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AUG 24 1953

WALTER DUSCHINSKY

JUNE 20, 1952.—Committed to the Committee of the Whole House and ordered to be printed

Mr. WALTER, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 523]

The Committee on the Judiciary, to whom was referred the bill (S. 523) for the relief of Walter Duschinsky, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, notwithstanding those provisions of section 4 of the Displaced Persons Act of 1948, as amended, relating to date of application for an adjustment of immigration status, the alien, Walter Duschinsky, may, at any time within six months following the effective date of this Act, apply to the Attorney General for the adjustment of his immigration status, and notwithstanding the provisions of subsection (b) of the said section 4, other than those relating to the status at the time of entry, such alien shall, if he is otherwise qualified under the provisions of said section 4, be deemed to be a displaced person within the meaning of said section 4.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to make the beneficiary eligible to apply for adjustment of his status under section 4 of the Displaced Persons Act of 1948, as amended.

GENERAL INFORMATION

The beneficiary of the bill was born in Vienna, Austria, on March 21, 1910, and became a subject of Czechoslovakia when the Republic of Czechoslovakia was formed in 1919. He is presently stateless. He entered the United States as a visitor on June 7, 1947, and in August of 1951 he went to Japan to do consultant work in the tele-communications field. He last entered the United States on Septem-

ber 15, 1951. He is a master of science and his field is the planning of large-scale industrial and technological projects. He worked on the telecommunications facilities for the new United Nations headquarters in Manhattan.

A letter dated January 24, 1952, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

JANUARY 24, 1952.

HON. PAT McCARRAN,

Chairman, Committee on the Judiciary,

United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 523) for the relief of Walter Duschinsky, an alien. The bill would grant permanent residence to Mr. Duschinsky.

The files of the Immigration and Naturalization Service of this Department disclose that Mr. Duschinsky was born on March 21, 1910, at Vienna, Austria. Upon the formation of the Republic of Czechoslovakia in 1919, he became a citizen of that country, but at the present time is stateless. The alien first arrived in the United States at New York on June 7, 1947, and was admitted as a visitor for a period of 5 weeks. He subsequently received an extension of stay to December 1, 1947. His application for the adjustment of his immigration status under section 4 of the Displaced Persons Act of 1948 was denied on the ground that he is not unable to return to England, the country of his last residence, because of persecution or fear of persecution on account of his race, religion, or political opinions. On May 7, 1951, a hearing officer of the Immigration and Naturalization Service ordered that the alien be deported from the United States. Without awaiting action on his appeal from this order, the alien left for Japan in August 1951 to do consultant work in the telecommunications field. He last arrived in the United States at the port of Honolulu on September 15, 1951, and was admitted as a visitor to October 15, 1951, but has not departed.

The alien related that he was with the Czechoslovakian Air Force in France until the fall of that country in 1940, and then served in the Czech wing of the Royal Air Force in England until December 1942. He stated that he holds the degree of doctor of mechanical engineering and was employed in an aircraft factory in England until June 1945, when he opened an industrial designing office in that country. He further stated that he had applied for an immigration visa in 1937 and had intended to come to the United States for permanent residence but claimed that in June 1947, he came to this country to obtain material for a book and intended to return to England and again apply for a visa to enter the United States for permanent residence.

At the hearing under the Displaced Persons Act of 1948, the alien first testified that he was employed by Fellheimer and Wagner, New York City, for approximately 9 months beginning in October, 1947. When he was shown his application for an extension of stay executed on December 23, 1947, in which he stated under oath that he was not employed in the United States, he claimed that he only applied for a job in October 1947, but did not begin to work until after he had executed the application. The alien agreed to submit an affidavit from Fellheimer and Wagner showing the exact date of his initial employment but failed to do so. A check of the records of Fellheimer and Wagner revealed that the alien was employed by that firm from July 16, 1947, to January 29, 1948, at a salary of \$70 per week. The alien was employed by other engineering firms until October 1950, when he went into business for himself in New York as a master planner and designer of television stations. His trip to Japan was made as a broadcasting studio planner and equipment specialist for Maj. Henry F. Holthusen who had been invited by Japanese authorities to help establish a telecommunications network in Japan. He intends to accompany Major Holthusen to Turkey and Greece to assist in establishing telecommunication networks in those countries.

Mr. Duschinsky has made conflicting statements concerning the manner and date of the termination of his first marriage which was contracted in Czechoslovakia in 1931. He has asserted variously that the marriage was terminated by the death of his wife in 1942 and by divorce between the years 1932 and 1934. He first claimed to have received information concerning the alleged death of his wife by letter from the Czech authorities and later claimed to have learned of her death through a letter from a friend in Bohemia, but had been unable to obtain official confirmation of her death. The marriage certificate relating to his second mar-

riage on May 17, 1947, in England, shows his second wife as a divorcee but lists him as a bachelor. Although he last claimed to have been divorced between 1932 and 1934, a Czechoslovak certificate of legal residence issued at his request on November 16, 1935, describes him as "married." According to the alien, his first wife was given custody of his child, who was born in 1931 or 1932, and the decree provided for a lump-sum payment for the child's support. He said that he was given the right to visit the child but had not seen her since her birth. He has no children by his second marriage. His only relative in the United States is his second wife, a native of England, who accompanied him to the United States in June 1947 and was also admitted as a visitor, and who is presently under deportation proceedings.

The quota for Czechoslovakia to which the alien is chargeable is oversubscribed for many years and an immigration visa is not readily obtainable. The record, however, presents no facts which would justify the enactment of special legislation granting him a preference over the many other aliens who desire to obtain the benefits of residence in the United States and who are awaiting an opportunity to come to this country for permanent residence.

Accordingly, this Department is unable to recommend enactment of the measure.

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

Senator Herbert H. Lehman, the author of the bill, has submitted the following information in connection with the case:

NEW YORK 14, N. Y., *January 29, 1951.*

STATEMENT

Question No. 1. The circumstances surrounding my entry into the United States.

I entered the United States on June 7, 1947, arriving at La Guardia Airfield, New York, from London, England, on a temporary visa. The reason for my visit was the collection of research material for the writing of a book.

Question No. 2. What are my present activities?

Presently I am engaged professionally in the planning and design of communications buildings. I have just finished an assignment as consultant planner for the Detroit News television station, WWJ-TV. I was engaged by Mr. William Scripps, Jr. to furnish plans and architectural consultancy for their new station. This station is presently built. I presently also am preparing a book on communication buildings, a theme which has not yet been treated and am also finishing the last of my four articles on the television station design, the first of which has been recently published in the Broadcast News, a publication of Radio Corp. of America.

Question No. 3. How do I earn my living and am I depending on any other person for support?

I am earning my own living and am not depending on any other person for support. My yearly income has, since 1947, been sufficient to provide for my wife and myself.

Question No. 4. Whether I am engaged in any activities, political or otherwise, injurious to the American public interest.

I am not engaged in any political or other activity injurious to the American public interest. I lost my Czechoslovakian citizenship and became stateless as early as 1944, when I refused to acknowledge the right of the temporary Czechoslovakian Government-in-exile to make a treaty with the Soviet Union. I have objected and fought communism before other Czechs recognized its danger to our traditional democratic way of thinking and living.

Question No. 5. Have I been convicted of an offense under any Federal or State law?

I have never been convicted of an offense under any Federal or State Law.

WALTER DUSCHINSKY.

WALTER DUSCHINSKY

BERGERMAN & HOURWICH

ATTORNEYS AT LAW

NEW YORK 5, N. Y., *January 29, 1951.*

Re Walter Duschinsky.

C. RODGER NELSON, Esq.

Barr Building, Washington, D. C.

MY DEAR MR. NELSON: Mr. Walter Duschinsky has shown to me your letter of January 27 and his proposed statement in reply thereto, dated today. I have read this statement very carefully and am glad to comment upon it.

I met Mr. and Mrs. Duschinsky within a few days of their arrival in the United States. They had been introduced to me by Mr. Gilbert Burck, one of the editors of Fortune Magazine who was, at that time, in charge of the London office of the publication, had been living in Europe, principally in England for nearly 2 years and had met the Duschinskys there. Mr. and Mrs. Duschinsky were most warmly recommended to my wife and to me. Mrs. Hourwich and I found both Mrs. Duschinsky, who is English, and, incidentally, the niece of Norman Douglas, the author of South Wind, and herself a journalist, and Mr. Duschinsky, extremely congenial and charming people. Over a period of the past 3½ years, therefore, we have formed a deep attachment for them and have visited with them very frequently, both in their home and in ours. Perhaps I can best indicate the extent of our intimacy by the circumstance that Mr. and Mrs. Duschinsky have been spending Christmas with us and with our family these past years. I have acted for Mr. and Mrs. Duschinsky professionally since their arrival in the United States, and, therefore, am generally familiar with his business and professional activities since his arrival.

Under the circumstances, I believe I have had ample opportunity to form an opinion, which is presently a conviction, as to their character and, most important of all in these days, their point of view toward the United States and the interest of our people. I am satisfied that both Mr. and Mrs. Duschinsky are deeply devoted to the principles of our American institutions in the fullest sense and that both of them harbor the most loyal sentiments toward the United States. I am looking forward to the opportunity personally to sponsor their application for citizenship in the United States.

I understand that you may desire to furnish a copy of this letter to the Honorable Herbert H. Lehman, United States Senator from the State of New York. Hence, I am enclosing an extra copy of this letter for that purpose.

Very truly yours,

GEORGE KENNAN HOURWICH:

SUMMARY OF EDUCATION AND EXPERIENCE OF DR. WALTER DUSCHINSKY

Born, March 21, 1910. Formerly a citizen of Czechoslovakia; now stateless.

EDUCATION

Primary and secondary schools (Realgymnasium) in Litomerice, Bohemia.

MATRICULATION

Realgymnasium, Kaspersky Hora, Bohemia.
Universities of Prague and Brno, Czechoslovakia.

OTHER STUDIES

Architecture, at Bauhaus, Dessau, Germany.
Aerodynamics, at Polytechnic, Zurich, Switzerland.

DEGREES

Doctor of Science, University of Prague.

PUBLICATIONS AND PAPERS

Many articles on planning, architecture, aeronautical, and technological subjects published in Czech, Swiss, and British papers up to 1947.

PUBLISHED IN UNITED STATES SINCE 1947

Monographs

Point to Point Relay Communications for the Security Council, U. N.
 Planning a Television Station for Economy and Efficiency.
 Television for Educational Purposes in Undeveloped Countries.

Magazine articles

The Requirements of Television Station Design, Broadcast News (RCA publication) first of four articles appeared in September 1950 issue.
 Design for Air Catering, Air Transportation, McGraw-Hill, January 1948.
 The World News—Television (Nevada) September 10, 1950.

Newspaper story

A Television City, the Daily News, New York, July 16, 1950.

LANGUAGES

English, German, Czech, French (some knowledge of Spanish).

TRAVELS AND MILITARY SERVICE

Four months' geological trip to Iceland and Greenland (1926).
 Motorcycle trip through Europe, Spanish Morocco, Er Rif, Sahara to Timbuktu and back to Tunisia (1927).
 Egypt, Palestine, Syria, Iraq (1939).
 Service in Europe during World War II as pilot with Czech Air Force and Czech Wing of RAF.

EMPLOYMENT FOR MORE THAN 1 YEAR

1. Czech Consultancy Group (designers, architects, and engineers in Lito-merice), 1933-34. Position: designer. Work included design of broadcasting stations, factories, village planning, production system studies and labor-management relation studies.
2. Bata Development Corp., Czechoslovakia (1934-38). Position: Technical director in charge of aircraft design, research and development. Work included direction of most of administrative work and supervision of design for airframes and engines. Also did test flying on the "Zlin XII"; and flew on exhibition tour over Europe and Middle East.
3. Commercial Aviation Co., Cairo-Tel Aviv (1938-39). Position: Technical director. Work: In charge of technical administration, research and development, and personnel. Also in charge of design of airfield and workers' housing. Did most of communications planning for the company.
4. Charlesworth Bodies, Ltd., Gloucester, England (1945-46). Position: Chief designer. Work: In charge of design for parts of the Lincoln bomber produced in the factory; later in charge of reconversion and preparation for peace production of the factories in Gloucester and Coventry.
5. Design & Style, Ltd., London, England. (1946-47). Position: Chief designer. Work: Handling industrial design, architectural and communication problems. Projects included design of pantries for British Overseas Airways planes; design of TV studios, factories and private homes; design of car bodies for the Bristol and other smaller cars; research on planning for world-wide communications network.
6. United Nations Headquarters Planning Office, New York City (1947-48). Position: In charge of basic communications planning for UN headquarters. Liaison officer to Gen. Frank E. Stoner, UN director of communications. Responsible for the general system layout for radio, television, simultaneous interpretation, etc., and the design of studios and auxiliary areas.
7. Van Doren, Nowland & Schladermundt (1948 to June 1950). Position: In charge of television station planning and other architectural planning jobs; worked on special communications problems for Syska and Hennessey, UN engineers; did planning study for TV station of Detroit News and became consultant to architect.
8. At present conducting own consulting firm engaged in planning and design of communications buildings and other architectural planning studies. Working in close cooperation with other communications firms such as RCA International. At present also engaged on a study for a world-wide television link-up through regional systems (have conferred with Senator Mundt thereon).

OTHER EXPERIENCE

In 1950 with two other UN architects submitted entry in international town planning competition for Stockholm, Sweden. Of 200 competing architects (25 American), entry was the only United States one to receive a prize.

REFERENCES

UNITED STATES

Gen. Frank E. Stoner, North Ruffner Street, Seattle, Wash.
George Kennan Hourwich, 14 Wall Street, New York, N. Y.
Roger Nowland, 205 East Forty-second Street, New York, N. Y.
Gilbert H. Burck, Fortune Magazine, Empire State Building, New York, N. Y.
Vincent Gilcher, Radio City Administration, Rockefeller Center, New York, N. Y.

EUROPE

Douglas G. Black, 123/5 Queen Victoria Street, London, England.
Cedric Firth, architect care of New Zealand House, 415 Strand, London, W. C. 2, England.
Georges Gourod, care of COPIC, 9 Rue Weber, Paris 16, France.
Dated: January 31, 1951.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 523), as amended, should be enacted.

