

for expediency by the State Department is an impermissible error of grave consequence causing an encroachment into a Constitutional area.

Congressman John A. Blatnik, in the Hearings of the War Claims and Enemy Property Legislation of May 20, 1959 (p. 212—House Hearings Report) strongly rejected the restrictive policy and regarding adequacy of funds, stated:

"To exclude naturalized citizens, because of the inadequacy of funds, when excluded citizens have no other remedy at all, is the very essence of unjust discrimination." "There will be sufficient assets in the fund for all to recover on a pro rata basis. Grace should not be extended only to the senior category."

The 1953 Report of the War Claims Commission stated regarding the equities on this matter (House Doc. 67, 83d Congress, First Session):

"The latter group of (new) Americans who became citizens do not have the protection of other governments with respect to their losses. Rather than being subjected to exceptional hardships, they should, in the opinion of the Commission, share in the benefits of a war-damage compensation program on a par with other American citizens. (It should be noted that this class of beneficiaries was subject to the draft in World War II.)

"The equities in favor of this group of claimants were considered persuasive by the Senate in a cognate problem, the settlement of American nationalization claims against Yugoslavia. At one state, the Senate voted to amend the proposed International Claims Settlement Act of 1949 to include this category of American citizens among those eligible to claim. The amendment was, however, not adopted by the conferees, on the apparent (but wrongly assumed grounds, as evidenced above) that it would run counter to established doctrine with respect to the espousal of international claims.

"While there may be a valid legal basis (which is not so as substantiated by evidence given above and later) for the exclusion of this category of citizens from the right to participate in an award received from a foreign country in settlement of a specific category of international claims, no similar reason exists for their exclusion from the benefits of domestic war damage compensation. The Commission believes that in formulating domestic policy the Senate's predisposition to include this group among the eligible claimants should govern."

On August 6, 1959, the late Mr. English, testifying at the House Hearings for the State Department admitted under questioning (p. 711 House Hearings Rep.).

Mr. Dingell: "The distribution of funds is a matter of domestic policy and not a matter of international law at all. * * *

Mr. English: "That is right."

"Congress has the power to distribute those funds as they see fit," but "that the State Department is simply following policy which Congress itself has followed up to the present time."

A vicious circle evolves. It started with the denial of protection of "junior" citizens in the weak Yugoslav Claims Settlement Agreement 1948, which, in spite of grave misgivings regarding the restrictive rule, was pressed upon Congress to be implemented in the questionable Foreign Claims Settlement Act 1949, to be in turn perpetuated in new Foreign Settlement Agreements and in "an analogy" again "followed up" by implementing legislation in a perpetual circle without regard to changed circumstances and particularly without regard to the conceded facts that "the distribution of funds is a matter of domestic policy and not a matter of International law at all" for Claims legislation."

No assumption of international law, moreover a wrong one of bygone days is supposed to enter and smokescreen deliberations on domestic legislation endangering constitutional rights, and as long as the purpose of law in the United States remains to establish justice under the Constitutional law, equality in dispensation of funds by grace of Congress cannot depend on adequacies or inadequacies of the fund amount.

Recently, the Supreme Court stated:

1. We start from the premise that the rights of citizenship of the native born and of the naturalized persons are of the same dignity and are co-extensive and 100 years ago the Supreme Court stated:

2. "The simple power of the national legislature is to prescribe a uniform rule of naturalization and the exercise of this power exhausts insofar as respects the individual. The Constitution then takes him up. * * * He is distinguishable in nothing from a native as far as the Constitution makes the distinction." "A naturalized citizen becomes a member of society, possessing all the rights of a native citizen and standing in the view of the Constitution on the footing of a native."

Sound policy, American moral and legal principle require a full inclusion of naturalized citizens in claims legislation.