

CONFERENCE OF AMERICANS OF CENTRAL-EASTERN EUROPEAN DESCENT,
New York, N.Y.

MEMORANDUM IN SUPPORT OF A REAPPRAISAL OF THE NATIONALITY REQUIREMENTS IN UNITED STATES CLAIM SETTLEMENT POLICY AND IN UNITED STATES FOREIGN AND WAR CLAIMS LEGISLATION

(Requesting the elimination of the United States restrictive policy of denying equal treatment to Americans who became U.S. nationals subsequent to suffering damages in consequence of war, Nazi or communist acts)

The Conference of Americans of Central and Eastern European Descent submitted in 1958 a petition to the Congress of the United States proposing a policy of full inclusion of naturalized citizens in claim settlements.

The conclusion of the petition reads:

"No principle of international law precludes the Department of State from negotiating for lump-sum settlements of the claims of all citizens of the United States at time of the effective date of the foreign settlement. No principle, of law, international or otherwise, precludes Congress, in the distribution of claims funds, from including in the distribution all persons who were citizens of the United States on the effective date of the foreign settlement, or the date of the enactment of the statute, as the proper case may be. Sound policy requires that the so-called "continuity of nationality" principle (which in the past required continuous citizenship from the date of loss until presentation of the claim) be modified, as to actions impeding in the foreign claims field both in the Department of State and in Congress. The guiding principle should be just and equal treatment to all citizens of the United States.

C.A.C.E.E.D., opposing denial and disparagement of equal protection of claims of naturalized citizens in USA Foreign Claims and War Claims in actual and proposed legislation, submits evidence shedding new light in theory and practice in the field of international claims settlements and the trends of bringing international law into accordance with the changed extraordinary circumstances of our time.

In a cognate question the Committee on Judiciary proposed virtually an extension of the persecutee provision of Public Law 857-81st Congress regarding vested assets to a "new" category of naturalized citizens former enemy aliens who immigrated after World War II, stating in the Conclusion of the Senate Report No. 2358, 85th Congress, 2d Session Senate Calendar No. 2411 on Payment of War Damage Claims against Germany and Return of Vested Assets to American citizens, August 13, 1958 (page 15 of the report).

"Furthermore, it seems inconsistent, so far as the committee is concerned, to make a grant of citizenship to an alien and to deny that person full rights of citizenship * * *. In effect it would constitute second class citizenship."

Changing its formerly rigid position the State Department's former Assistant Secretary of State Brooks Hays also said in a postscript to his letter of July 21, 1961 to Senator Alan Bible: (Page 59 War Claims and Enemy Property Legislation House Hearings Sub-Committee of Interstate and Foreign Commerce)

"The plight of the new American citizens who cannot turn to their former government for relief because they have become Americans, and who are denied relief by the United States because they were once aliens, deserves immediate correction by the Congress."

Congress included these "new" citizens in the benefits of the law. In this case even to former enemy aliens, equal treatment was not at all denied.

Every single word of the above statements applied and continues to apply to the general claims situation of another group of "new" Americans with claims for all kinds of loss, damages, takings caused by Germans, War or its consequence, the communist takeover. In spite of the established facts by these statements and the following elimination of discrimination against the "new" citizens claiming return of vested assets there still remains the other group of "new" Americans junior in consideration, left in jeopardy of second class citizenship.

The principle of equal protection of the law is indivisible and it is inconsistent with that very principle to limit advocacy and inactment of correcting legislation to restoration of equal treatment only to one selected group of naturalized citizen with vested assets claims and to deny in a cognate question equal participation in distribution of claim settlement funds to "new" citizen.

It is suggested, in order to avoid that legislation be construed upon unrealistic policy and wrong, outdated and questionable assumptions of international law or allegations of inadequacy of funds causing encroachment of the fundamental