a United States citizen at the time of his death, private legislation is necessary.

A private bill, H.R. 960, has been introduced to grant Corporal Staniszewski United States citizenship. As noted, such Congressional action is necessary; there is nothing that the President can do acting alone to grant citizenship. The Administration has, however, advised Congress through a formal report of the Department of Justice that it has no objection to enactment of H.R. 960.

Thank you for sharing your views on this matter with us.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Richard W. Johnson, Jr.
219 North Washington Street
Alexandria, Virginia 22314

FFF:JGR:aea 9/14/84
Bcc: FFFfielding
JGRoberts
Subj
Chron

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

ID# 235116

Gold
who has this?
I'd like to do
committee letter
then wait on
Congress
we can

INCOMING

DATE RECEIVED: AUGUST 17, 1984

NAME OF CORRESPONDENT: MR. RICHARD W. JOHNSON JR.

SUBJECT: WRITES IN SUPPORT OF GRANTING POSTHUMOUS
CITIZENSHIP TO CORPORAL WLADYSLAW "SCOTTY"
STANISZEWSKI, USMC

ACTION

DISPOSITION

ROUTE TO: OFFICE/AGENCY (STAFF NAME) ACT CODE DATE YY/MM/DD TYPE RESP C COMPLETED D YY/MM/DD

MARY JO JACOBI ORG 84/08/17 C 84/08/27

REFERRAL NOTE:

✓ OPL: RIGGS A 84/08/27 C 84/08/27

REFERRAL NOTE:

Fielding Legal Council A 84/08/29 1 1

REFERRAL NOTE:

WATIS D 84/08/31 5 84/09/11

REFERRAL NOTE:

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REFERRAL NOTE:

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES:

PL MAIL USER CODES: (A) (B) (C)

*ACTION CODES: *DISPOSITION CODES: *OUTGOING *
* * * CORRESPONDENCE: *
*A-APPROPRIATE ACTION *A-ANSWERED *TYPE RESP=INITIALS *
*C-COMMENT/RECOM *B-NON-SPEC-REFERRAL * OF SIGNER *
*D-DRAFT RESPONSE *C-COMPLETED * CODE = A *
*F-FURNISH FACT SHEET *S-SUSPENDED *COMPLETED = DATE OF *
I-INFO COPY/NO ACT NEC * OUTGOING *
*R-DIRECT REPLY W/COPY * * *
*S-FOR-SIGNATURE * * *
*X-INTERIM REPLY * * *

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LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.



NATIONAL CAPITAL OFFICE

#235116
NON COMMISSIONED OFFICERS ASSOCIATION of the UNITED STATES OF AMERICA

STRENGTH IN UNITY

219 North Washington Street
Alexandria, Virginia 22314

Telephone (703) 549-0311

August 16, 1984

President Ronald Reagan
The White House
Washington, D. C. 20500

Dear Mr. President:

The Non Commissioned Officers Association of the United States of America is pleased to add its voice in support of granting posthumous citizenship to Corporal Wladyslaw "Scotty" Staniszewski, United States Marine Corps.

Corporal Staniszewski was killed in action in Quang Nam Province, Republic of Vietnam, on July 7, 1967. A British subject, he immigrated to the United States with his parents (who have since become naturalized citizens) in 1964. Staniszewski volunteered to serve in the Marine Corps.

Mr. President, had he survived, Corporal Staniszewski would have been immediately and almost routinely eligible for U.S. citizenship upon release from the Marine Corps by virtue of his service in Vietnam. Regretably he did not survive to achieve his often stated goal. However, since his death, his parents have tried continuously but unsuccessfully to achieve this goal for him.

We urge you to assist them in their pursuit of citizenship for their late son.

Thank you for your consideration of this request.

Sincerely,


Richard W. Johnson, Jr.
Director of Legislative Affairs



International Headquarters
NCO ASSOCIATION
P.O. Box 33610
San Antonio, Texas 78233
(512) 653-6161



THE WHITE HOUSE

WASHINGTON

September 21, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft DOJ Report on H.R. 959, and Veterans
Administration Testimony on H.R. 960 and
959, Bills Concerning Posthumous Grants of
Citizenship

OMB has asked for our views on a draft Justice report on H.R. 959 and draft VA testimony on H.R. 959 and H.R. 960. You will recall the case of Corporal Wladyslaw Staniszewski, an alien admitted to permanent residence who died while serving with the U.S. Marines in Vietnam. Had he survived and been honorably discharged, he would have been eligible for immediate naturalization. H.R. 960 is a private bill to grant Staniszewski posthumous citizenship. The Administration, through Justice, has already indicated no objection to H.R. 960.

H.R. 959 is a general bill addressed to the Staniszewski situation, and would grant posthumous citizenship to aliens who die while serving in the Armed Forces, upon appropriate application by a relative. The Justice report supports H.R. 959, suggesting that it be clarified to indicate that the grant of citizenship is honorific and carries no legal consequences. The VA testimony stresses that veteran benefits do not depend on citizenship but simply veteran status. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

September 21, 1984

MEMORANDUM FOR BRANDEN BLUM

LEGISLATIVE ATTORNEY

OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Draft DOJ Report on H.R. 959, and Veterans
Administration Testimony on H.R. 960 and
959, Bills Concerning Posthumous Grants of
Citizenship

Counsel's Office has reviewed the above-referenced draft
Justice report and Veterans Administration testimony, and
finds no objection to them from a legal perspective.

FFF:JGR:aea 9/21/84
cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1Name of Correspondent: James Murr☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Draft DOJ report on H.R. 959, and Veterans
Administration testimony on H.R. 960 and
959, bills concerning posthumous grants of
citizenship

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUTTER</u>	ORIGINATOR	<u>84 09 21</u>			<u>1 1</u>
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ACTION CODES:

A - Appropriate Action
 C - Comment/Recommendation
 D - Draft Response
 F - Furnish Fact Sheet
 to be used as Enclosure

I - Info Copy Only/No Action Necessary
 R - Direct Reply w/Copy
 S - For Signature
 K - Interim Reply

DISPOSITION CODES:

A - Answered
 B - Non-Special Referral
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Type of Response = Initials of Signer
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 1984

LEGISLATIVE REFERRAL MEMORANDUM

SPECIAL

5 pages

TO: LEGISLATIVE LIAISON OFFICER

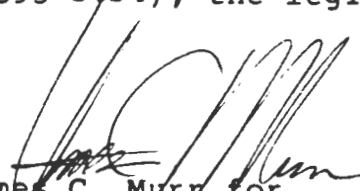
Department of Justice - Jack Perkins (633-2113)- VA testimony only
Department of State - Cy Alba (632-0430)
Department of Defense - Werner Windus (697-1305)
Veterans Administration - John Murphy (389-3831)- DOJ report only

SUBJECT: Draft Justice report on H.R. 959, and Veterans
Administration draft testimony on H.R. 960 and
H.R. 959, bills concerning posthumous grants of
citizenship

The Office of Management and Budget requests the views of your
agency on the above subject before advising on its relationship
to the program of the President, in accordance with OMB Circular
A-19.

Please provide us with your views no later than 4:00 p.m. Friday,
September 21, 1984. (Note: a subcommittee of the House
Judiciary Committee has scheduled a hearing for 9/25/84.)

Direct your questions to Branden Blum (395-3454), the legislative
attorney in this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosure

cc:

J. Cooney
B. Pellicci
F. Fielding

T. Treacy
A. Kessler



U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is in response to your request for the views of the Department of Justice on H.R. 959, a bill to amend the Immigration and Nationality Act to provide that aliens who die while serving with the United States armed forces during certain periods of hostilities may be considered to have been citizens of the United States at the time of such aliens' death. The Department of Justice has no objection to enactment of this legislation, provided the status conferred by the legislation is limited as discussed below.

The bill provides that an alien who dies while serving in the armed forces of the United States shall, upon approval by the Attorney General, be considered a citizen of the United States at the time of the person's death. A request for granting such posthumous citizenship would be filed on behalf of said person by a family member or by any other person designated by the Attorney General as eligible to file. If the request is approved, the Attorney General would send a suitable document to the person who filed the request stating "that the United States considers such person to have been a citizen of the United States at the time of such person's death."

It is not clear from the language of the bill whether the citizenship that would be conferred by the bill would be purely honorary or if it is intended to have legal consequences. The Department recommends that the bill be amended to state that the status conferred does not transfer any tangible benefits or liabilities to the alien or his family.

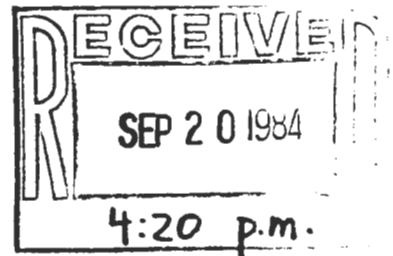
While the Department has opposed legislation that would grant posthumous citizenship, we believe that those individuals who lose their lives while fighting for the United States should be considered to have been citizens of the United States at the time of their death. It is our view that such a compelling request for citizenship demands a compassionate response.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Robert A. McConnell
Assistant Attorney General
Office of Legislative and
Intergovernmental Affairs

STATEMENT OF DOROTHY L. STARBUCK
CHIEF BENEFITS DIRECTOR
DEPARTMENT OF VETERANS BENEFITS
VETERANS ADMINISTRATION



BEFORE THE
SUBCOMMITTEE ON IMMIGRATION, REFUGEES AND INTERNATIONAL LAW
HOUSE COMMITTEE ON THE JUDICIARY

September 25, 1984

Mr. Chairman and Members of the Committee:

I am pleased to be here today on behalf of the Veterans Administration to discuss H.R. 959 and H.R. 960. Let me initially address H.R. 960. This proposal provides that Corporal Wladyslaw Staniszewski, a national of Great Britain, who was killed in action on July 7, 1967, in Vietnam while serving in the United States Marine Corps would be held and considered to have been a citizen of the United States at the time of his death.

First, let me assure this Committee that the citizenship of the serviceperson has no bearing whatsoever upon whether that person is considered a veteran for purposes of entitlement to benefits under laws administered by the Veterans Administration. Consequently, any entitlement to benefits by the survivors of Corporal Staniszewski is not affected by this proposed legislation. Likewise, had Corporal Staniszewski survived, he would have been entitled to the same benefits under VA administered programs as a U.S. citizen. In fact he would have been a veteran in every respect as that term is defined by statute at section 101(a) of title 38, United States Code.

2.

Nevertheless, we can well appreciate the desire of Corporal Staniszewski's survivors, that in death he should share with them the citizenship they have freely chosen. No person can more dearly earn that citizenship than did Corporal Staniszewski. No person can more convincingly declare allegiance to his or her country. Few persons could more convincingly inspire others in the practice of good citizenship. For these reasons we favor enactment of H.R. 960.

Turning now to H.R. 959, this proposal would be of general application to confer U.S. citizenship posthumously on persons dying while serving with the United States Armed Forces during certain periods of hostilities. We have not had the opportunity to explore general implications of that proposal on other Agencies or Departments and therefore offer no position or recommendation. We wish, nevertheless, to reiterate that citizenship of a member of the Armed Forces is immaterial insofar as entitlement to benefits under laws administered by the Veterans Administration based on that service.

This concludes my formal statement. I will be pleased to respond to any questions you or other members of the Committee may have.

was killed in action in Vietnam 17 years ago.

He was born in Scotland in 1947 and he emigrated to the United States in December 1964. He was admitted to this country as a permanent resident and he had intended to spend the rest of his life here.

Less than a year and a half after he came to this country, he swore his allegiance to the United States of America when he took the oath as a U.S. marine.

There is no doubt that he took that oath very seriously. When he received his orders for Vietnam, he said it would be treasonous for him to abandon his commitment to this country and to the Marine Corps, even though he was still a British citizen and could have left this country easily. He was committed to serving this Nation because he now saw himself as an American.

Wladyslaw Stanislawski's own words speak most eloquently of his belief: "I want to make my roots here," he said. "If a country is worth living in, it is worth fighting for."

His comrades in the Marine Corps remember him as an inspiration and as a leader. Shortly after his arrival in Vietnam he was promoted to corporal. He was briefly assigned to supply duty, but he insisted on being reassigned to the front lines because he felt it was his duty to fight for his country.

A man who served with him in Vietnam recalled recently, "Scotty was a very patriotic man. He was more patriotic than most Americans were during the Vietnam war. Scotty was really impressed with the United States. He knew that one day he would become an American citizen. That was his goal in life."

That life ended abruptly on July 7, 1967. It was just 2 weeks after he turned 20. While on patrol in Quang Nam Province, Corporal Wladyslaw Stanislawski was killed by a Vietcong hand grenade.

At the time of his death, his parents asked the Marines one question they knew their son wanted answered: Was he now considered a U.S. citizen? They were told he was not, that he was still legally a citizen of Great Britain.

It is a sad irony of our law that an alien who serves honorably in our Armed Forces during wartime is awarded citizenship upon discharge from the service, but because Scotty Stanislawski gave his life while serving the United States, he died a foreigner in the eyes of our law.

In the 3½ years since this bill was first introduced, America has taken many important steps "to bind up the nation's wounds, to care for him who shall have borne the battle." We have made an effort to treat the physical and psychological wounds of those who returned from Vietnam. We have honored those who died with a state funeral for the representative of all our war dead, the Unknown Soldier.

We have renewed our efforts to account for those whose fate is unknown. And we have dedicated a national monument to all who served.

Today, we try to bind up one remaining wound.

By recognizing Wladyslaw Stanislawski as a citizen, we are not honoring him so much as we are honoring ourselves and our Nation. We are saying that his patriotism, his loyalty, his courage, and his full measure of devotion are virtues that we as Americans want to be associated with.

It is an extraordinary step for Congress to grant citizenship posthumously, but there have been precedents. Other fallen servicemen from Vietnam, Korea, and World War II have been recognized in this manner.

Corporal Stanislawski's family has made it clear they do not seek and would not become eligible for any additional benefit as a result of this legislation. It will not affect the immigration status or citizenship of any other individual.

Corporal Stanislawski's cause has won the support of the Commandant of the Marine Corps, the major national veterans organizations, countless local veterans posts, the Massachusetts legislature, numerous city and town governments, and literally thousands upon thousands of individuals across this Nation who have written and petitioned Congress to grant him citizenship.

His parents, Frank and Rosina Stanislawski, his sister Lorraine, and his brother Daryl, became naturalized American citizens in 1970. His brother has just concluded 4 years service in the U.S. Navy. Corporal Stanislawski's family has kept faith with America. Now let us keep faith with them.

Wladyslaw Stanislawski swore his allegiance to the United States; he gave his life in its service. An American flag draped his coffin. Let us acknowledge, finally, that our country and our flag are his, too.

□ 1440

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

Mr. DONNELLY. I would be happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I appreciate the gentleman's statement. It was eloquent in behalf of a deserving young man.

At one point—and let me first apologize for having pronounced the corporal's name incorrectly, Stanislawski.

Is it the gentleman's understanding that the family does not wish and would not accept and does not expect any benefits of any sort deriving from his citizenship?

Mr. DONNELLY. Corporal Stanislawski's family, Frank and Rosina Stanislawski, have told me from the outset that under no circumstances do they want, nor would they accept any assistance. Their goal in seeking this posthumous citizenship is so that that

young man's name that appears on the Vietnam Memorial is the only name that is not an American citizen of those 57,000 young men and they feel that he gave his life for his adopted country and they feel that he deserves the honor of citizenship.

Mr. MAZZOLI. Mr. Speaker, I think that is very well said.

One last observation, if I could ask my friend, and that is, the precedential value, if any, or effect of the adoption of this legislation today upon that group of several hundred that the gentleman himself has sought to sponsor by way of another piece of legislation, people who occupy the same role as Corporal Stanislawski, who had as a permanent resident gone to serve and were killed, I ask the gentleman the question, does the adoption of this bill today preclude any action that any subcommittee or any future committee would take on the other pending legislation?

Mr. DONNELLY. No; I do not think it would. Our research has shown us that there are 12 Vietnam-era resident aliens that were given posthumous citizenship in 1969, as I recall.

I firmly believe and have filed a bill that is before the gentleman's subcommittee that it ought to be an automatic granting of citizenship to any resident alien who gives his life for this country.

This case by case makes it very difficult for the committee and clearly makes it difficult for the family, and the amount of personal trials and tribulations they have to go through. I do not think they ought to have that.

I would hope that in the next session we would have an opportunity to appear before the Commission and look into this matter so we can make it possible for them to have this.

Mr. MAZZOLI. We certainly will.

Mr. Speaker, I reserve the balance of my time.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. KINDNESS asked and was given permission to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, I join to the extent that any one of us or any of us together may have to add honor to the name of Corporal Stanislawski.

I do at the same time take note of the unusual nature of the proceedings. It has been mentioned here that it is unusual to grant posthumously the citizenship that would be conferred by H.R. 960, but that is not the matter to which I refer.

I refer instead to the fact that H.R. 960 was not on the list of suspensions for today and that there was, indeed, a hearing scheduled in the subcommittee for the bill tomorrow.

I understand the pressures that grow at the end of any legislative session. There are many Members of this House who are concerned with pieces of legislation, some of great moment,

some of lesser moment, that may not be dealt with by the end of the session unless something extraordinary is done. Certainly in this case it would appear that there is merit for as much to be done on an extraordinary basis as one could imagine; but I do believe that it would be fair to allow the Members of the minority to have some advance notice of such matters, that is, those involved in the subcommittee, and I shall yield to the gentleman from California in a short while, but I would urge that when matters of this sort are done on a highly preferential basis, it is not the subject matter of the legislation that is involved, but the courtesy of extending certain notice, you know, clearly absolutely certain notice to the ranking minority member of the subcommittee that the matter is to be taken up on the House floor.

Mr. MAZZOLI. Mr. Speaker, would the gentleman yield?

Mr. KINDNESS. I yield to the gentleman.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding. I am pleased that the gentleman made that statement, because there was a paucity of notice, and that is an overstatement, to tell you the truth, of when this matter would come up. I heard about it when I was home for the weekend, but I think it was spawned by a confluence of events that neither the gentleman from Ohio nor the gentleman from Kentucky really had any control over, but it has been the position of the gentleman from Kentucky, having served with the gentleman from Ohio as well as the gentleman from California, to always work collegially toward passing good legislation. Here we have good legislation, but there was not much collegiality in the sense of the lead up to it, but I think it is worthy legislation.

The gentleman from Massachusetts has indicated that he sees no precedent in this adoption toward the other cases which might be pending.

There is an amendment, to be sure, for example, that there is no derivation under this grant, so all things considered, while I share the gentleman's feeling from a majority standpoint as well that notice was not as good as it has been in the past, it is overlookable I think under the circumstances.

Mr. KINDNESS. Well, I thank the gentleman for his comment and his contribution to the development of this subject, but I feel that I must add one other point, and it has to do with the way this House operates as an institution now and in the years ahead.

Our committee system has its flaws and its faults and sometimes it is a disappointment or a frustration, but it is a part, an essential part of the effective functioning of the House of Representatives.

The committee in this case has been usurped, OK. That probably should be the will of the House and probably

will be, no question about that; but if it will be on this occasion, when will it be again?

The Committee on the Judiciary has experienced quite a number of times during this Congress as well as prior Congresses the situation in which its jurisdiction is avoided and the committee does not function to perform that which it ought to for the House of Representatives.

This is such a case in a sense. I do not think there is disagreement on the subject matter, but there is disagreement as to not utilizing the procedure of the House of Representatives.

If I were the author of H.R. 960, I think I would feel the same frustration. I think I would attempt to do the very same sort of thing, get the matter accomplished.

I congratulate the gentleman from Massachusetts for his tenacity in getting it done and for having a speaker from his State, I suppose, but it is something that I think we ought to think about before repeating it in the future.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LUNGREN].

(Mr. LUNGREN asked and was given permission to revise and extend his remarks.)

□ 1450

Mr. LUNGREN. Mr. Speaker, as the ranking Republican on the Subcommittee on Immigration, Refugees, and International Law, I rise in support of H.R. 960. When you realize, going through the material, that we are talking about an individual, or when I realize we are talking about an individual essentially the same age or born the same time as I was, going through the same things I was going through at that time, one who served in Vietnam while the other was fortunate enough to remain here in the United States attending college at the time that Corporal Staniszewski was killed, you have an empathy that goes beyond the normal cases that we have appear before our committee.

I was looking forward to holding the hearings with the chairman of the subcommittee on this issue tomorrow. It had been scheduled for sometime in the regular process of business. I was under the understanding as late as an hour ago that this was not going to be considered here today, that we were going to have the hearing tomorrow and proceed to conclude this before we wrap up the session. This is the reason that I was absent when this started, having been officially informed or actually informed by my office about 3 minutes after the gentleman from Kentucky stood up.

So while I very strongly support this legislation, I just as strongly protest the procedure under which what I would consider to be normal courtesy was not extended to the members of the subcommittee working on this, certainly not to the ranking member, and

I know the chairman was in the same position.

There is no doubt, however, times when Members feel they must go beyond the committee. This is one and I salute the gentleman from Massachusetts [Mr. DONNELLY] for having successfully brought this to the floor. As someone mentioned, it is helpful to have the Speaker of the House from the same State as the author of the bill. That certainly does not hurt, and at times I wish I had the same support.

Mr. DONNELLY. Will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to my friend from Massachusetts.

Mr. DONNELLY. I want to stop the gentleman before he gets in trouble, saying too many laudatory things about the Speaker from Massachusetts.

Mr. LUNGREN. I was just about ready to pause.

Mr. DONNELLY. Let me say clearly there is some confusion about how this legislation was handled. Let me assure the gentleman that I have the highest respect for the gentleman from California [Mr. LUNGREN] and the gentleman from Kentucky [Mr. MAZZOLI], and even higher respect for the committee and the process. There was a lack of communication and some confusion over when this bill was going to be called. I think it was just that it was a good faith confusion, and let me assure the gentleman, and I want that stated in the Record.

The overwhelming issue today, though, is honoring this young man's sacrifice and service to this country. I have spoken to my friend from California about this personally less than 2 weeks ago, as I recall, and he indicated to me his interest in this legislation.

I would just take this opportunity to say I am sorry for the confusion and the process they went through, and I was somewhat confused about the process when I arrived here this afternoon, too. I think we are all in the same boat. But the bottom line is, even though our feathers are a little ruffled on all edges, that we are doing the right thing and the honorable and decent thing by passing this legislation.

Mr. LUNGREN. I thank the gentleman for his comments. It does give me a deal of pleasure to be able to support this bill when we consider the temper of the times surrounding the corporal's entrance into the Army and his service in Vietnam when there were those who did not so eagerly serve their country, when there were those, in fact, that fled from the service of their country, and when in the intervening years we made provisions to excuse those under certain circumstances who fled the call of duty to the country. It seems to me altogether proper that we grant citizenship to one who not being a citizen did

not have that same obligation but gave the ultimate sacrifice.

I would also say to the gentleman that I understand his frustration with the committee process at times. Believe me, as a member of the Judiciary Committee I understand it as well if not more than the gentleman from Massachusetts does.

Perhaps in the next few weeks I can manifest that frustration more clearly to the gentleman and solicit the gentleman's support in trying to overcome that frustration as we try to proceed with other good legislation. So I salute the gentleman for the work he has done on this bill and rise in strong support of this bill.

I would hope that our colleagues would pass this unanimously.

Mr. MAZZOLI. Mr. Speaker, I would just quickly say that the amendment to the bill simply adds language to this effect: "Provided, That no benefit shall thereafter derive to survivors under this grant of posthumous citizenship."

● **Mr. FRANK.** Mr. Speaker, I am pleased to join with my colleagues today in honoring the memory of Cpl. Wladyslaw Staniszewski, truly an American hero. Wladyslaw "Scotty" Staniszewski was born in Scotland in 1947, to a Polish father and Scottish mother. His parents, Frank and Rosina Staniszewski, came to this country in 1963, and Scotty joined them here in 1964. They settled in Brockton, MA, with the intention of becoming naturalized American citizens.

In 1966 Scotty enlisted in the U.S. Marine Corps. As he told his mother at the time: "A country worth living in is a country worth fighting for." At that point Scotty was not yet a U.S. citizen. Normally a resident alien who serves in the Armed Forces would receive his citizenship upon being honorably discharged. Scotty served honorably, and achieved the rank of corporal, but he never received the citizenship of the country he loved and fought for. Cpl. Wladyslaw Staniszewski was killed in action on July 7, 1967, in Quang Nam Province.

Mr. Speaker, surely it is an anomaly that Corporal Staniszewski, who gave his life for this country, should have died a foreigner in the eyes of the law. It is time this were corrected. I am grateful to my friend and colleague, **Brian Donnelly**, for pushing this legislation. Most of all I must congratulate Frank and Rosina Staniszewski for their perseverance and for their patriotism. Surely they epitomize what is great about this country, a nation built by immigrants. I urge my colleagues to support H.R. 960, so that a great American will at last be recognized as such. Thank you. ●

● **Mr. MOAKLEY.** Mr. Speaker, I rise before this Chamber today to speak on behalf of legislation before the House introduced by my colleague, **Brian Donnelly**.

The purpose of this legislation, House Resolution 960, is to bestow citizenship posthumously on Cpl. Wladyslaw Staniszewski, who was killed in action while fighting in the Vietnam war.

According to the Department of the Navy, Corporal Staniszewski was born on June 22, 1947 in Scotland. He emigrated to the United States in January 1965, and on June 30, 1966, he enlisted in the U.S. Marine Corps; despite the fact that he was still a British subject. He arrived in the Republic of Vietnam on April 9, 1967, and tragically was killed just 3 months later on July 7, 1967.

Before his untimely death, Corporal Staniszewski had an exceptionally honorable military record. He held the rank of corporal, and had such distinguished decorations as the Vietnam Service Medal with Star, the Vietnam Campaign Medal with Device, and the National Defense Service Medal.

Customarily, resident aliens that serve in our Armed Forces are granted citizenship as soon as they are honorably discharged from duty. This is done in recognition of the service they have rendered in upholding the American constitution. Tragically, because Corporal Staniszewski lost his life before being discharged, he remains a resident alien in the eyes of the Immigration and Naturalization Service.

I join with my colleague, **Brian Donnelly**, in asking for unanimous support of House Resolution 960, in order to grant this man U.S. citizenship, a privilege well deserved and certainly earned. Corporal Staniszewski demonstrated his devotion to this Nation by the very fact that he enlisted in the U.S. Armed Forces, and fought nobly in the name of freedom and dignity for those who did not have such rights. In doing so, he gave the greatest sacrifice he could ever give to a country; his life.

At the very least, this Nation owes Scotty Staniszewski the gift of citizenship. In this case, citizenship is not a gift to be given, but a reward to be bestowed after being so honorably earned. ●

● **Mr. BOLAND.** Mr. Speaker, I strongly support H.R. 960, which would confer citizenship posthumously on U.S. Marine Cpl. Wladyslaw "Scotty" Staniszewski, and urge its adoption by the House.

For most of us, U.S. citizenship is a gift conferred by birth. It is not something we have to earn and in spite of the tremendous benefits which it conveys, we are rarely called upon to make a direct effort in its maintenance. For some, it becomes something taken for granted and we tend to forget how highly it is prized by millions of people in countries all over the world.

Scotty Staniszewski was not born an American citizen. A native of Poland and a national of Great Britain, Corporal Staniszewski came to the United States with his family in 1963. He des-

perately wanted to become a U.S. citizen and volunteered to serve with the Marine Corps, fully aware of the fact that Marines were at that time fighting and dying in Vietnam. He could have easily avoided those risks, but he chose to demonstrate his fidelity to our country in a most concrete way—by bearing arms in its service. In 1967, less than 3 years after coming to our shores, Corporal Staniszewski was killed in action in Quang Nam, Vietnam. He died a U.S. Marine but not a U.S. citizen; the only U.S. serviceman to die in Vietnam in that status.

Today this House can begin the process through which posthumous citizenship can be legislatively conferred on Scotty Staniszewski. In so doing we recognize not only his sacrifice but the love of country which prompted it. By his deeds Corporal Staniszewski won the right to be called an American and it is appropriate that this country, on whose behalf he died, acknowledge that fact. H.R. 960 will accomplish that result. I want to compliment my colleague from Massachusetts Congressman **Donnelly** for introducing the bill, I am pleased to be a cosponsor of it, and I commend it to the House.

Mr. Speaker, the Springfield Daily News, on August 15 carried an excellent editorial on Corporal Staniszewski. I would like to insert that editorial at this point in the the RECORD.

(From the Springfield Daily News, Aug. 15, 1984)

GRANT MARINE CITIZENSHIP

The bill to grant citizenship posthumously to Marine Cpl. Wladyslaw Staniszewski should be passed and signed by the president.

Staniszewski's family migrated to Massachusetts from Scotland, and the son could easily have avoided U.S. military service.

Instead, he volunteered, became a Marine and would have been eligible for citizenship when he completed his tour of duty in Vietnam. However, he was killed by shrapnel fire when he was 20. That was 17 years ago.

His father has been trying to achieve the son's wish to be an American citizen, and Rep. Brian J. Donnelly, D-Boston, filed such a bill in Congress.

The chairman of the House Immigration subcommittee requested the U.S. Justice Department for a letter saying it had no objection to the citizenship petition. For some reason or none, the Justice Department waited 14 months before responding that it had no objection.

Congress will not go back into session until after Labor Day, but a hearing on the Staniszewski bill has been set for the week of Sept. 9.

However, the congressmen want to adjourn less than a month later to start campaigning, and so the bill must make rapid progress.

Rep. Edward P. Boland, D-Springfield, and Rep. Silvio O. Conte, R-Pittsfield, have become cosponsors of the bill, and they should begin pushing now for a quick passage and signing of this bill.

It would be cruel to make the Staniszewski family endure more months of red tape.

The Massachusetts delegation should make this bill a priority, and make certain

that it passes during the brief session next month.●

● Mr. HILLIS. Mr. Speaker, I would like to take this opportunity to voice my support for H.R. 960—a bill which would confer American citizenship on the late Cpl. Wladyslaw Staniszewski.

It's been 17 years since a piece of shrapnel killed Corporal Staniszewski while he was serving with the U.S. Marines in South Vietnam's Quang Nam Province. "Scotty," as everyone called him, had moved with his parents to Brockton, MA, from Scotland when he was 17.

Even though he was a British national, he enlisted in the U.S. Marines just after he turned 19 and was shipped to Vietnam where he was killed in action. He died without his greatest wish—being fulfilled—American citizenship.

It will take a special act of Congress through passage of H.R. 960 to grant Scotty his wish. His parents, who have since become citizens, have carried on a long fight to see this day and they are to be admired for their perseverance.

In my view, there is something terribly inconsistent and wrong with a policy which says resident aliens who survive wartime service in the U.S. military are entitled to citizenship upon discharge but those who die forever remain noncitizens.

On Memorial Day, we make so much of our appreciation for those who die serving the cause of freedom. Isn't it a bit hypocritical, then, to refute citizenship to those who died for a country they longed to call home?

Scotty Staniszewski is an example of a cold bureaucratic policy that fails to consider the love a man had for this Nation—a love so strong that he was willing to risk his life for it.

Scotty's citizenship is what we're voting on today. The sad thing is, there have been others that have deserved our vote, too.

I'm supporting this individual humanitarian action but, beyond that, I hope the Congress will consider legislation which would automatically confer posthumous citizenship on any noncitizen who honorably fought and died for this country.●

Mr. MAZZOLI. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. KINDNESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and pass the bill, H.R. 960, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objections to the request of the gentleman from Kentucky?

There was no objection.

TRIBUTE TO THE HONORABLE ABRAHAM KAZIN, JR.

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I send my congratulations to the Speaker in the chair now. This may be the last chance I will have to be on the floor when the gentleman is presiding, though I hope he presides over our immigration bill, which we will be coming up later.

But the gentleman has a distinguished career in the House and is a good friend of the gentleman from Kentucky, a good friend of all Members of the House on both sides of the aisle, and he will be sorely missed in the 99th Congress. I wish him many good years and happiness in the years ahead.

The SPEAKER pro tempore. I thank the gentleman for his kind words and I appreciate his friendship.

TRIBUTE TO JANE WOOLSEY

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, Jane Woolsey was a dear friend of mine. She died last week after a long and debilitating illness. Diabetes had cost her sight, the loss of one hand, and two amputations. But through this long ordeal she was a magnificent inspiration to everyone who knew her.

Jane was a teacher. That was the identity she cherished. It was her choice in life to teach the physically handicapped and the mentally retarded. That was her labor of love.

Jane Woolsey left me this poem which I want to share with all my colleagues, with teachers everywhere, and with all who read this RECORD. Mr. Speaker, I believe they will find it both instructive and inspiring.

SHE WAS A TEACHER
(By Jane Butler Woolsey)

When I am gone, and over me
Bright summer grasses tremble,
Or winter's frigid tears congeal
And slide in sad confusion
Over the mound where I, sleeping, lie.

When this weary body shall have put aside
Its boundless joys and endless pains
And lies like marble, still and cold,
Upon its sandy bed,

When I am dead,
And come no more among you
You will seek an answer,

An epitaph,
Small words to surround and encompass
The glad days I walked complete
among you.

To sum up the sole of my existence,
For you are mortal yet,
And mortals seek to find
The logic and the end
Where none exists . . .

When I am no more,
And you seek words to engrave
Into living stone
That my transient spirit may
Not have passed unsung along the trackless
way.

Recollect how I loved these:
"She was a teacher,"
For they say all of me that I wish recalled.
"She was a teacher,"

A part of the roll-call of history,
One of those who lit the candle
From which the torch of civilization sprang.
Her kind taught in the streets of ancient
Greece,

Expounded theory in the halls of mighty
Rome,

Set liberty flaming in the hearts of men.
Vicariously, she has painted masterpieces,
Scribed immortal words,
Set living music singing
Down the winds of eternity.

At her feet they sat, then mutable
Before they were leaders of men.
Her words are reflected in the archives of
government,

In the steeples and pulpits of churches,
In the courts of the world.
Her ideas span chasms, search oceans,
Lift mighty rockets into limitless space.
Her forgotten kindnesses mend broken lives
And heal new sorrows.

Her knowledge moves the fingers of surgeons
And enlivens the tongues of statesmen.

Her reason and logic unlock secrets of life
And death, and time, here and hereafter.
Her peace moves within the hearts of
mighty

And lowly alike, for she knew no barriers
Too great for love.

Because she loved
And gave her best to children,
The world is a nobler, richer
Better place for all who live.

This, then, is true immortality:
She passed to children a part of the life-
force

That directs the current, the streams of hu-
manity.

The total of her existence lies in what they
become.

Now, having inscribed, erase.
For from the river of immortality,
I stepped inside to teach the voiceless ones,
The retarded children.

My heart heard the muted sounds
Of the criers in the wilderness of neglect
And I answered with all I could be
I reached beyond the injury,
Beyond the hurt,
And loved the children who could never
grow.

I shared their little joys
And eased their frightful sorrows.
I guided their stumbling fingers and
Freed their stammering tongues to sing,
And I taught reading and writing and arith-
metic.

Incidentally; but I taught love and patience
And understanding by word and by deed,
Daily.

Do not think I grieve
For the turning aside,

THE WHITE HOUSE
WASHINGTON

Date: 10/2/84

TO: *Peter Ruthven*

FROM: D. EDWARD WILSON, JR. *ed*
Special Assistant to the President
for Administration

☐ FYI

☐ LET'S DISCUSS

COMMENT:

*Since I understand you are
involved in this project, I thought
you might like a little of the back-
ground.*

ed

H. R. 960

Ninety-eighth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-third day of January,
one thousand nine hundred and eighty-four*

An Act

To confer citizenship posthumously on Corporal Wladyslaw Staniszewski.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Corporal Wladyslaw Staniszewski, a national of Great Britain, who was killed in action on July 7, 1967, in the Republic of Vietnam while serving in the United States Marine Corps shall be held and considered to have been a citizen of the United States at the time of his death: Provided, That no benefits shall thereafter derive to survivors.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

This has been done, Mr. Speaker, and I, therefore, gladly join in support of this measure and urge its adoption.

● Mr. HUGHES. Mr. Speaker, as you know, H.R. 5782 grants congressional consent to an amendment to the Delaware River Basin Compact authorizing the Commission to set interest rates on bonds which it issues. Section 12.9 of article 12 of the compact presently limits the interest rate payable on bonds issued by the Commission to no more than 6 percent per year. This provision has made it virtually impossible for the Commission to issue bonds in today's competitive financial markets.

H.R. 5782 is straightforward and noncontroversial. The States of Pennsylvania, New York, Delaware, and New Jersey, which are members of the compact, have already enacted legislation approving the removal of the 6-percent limit on interest and allowing the Commission to determine the appropriate interest rate for bonds which it issues.

The Delaware River Basin Commission is presently considering the construction of several small hydroelectric powerplants for which it hopes to issue bonds in the near future. Due to the energy-producing potential of small hydroelectric units, the Commission has received strong support for these projects. Indeed, the Federal Energy Regulatory Commission has already approved one of the Commission's projects for licensing.

Mr. Speaker, I am not aware of any opposition to this measure. Comparison legislation has already been introduced in the Senate. I urge my colleagues to adopt H.R. 5782. ●

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 5782.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5782, the bill just passed.

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

There was no objection.

Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 960) to confer citizenship posthumously on Cpl. Wladyslaw Staniszewski, *as amended*.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Corporal Wladyslaw Staniszewski, a national of Great Britain, who was killed in action on July 7, 1967, in the Republic of Vietnam while serving in the United States Marine Corps shall be held and considered to have been a citizen of the United States at the time of his death:

Provided, That no benefits shall thereafter derive to survivors.

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we have today is the solution of a problem—and I might say this is the end of a long, tough road and much work, most of which has been pursued by our friend and colleague, the gentleman from Massachusetts [Mr. DONNELLY] on behalf of a young man who, while a resident alien of the United States—his home originally was Great Britain—served with honor and valor in Vietnam, which conflagration took his life at a time somewhat prior to the time that he would have normally earned his U.S. citizenship under existing law.

The service of Corporal Staniszewski was totally honorable. At no point was there anything in his military record or private life that would be a stain on the honor of this adopted Nation of his.

The amendment to the bill, to which I think there is no objection by the sponsor of the bill, the gentleman from Massachusetts [Mr. DONNELLY], will insure that there can be no pensions or benefits of any sort derived by any of the corporal's surviving relatives under the terms of this posthumous citizenship.

There is, however, a certain amount of concern on the part of our committee. The matter was scheduled, as Members would know, for a hearing on tomorrow in our subcommittee, and then, of course, action would be taken there and it would be sent to the full committee and then surely it would go from the full committee to the floor. But for reasons of the need to move swiftly, since our session is winding to a close, and because of the need to honor this young man, the decision

was made to move this bill extraordinarily from the subcommittee, which had not yet worked on it, right to the floor of the House. It is almost an unprecedented act. At least certainly it is unusual, if not unprecedented, and at a given point, when I yield time to the gentleman from Massachusetts, I will ask him perhaps to comment on whether or not there is any precedential value or precedential impact of this activity today.

Other legislation, Mr. Speaker, has been introduced on behalf of others who, form our inquiry, were in the very same boat as Corporal Staniszewski. For example, some 500 people, men for the most part, were in various periods of their permanent residency serving for the most part in Vietnam and, because of death, were not able to complete that period of residency leading to citizenship. So another area of precedent is whether or not this has any precedence toward that greater class of people whose names do not appear on this piece of legislation.

We have obtained from the Department of Justice of the United States a letter dated August 9 in which the Justice Department concludes that it has no objection to the enactment of this legislation, and it further advises that the Office of Management and Budget has advised the Department of Justice that it has no objection to the submission of this report, that is, the report of the Department of Justice with respect to this bill.

So to sum up, Mr. Speaker, I personally have only the highest of respect for the decedent. He served his adopted Nation nobly, with valor and honor, in a cause that led others to seek other activities than the service of their country. It happened that death intervened before he was able to serve out the fullness of his residency. Therefore, death intervened before the young man could earn his citizenship. He would have earned it. He was an honorable man in service and out of service.

I personally have no objection to this, and I am sure I speak in behalf of many of our colleagues on the Judiciary Committee, if not all. The reason I cannot speak authoritatively is that we never did have our hearings and we never did have the votes in the subcommittee and the full committee which typically would have occurred by this time in the session.

At this point, Mr. Speaker, I yield such time as he might consume to my friend, the sponsor of this bill, the gentleman from Massachusetts [Mr. DONNELLY].

Mr. DONNELLY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, H.R. 960 confers posthumous citizenship on a young man who gave his life in service to the United States of America.

Wladyslaw Staniszewski was a corporal in the U.S. Marine Corps when he

98TH CONGRESS
1ST SESSION

H. R. 959

To amend the Immigration and Nationality Act to provide that aliens who die while serving with the United States armed forces during certain periods of hostilities may be considered to have been citizens of the United States at the time of such aliens' deaths.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1983

Mr. DONNELLY introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide that aliens who die while serving with the United States armed forces during certain periods of hostilities may be considered to have been citizens of the United States at the time of such aliens' deaths.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Immigration and Nationality Act (8 U.S.C. 1101 et
4 seq.) is amended by inserting after section 329 the following
5 new section:

1 "POSTHUMOUS NATURALIZATION THROUGH DEATH
2 WHILE ON ACTIVE-DUTY SERVICE IN THE ARMED
3 FORCES DURING WORLD WAR I, WORLD WAR II, THE
4 KOREAN HOSTILITIES, THE VIETNAM HOSTILITIES,
5 OR IN OTHER PERIODS OF MILITARY HOSTILITIES

6 "SEC. 329A. (a) Notwithstanding any other provision of
7 this title, any person who, while an alien or a noncitizen
8 national of the United States—

9 "(1) served honorably in an active-duty status in
10 the military, air, or naval forces of the United States—

11 "(A) during either World War I or during a
12 period beginning September 1, 1939, and ending
13 December 31, 1946, or during a period beginning
14 June 25, 1950, and ending July 1, 1955, or
15 during a period beginning February 28, 1961, and
16 ending on a date designated by the President by
17 Executive order as the date of termination of the
18 Vietnam hostilities; or

19 "(B) thereafter during any other period
20 which the President by Executive order shall des-
21 ignate as a period in which Armed Forces of the
22 United States are or were engaged in military op-
23 erations involving armed conflict with a hostile
24 foreign force;

1 “(2) died as a result of injury or disease incurred
2 in or aggravated by such service; and

3 “(3) satisfied the requirements of clause (1) or
4 clause (2) of the first sentence of section 329(a);
5 shall, upon the Attorney General’s approval of a request
6 under subsection (b)(2), be considered to have been a citizen
7 of the United States at the time of such person’s death. The
8 executive department under which such person so served
9 shall determine whether such person satisfied the require-
10 ments contained in paragraphs (1) and (2).

11 “(b)(1) A request for the granting of posthumous citizen-
12 ship to a person described in subsection (a) may be filed on
13 behalf of such person by any member of such person’s family
14 or any other individual designated by the Attorney General
15 as eligible to file such a request.

16 “(2) Any request so filed shall be approved by the At-
17 torney General if—

18 “(A) such request is filed—

19 “(i) not later than five years after the date of
20 the enactment of this section, in the case where
21 such person’s death was a result of injury or dis-
22 ease incurred in or aggravated by service during
23 World War I or any other period described in
24 subsection (a)(1)(A); or

1 “(ii) not later than five years after the date
2 of such person’s death, in the case where such
3 death was a result of injury or disease incurred in
4 or aggravated by service during a period described
5 in subsection (a)(1)(B);

6 “(B) such request is accompanied by a duly au-
7 thenticated certification from the executive department
8 under which such person served which states that such
9 person satisfied the requirements contained in para-
10 graphs (1) and (2) of subsection (a); and

11 “(C) the Attorney General finds that such person
12 satisfied the requirement contained in paragraph (3) of
13 subsection (a).

14 “(c) If the Attorney General approves under subsection
15 (b)(2) a request to grant a person posthumous citizenship,
16 then the Attorney General shall send a suitable document to
17 the member of such person’s family, or to any other individ-
18 ual, who filed such request which states that the United
19 States considers such person to have been a citizen of the
20 United States at the time of such person’s death.”.

○

H.R.959

Rep Donnelly, (Cosp=58)

(CG98) 01/26/83

House Judiciary

ITEM 1 OF 1 IN SET 1

DETAILED STATUS STEPS:

HOUSE ACTIONS

Jan 26, 83 Referred to House Committee on The Judiciary.

Feb 22, 83 Referred to Subcommittee on Immigration, Refugees, and
International Law.

Aug 7, 84 Executive Comment Requested from DOD, Justice.

PAGE 1 OF 1. READY FOR NEW COMMAND OR NEW OPTION: