

Private Laws for Private Citizens

By John Arthur Reynolds

YOU MAY never need an Act of Congress passed just for you. But then you may never be paralyzed by a bullet accidentally fired by a rookie policeman, or want to adopt eight Korean war orphans, or have your two-year-old daughter up for deportation. If, however, you should need a special law, as these individuals did, the Constitution of the United States guarantees your right to ask for it.

In a little known, somewhat controversial, but highly humanitarian part of its work, Congress often passes so-called "private bills" — a brand of top-level equity and super-justice to those unfortunate people entangled in the strict letter of the law. When no judge, no jury, not even the Supreme Court or the great discretionary powers of the

President can help you, you can turn to Congress itself for direct action on a claim based not upon law but honor and justice.

The U.S. Department of Justice had instituted deportation proceedings against two-year-old Jane Edith Thomas, whose parents are citizens. Her father, born in Kentucky, had married Romana, an Italian girl, while serving with the U.S. Army in Italy. And Jane was born in Italy.

When he returned to this country Thomas brought his wife and child with him, of course. However, the U.S. Consul's office in Venice gave the baby a passport, to which she was not entitled, instead of a "non-quota immigrant visa" to which she was entitled. Under the law at that time, but changed in 1952, she was

not a U.S. citizen at birth because her father had not resided in the United States for five years after reaching the age of 16.

Even though she was the innocent victim of an error by a U.S. official, under the old law little Jane would have to leave the country and then come back in with her visa. But father Thomas said that on a salary of \$50 a week he couldn't arrange to do that. So the Senate passed a bill to give Jane citizenship under the new law.

IN WASHINGTON, D.C., on the night of July 29, 1948, Dorothy Kilmer was waiting for her fiance, Corporal Clinton Nickerson, when she was struck by a bullet which went through her stomach and liver, severed her spinal cord, then lodged in her back. The shot was accidentally fired by a rookie policeman who was off duty. District of Columbia policemen are Federal employees, but the District Commissioners refused to pay damages to Miss Kilmer — despite “personal feelings of sympathy for the victim of the regrettable accident.” They claimed that they were not liable for the rookie's actions while he was off duty, and cited court precedents to support their position. The bullet left the girl permanently paralyzed from the waist down, yet under the law the government was technically not liable. The only thing that could help her was an Act of Congress.

Congressman Frazier Reams (Ind.,

Ohio) introduced a bill for Miss Kilmer. The first time he got it through the House of Representatives only, but in the 83rd Congress it was passed by both the House and Senate. In rejecting the Commissioners' legalistic stand in favor of a more humanitarian position, the Senate Judiciary Committee stated that “it is within the power of Congress to recognize unusual circumstances and to grant equity to a person who has suffered irreparable injury through the conduct of an agent of a government agency.” President Eisenhower signed the bill giving the former Miss Kilmer (now Mrs. Clinton Nickerson) \$15,000 damages.

The 83rd Congress which passed this law was exhausted after months of debate and filibustering on important legislative issues — taxes, national defense, Communism. But it considered it important nonetheless to take time to pass a bill for a woman shot by a Federal policeman, because that was the only way that justice could be done.

The popular saying that “it would take an Act of Congress to do it” is generally understood to mean that it almost can't be done. Yet if the past is a guide to the future the present Congress will pass more private bills than public ones. Indeed, during the first session it enacted 490 private bills as against 390 public bills. And, since the Constitution was adopted, over 40,000 private laws have been passed, in contrast to the 32,000 public laws enacted.

UNDER the First Amendment to the Constitution the right to petition the government for a redress of grievances is guaranteed to the people, an important matter to the American colonists at the time, who had had bitter experiences with petitions addressed to the British Crown. Congress gives personal meaning to this right of the people by passing laws for those who in its opinion deserve help out of considerations of equity, justice and humanity.

The need for private laws exists because of the inability of lawmakers to anticipate all deserving cases and still draft laws with specific and definite meanings. It is obvious that laws drawn for the millions could not possibly cover all situations with justice, fairness and equity for every individual. Yet this is a nation of individuals, and all laws ultimately should reach down to them, either prohibiting their actions or protecting their rights and interests.

Take the case of Edwin B. Anderson, for instance. In the small town of Newton, Iowa, some years ago an assistant postmaster somehow failed to notify the Post Office Department of Anderson's promotion from that of a substitute employee to a regular carrier until after he had been paid \$361.54 in higher salary. Under the regulations of the Post Office, where accounting for every penny is a proper fetish, Anderson had to refund the whole amount — at a time when his wife was confined

to a hospital. He had to mortgage his home to do it.

Anderson certainly had every moral right to the money, but under the law he had no legal right to it. There was nothing that any court — or the Postmaster General, for that matter — could do about it. Only an Act of Congress could help him. Congress passed such a law, paying the moral debt of the U.S. Government in the exact amount of \$361.54.

On May 11, 1952, a fire of unknown origin completely destroyed an airbase building in Japan to which Geraldine Matthews, an American Red Cross girl, was assigned. Geraldine lost everything she owned. Various defense departments were able to pay their personnel for losses sustained in the same fire, but under the law they couldn't pay Geraldine. She wasn't a Federal employee.

Congress, however, ruled that "since the employees of the American Red Cross make an outstanding contribution to the health, morale and other well being of the members of the Armed Services," she should be reimbursed. And it passed a bill for her, but, as is often the case, the amount was cut down. Her detailed report covered over 300 personal items, but the Air Force appraiser disallowed such things as cosmetics, extra pairs of gloves and two pairs of suede pumps. The people's money that Congress pays out is the same, whether for private claims or jet bombers; and private claims for

hundreds get cut just as do appropriation requests for billions.

Private Law 475 of the 84th Congress is only one sentence long. It reads: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that for the purpose of Sections 101(a) (27) (A) and 205 of the Immigration and Nationality Act, Joseph Han Holt, Mary Chae Holt, Helen Chan Holt, Paul Kim Holt, Betty Rhee Holt, and Nathaniel Chae Holt shall be held and considered to be the natural-born alien children of Harry and Bertha Holt, citizens of the United States." The youngest was six months old, the eldest three years. They were half-blooded Korean war orphans.

M^{RS.} AND **MRS.** HOLT, who live on an Oregon farm, have six children of their own. But moved by the plight of the Korean orphans they wanted to adopt eight of them. Last spring Mr. Holt went to Korea for that purpose, only to discover that, under the Refugee Relief Act, he could bring in only two orphans. But an Act of Congress turned the trick, and the eight children are now comfortably ensconced in the Holt's big farm house.

Karen McAndrews, a former model, was serving as a civilian recreational hostess for our armed forces at the Burgerbraukeller in Munich. One night after hours she was called from the kitchen by a military policeman who was jeal-

ously infatuated with her. As soon as she came into the hall he grabbed her and told her they were both going to die. While he held her he took a hand grenade from his pocket, pulled the pin and released the lever. The explosion knocked both of them to the floor. The soldier died and Karen, a beautiful girl, suffered permanent multiple wounds.

The soldier was officially declared to have "died in the line of duty." Yet when Karen's claim came to it, the Department of the Army held that the soldier "was not acting within the scope of his employment" and that "there is no legal obligation on the part of the United States to compensate her." That was that.

The Congress felt differently. It paid Karen \$25,000 under a private bill. The Senate Committee noted that while the soldier was held to have died in the line of duty the "young girl who was the innocent victim and suffered such terrible injuries has no recourse except through the magnanimity of this Congress."

One law was passed for a woman who operated a fox farm. She was reimbursed for the decreased litters of the vixens which buzzing aircraft caused.

In another case, Congress paid the claim of a man who, due to a name similarity, was mistakenly discharged as a security risk from a building job in Alaska. A recent act restored citizenship to a lady

who remained in Ireland beyond the legal period to tend a sick relative, while yet another kept an anti-Communist Chinese newsman from deportation to Red China.

Approximately 75 percent of all private bills today deal with immigration cases. American Immigration laws are enacted to protect our economy by restricting the number of new immigrants, and to guard our health and security by keeping out undesirables. Because the laws are general, however, it is inevitable in our troubled time that some individual hardships result.

AMONG other things private laws have made it possible to legalize the status of Soviet defectors whose Communist records barred them from U.S. residence. Acts of Congress, for example, opened the door to citizenship for Oksana Kasenkina, the Russian teacher who jumped out of the window of the Soviet Consulate in New York, and for Victor Kravchenko, the Soviet official in Washington who "chose freedom." And when two Polish military pilots, Franciszek Jarecki and Zdzislaw Jazwinski, made front-page news by flying to freedom, private bills were passed for them.

Then there was the two-year-old Chinese boy in a third-floor flat in Hong Kong, who needed an Act of Congress in the worst sort of way. His parents were U.S. citizens; his father, a prosperous California businessman who was being drafted to

help fight the war in Korea. But technically little Yan Chi Gee was a Chinese alien who could not come to this country as a non-quota immigrant, which meant he could never get in.

It all happened when his mother was visiting in China just before his birth. Due to delays and red tape in the U.S. Consul's office, her departure for America was held up so long that he was born on alien soil. That made him a Chinese alien. Only a special Act of Congress made it possible for him to live his life with his parents in this country.

In another case, a veteran correspondent was being assigned abroad for duty. His two adopted children, born on alien soil, had not yet resided in the United States for the two-year period essential to naturalization as prescribed by the Nationality Act. If the newsman had taken the children abroad with him before naturalization they might not have been able to return, except by waiting their turn under the quota system. The only safe thing for the newsman to do was to endeavor to have the problem settled by a special Act of Congress before he left.

It was a simple act, just one short paragraph which said that, for the two named children, the prescribed two-year period was cut to five months, thus assuring their U.S. citizenship and their right to return to this country at a later date with their parents.

One of the largest series of

claims against the government resulted from the well-remembered Texas City disaster, when on April 16, 1947, a French ship blew up while being loaded with U.S. government cargo and set off a series of fires and explosions which left more than 570 dead, thousands injured and an estimated 50 million dollars' worth of property destroyed.

The U.S. Supreme Court held that the government was not legally liable for one cent of damages. But the Senate Judiciary Committee found "that the U.S. Government is wholly responsible for this catastrophe," in that the powerful explosives had been placed in bags marked "fertilizer," by government order, and thus had been handled as fertilizer. When the cargo was loaded in the ship's hold, packed down by its own weight and confined under pressure, it provided the main charge for the blast.

The Judiciary Committee was not scared off by the fact that a great deal of money was involved. It was concerned with the doing of justice to a great many private individuals who suffered serious injuries, staggering losses and many whose loved ones suffered death. In the final bill, passed by the last Congress and signed by the President, it was stated that "Congress recognizes and assumes the compassionate responsibility of the United States for the losses sustained by reason of the explosion and fires at Texas City." The Act provides procedures under

which the amounts due various claimants can be determined and paid by the Secretary of the Army.

The first person for whom a private bill was passed by Congress was a certain Baron de Glaubeck. On September 29, 1789, the Senate passed a bill, which the House had sent over several days before, to pay the Baron the salary of a Captain in the U.S. Army for the period from the "ninth day of March, 1781 to the 24th day of August, 1782." The bill was signed by President George Washington on the same day.

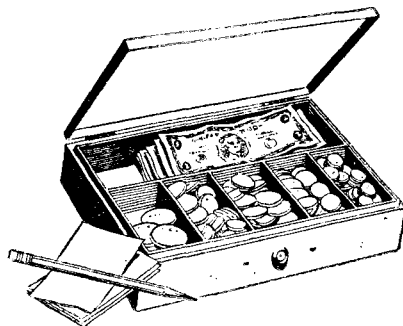
NEEDESS to say, such speed is not a common thing in the crowded calendar of Congress today. For although private bills are for special cases, they don't get special treatment. They have to go through the same painstaking, sometimes frustrating procedures as do bills on taxation, agriculture and other matters. Indeed, it is no easy thing to get an Act of Congress. Most bills introduced never get out of Committee, and, even if they do, it usually takes a long time, sometimes years, before a bill is finally passed by both Houses and approved by the President in the same session.

The work, time and investigation required by these private bills, usually handled by the House and Senate Judiciary Committees, has naturally aroused some feeling against them. It is claimed that they take up too much time, that they do not receive enough debate, that a

better way of handling them should be developed, that more care should be used in drafting the laws.

But to those who believe in the dignity and value of the individual, there is something wonderful and

fine about a Congress which, while considering the national debt of over 250 billion dollars, still believes it important to pay a debt of honor and conscience in the amount of \$361.51 to a postman.



Who? Me?

Four old cronies were seated around a table in the back room of the general store, apparently playing poker, as the sheriff entered.

"Gamblin' again, eh?" he accused.

"Not me, sheriff," one replied, "I just dropped in for some talkin'."

"You're playin'," the sheriff said to another.

"Not playin', sheriff, just visitin'," the old fellow said.

"What about you?" a third was asked.

"No sir, sheriff," he replied, "I'm just here warmin' at the stove."

The fourth was holding cards in his hands and the sheriff turned to him with a triumphant smile.

"Well, here's one who can't deny he's playin'," the sheriff said.

"Me playin', sheriff?" the old gent asked with a hurt look. "Who'd I be playin' with?" — PORCELITEMS

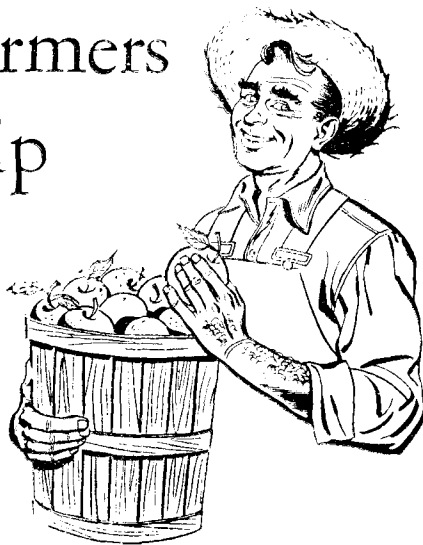
Why Our Farmers Need Help

EVERY MORNING there are 7,000 more people in the United States. Every time you tear a monthly sheet off the calendar, there are 250,000 more. At the end of each year there are 2,500,000 more American citizens.

Meanwhile, the amount of free rich virgin agricultural land to be opened up throughout the nation has dwindled to nothing. There still remains a little land that can be reclaimed and put to high production through irrigation or by drainage, but the amount is infinitesimal in comparison to the land already under grazing and cultivation.

At present and for some years past, the diet of the American people has been the richest and best in the world. American food is also of the highest quality, the best-inspected and cleanest food in the world, and strangest of all, it is the *cheapest* food in the world.

Not only is this food cheap but it is abundant. None but the *best* vegetables, the *best* chickens, the *best*



by *Louis Bromfield*

fruits, ever reach the markets because the competition among growers is so intense that a grower would not attempt to market any but the best. Even in the canning industry, only top-quality food is used — never the rejects or second and third stuff, as in most other countries.

This high-level diet of the American people can be continued even under growing population pressure almost indefinitely or at least for several generations, but it cannot be continued without adjustments both in agricultural production and in

From the book, *From My Experience: The Pleasures and Miseries of Life on a Farm*, by Louis Bromfield, copyrighted, 1955, by Harper & Bros., and published at \$4.00 by Harper & Bros., 49 East 33rd Street, New York, N. Y.