

When the State Department's spokesman in the hearings suggested to exclude new citizen claims from the benefits of the law by stating: "Congress might take into account who had valid claims under International Law, and who does not" he failed to recognize that the weight of the above mentioned facts of international law and practice makes it clear that:

1. Under international law the United States only, and no other State can present claims of its "new" citizen not "the country they came from."

2. The "new" citizen does have valid claims presentable under international law.

3. The statements advocating the outdated rule based on not up-to-date information and incorrect assumption of international law, deprived of the cloak of international law interpretation are now seen as the primary cause of naked discrimination in domestic legislation which by "analogy" in a vicious circle "was followed up" and grew into denial of equal treatment before the law.

4. Rigid allegations in State Department press releases and statements on claims legislation contending that international law precludes protection of claims of new citizens impairs American interests abroad and prevents any sensible and realistic codification of international law with respect to Article 23 of the Draft Convention on Espousal of Claims and Continuing Nationality which proves that the State Department's contention is untenable and gives only support to Communist governments, buttressing their arguments for recognizing an international validity of any measures of takings or nationalization by a state within its territory (even these without compensation) on the grounds that such view was in accordance with the United States Department position.

It is incomprehensible how then the State Department negotiators of foreign claims settlement equipped with the questionable exclusionary policy statements could ever expect in the negotiation that the Communists will not with pleasure refuse any suggestion to pay compensation for nationalization or other takings pointing to the restrictive United States policy statements which gives the Communists the possibility to state that the United States has no right from a legal standpoint to ask for compensation of claims of new citizens. Scrutiny of the State Department Claims Settlement Policy is imperative and it seems to be appropriate to repeat a postscript of a letter of July 21, 1961 of Assistant Secretary of State Brooks Hays to Senator Alan Bible:

"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."

NO PRINCIPLE WHATSOEVER PRECLUDES CONGRESS TO INCLUDE ALL NATURALIZED CITIZENS IN THE BENEFITS OF CLAIMS LEGISLATION

That fact is conceded by the State Department.

The State Department's spokesman, Mr. Gilliland, stated in the Hearings on War Claims and Enemy Property Legislation before the Sub-committee of the Committee on Interstate and Foreign Commerce, House of Representatives, on April 16, 1959 (Hearings Report pp. 121-122) and before the Senate Judiciary Sub-committee Trading With the Enemy Act, June 18, 1959 (S. Hearings Report p. 133):

"There is no principle that prohibits Congress" from including the "Junior category" of citizens, sometimes called "new" or "late" citizen, who were naturalized prior to the enactment of the law but became nationals only subsequent to injury.

Mr. Gilliland suggested that these "new" citizens should be "junior in consideration" * * * "I don't believe it would be right to put them on the same footing." "in view of the possible inadequacy of the funds it might be questionable whether they should be put on the same basis as those who were American citizens at the time of damage" * * * "The senior category should have the first right." "If the funds proved to be adequate to make distribution to them, that might be another matter."

That naturalized "junior category" citizens may be treated differently from a category of privileged "first right" citizens and holding that a right so basic and fundamental and so deeply rooted in our society as the right for equal treatment, which is one of the rights retained by the People may be infringed upon by giving way to a restrictive as well as outdated claims settlement policy used as excuse