

Calendar No. 106

82D CONGRESS
1st Session

SENATE

REPORT
No. 108

Evald Ferdinand Kask

FEBRUARY 19 (legislative day, JANUARY 29), 1951.—Ordered to be printed

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

REPORT

[To accompany S. 648]

The Committee on the Judiciary, to which was referred the bill (S. 648) for the relief of Evald Ferdinand Kask, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

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

That for the purposes of the immigration and naturalization laws, Evald Ferdinand Kask shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Evald Ferdinand Kask. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

STATEMENT OF FACTS

The beneficiary of the bill is a 53-year-old native and citizen of Estonia who last entered the United States as a visitor on October 4,

1949. Since 1919 he was employed in China by Anderson, Myer Co., Ltd., a subsidiary of International General Electric Co., and is presently assisting that company with a project which was started in Shanghai. The record discloses that the beneficiary of the bill fled from Estonia in 1917, from Russia in 1918, and from Shanghai in 1949. Officials of the company by which he is employed state that his services and outstanding talent are urgently needed.

A letter dated September 12, 1950, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to S. 3075, which was a bill introduced in the Eighty-first Congress for the relief of the same alien, reads as follows:

SEPTEMBER 12, 1950.

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. 3075), for the relief of Evald Ferdinand Kask, an alien.

The bill would provide that Evald Ferdinand Kask shall be considered to have been lawfully admitted into the United States for permanent residence as of October 4, 1949, the date of his last entry into this country, upon payment of the required head tax and visa fee. Further, the Secretary of State would be directed to instruct the quota-control officer to deduct one number from the non-preference category of the first available immigration quota for nationals of Estonia.

The files of the Immigration and Naturalization Service of this Department disclose that Evald Ferdinand Kask, a native and citizen of Estonia, who was born on February 21, 1897, last entered the United States at the port of New York, N. Y., on October 4, 1949, when he was admitted as a visitor for 6 months under section 3 (2) of the Immigration Act of 1924. He was last granted an extension of temporary stay until July 3, 1950.

According to the alien, he has been married twice and twice divorced, and has one child born of the second marriage. Since 1919, he had been employed in China, by Anderson, Myer Co., Ltd. of New York City, as a mechanical engineer and draftsman, and since his arrival in this country he has been assisting that company with a project he started for it in Shanghai.

The quota for Estonia to which the alien is chargeable is oversubscribed and an immigration visa is not readily obtainable. The record presents no facts which would justify granting him a preference over the many aliens abroad who are patiently awaiting their turn for quota numbers. Furthermore, to enact this bill would encourage others, in whose cases immigration visas are not readily obtainable, to enter this country as visitors and thereafter endeavor to remain permanently.

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

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Irving M. Ives, the author of the bill, has submitted a number of documents in connection with the bill, among which are the following:

DECEMBER 1, 1949.

Name in full: Evald Ferdinand Kask.

Born in: Tallinn, Estonia.

Born on: February 21, 1897.

Nationality: Estonian.

Passport No. **xxx**.

Issued by: Estonian Consulate, Shanghai, China.

Date of issue: August 9, 1939.

Expiry date: November 14, 1950.

Left Estonia: October 1917.

Reason for leaving: Evacuated to Vladivostok on account of Communists uprising and German invasion of Estonia.

Occupation in Estonia up to date of leaving: Mechanical draftsman and designer in Russian Imperial Government's Navy shipbuilding yard in Tallinn.

Occupation in Vladivostok: Draftsman and designer in technical office of railway shops.

Left Vladivostok for Shanghai, March 1918.

Reason for leaving Vladivostok: Communists invasion.

Occupation in Shanghai: Since arrival in March 1918 and up to April 1919 various technical jobs. Joined AM & Co. Ltd. (Andersen Meyer & Co. Ltd.) on April 1919. Occupation, checker in drafting office, squad chief, estimator and general engineering, design and sales work mostly in connection with power plants.

Present occupation: With Andersen Meyer & Co. Ltd. in connection with general power plant engineering.

Left Shanghai: On April 28, 1949 for Hong Kong.

Reason for leaving: Communists invasion. Since arrival in Shanghai being active and executive member of Estonian National Committee, Estonian Society and later with Estonian consulate and in 1940 when Estonia was occupied by U. S. S. R. author of many articles printed in North China Daily News, Shanghai, supporting Estonian independence and denouncing Soviet occupation.

Reason for leaving Hong Kong: On vacation. Former vacations in 1926, 1930, and 1935 spent in Estonia.

Occupation during December 1941: VJ-day—As instructed by the management of Andersen, Meyer & Co. Ltd., stayed with the company till discharged by the Japanese in February 1945.

Arrived in United States: October 4, 1949.

Visa: Visitors visa, No. XXXX dated August 18, 1949, issued by United States consulate general, Hong Kong, valid for 6 months.

Family position: Divorced. Son, Richard Kask-Alferieff, student, Stevens Institute of Technology, Hoboken, N. J.

ANDERSEN, MEYER & CO., LTD.,
New York 4, N. Y., December 27, 1949.

Re Mr. Evald Ferdinand Kask.

Mr. A. T. BROWN,
International General Electric Co.,
570 Lexington Avenue, New York 22, N. Y.

DEAR MR. BROWN: This is written to confirm our several conversations about Mr. Kask who has been an employee of our Shanghai office for more than 30 years, having been employed shortly after his arrival in Shanghai after fleeing from the Communist regime which took control of his native Estonia at the time of the Russian revolution.

First let me say that I have known Mr. Kask personally for 20 years during a considerable portion of which he was working under my direct supervision. I feel that I know him quite well and I know nothing whatever to his discredit. Quite the contrary, in fact. He has always been an extremely loyal, conscientious, and straightforward individual.

Mr. Kask is a capable mechanical engineer and draftsman. He has acted during his employment in our Shanghai office in the capacity of power plant engineer responsible for the preparation of power plant specifications both in the quotation and the actual order stages.

We have been most anxious to keep him in New York as long as possible primarily to assist our New York staff in the completion of the engineering work for the Yu Foong cotton mill power plant since he has been familiar with the job since its inception in China 3 years ago. Briefly, the situation we find ourselves in as regards the plant is as follows:

The Yu Fong cotton mill management placed an order with our Shanghai office for this plant 3 years ago and all of the main machinery has been purchased, shipped and paid for some time since. Our contract, however, obligates us to supply a set of over-all assembly drawings and to prepare bills of material as well as purchase and ship all of the accessory equipment such as piping, wiring, thermal insulation, foundation bolts, etc. We have received advance payment to cover this work and these materials and should we fail to supply the engineering and purchasing service, we are extremely apprehensive that unwarranted pressure

EVALD FERDINAND KASK

will be put on Mr. Schelke by the present authorities in China in the same way it is being put on him in connection with other claims by labor, etc.

Without Mr. Kask we would have nobody in our New York office organization capable of seeing the job through. If we were to bring in outside help to do it, all the benefits of Mr. Kask's association and familiarity with the job since its inception would be lost and any new person, no matter how capable, would have to spend a great deal of time before he could attain the familiarity with the job that Mr. Kask already has.

The above, I believe, covers our position in the matter, but if I can supply any further information, please let me know.

Yours very truly,

ANDERSEN, MEYER & Co., LTD.,
M. E. McINTOSH.

INTERNATIONAL GENERAL ELECTRIC Co., INC.,
New York 22, N. Y., January 23, 1950.

Re Evald Ferdinand Kask.

Mr. CLARK H. MINOR,

Chairman of the Board Andersen, Meyer & Co., Ltd.,

New York 22, N. Y.

DEAR MR. MINOR: The above named gentleman, a national of Estonia and a mechanical engineer, has been employed for more than 30 years in China by our subsidiary company, Andersen, Meyer & Co., Ltd. He recently arrived in the United States from China as a temporary visitor, and he desires to have his temporary status here changed by act of Congress to a permanent status, because:

(a) It is unsafe for him to return to Estonia, his native country, on account of its occupation by Communists.

(b) It is unsafe for him to return to China on account of the Communist situation there.

(c) The quota allotment for Estonian nationals to enter the United States is exhausted and oversubscribed for an indefinite period.

(d) Upon the expiration of his temporary stay in the United States, he will be required to depart from the United States.

(e) Existing United States laws do not provide a means whereby he may remain here permanently.

(f) He desires to qualify for United States citizenship.

The facts in the case of Mr. Kask are set forth in the enclosed letter to me dated December 27, 1949, from Mr. M. E. McIntosh, manager of the New York office of Andersen, Meyer & Co., Ltd. and in the enclosed memorandum, dated December 1, 1949, and they are briefly, as follows:

1. He was born in Tallinn, Estonia, on February 21, 1897, and he left that country in October, 1917 because of the Communist uprising and German invasion of Estonia.

2. From Estonia he went to Vladivostok and in March, 1918, because of the Communist invasion of that city he went to Shanghai.

3. In April 1919 he was employed in China by Andersen, Meyer & Co., Ltd., our subsidiary company.

4. He has been continuously employed in China by Andersen, Meyer & Co., Ltd., for more than 30 years and he is still in the employ of that company.

5. He left Shanghai on April 28, 1949 because of the Communist invasion of that city and went to Hong Kong where he obtained from the United States consulate general a temporary visitor's visa in order to visit the United States and he is now consulting with executives of Andersen, Meyer & Co., Ltd. at its New York office, located at 43 Broad Street.

6. He arrived in the United States on October 4, 1949 and was admitted as a temporary visitor for 3 months, expiring January 3, 1950 and his original temporary stay has been extended for a period of 6 months, expiring July 3, 1950.

7. Upon the expiration next July 3 of his extended stay he will be required to depart from this country.

8. If he returns to Estonia, his native country, he believes that he probably will be killed.

9. If he returns to China he believes he may be killed—especially in view of the fact that in or about the year 1940 he wrote Anti-Communist articles for certain Shanghai newspapers, which articles are now undoubtedly in the possession of the Chinese Communists.

10. He is advised that under existing laws of the United States, it is not possible for him to obtain any immigration quota number from Estonia, his native country, since the quota allotment for nationals of that country to enter the United States has been exhausted and oversubscribed for an indefinite period—for possibly 7 years.

I have been informed by representatives of the State Department and of the Immigration Office in Washington, that apparently the only possible way by which Mr. Kask may have his temporary status in this country changed to a permanent status is by the enactment into law by Congress of a private bill for that purpose.

When I was in Washington on January 12 last, I telephoned the office of Senator Ives and explained the facts in the case of Mr. Kask to Miss Davis, secretary to the Senator. She suggested that we promptly send to Senator Ives detailed facts concerning the case of Mr. Kask and she indicated that the Senator would give the matter his prompt and careful consideration.

It will be very much appreciated if you, as chairman of the board of directors of Andersen, Meyer & Co., Ltd., will write an appropriate letter to Senator Ives, explaining the predicament of Mr. Kask and requesting the Senator to introduce in Congress a private bill for the purpose of changing Mr. Kask's present temporary status to a permanent status in this country.

Very truly yours,

A. T. BROWN.

ANDERSEN, MEYER & CO., LTD.,
New York 4, N. Y., January 23, 1950.

Re Evald Ferdinand Kask.

Hon. IRVING IVES,

United States Senator, Senate Office Building, Washington 25, D. C.

DEAR SENATOR IVES: Mr. Arthur T. Brown, assistant to the president of International General Electric Co., a subsidiary of the General Electric Co., Schenectady, N. Y., and the parent company of Andersen, Meyer & Co., Ltd., of which latter company I am chairman of the board, has brought to my attention the case of Mr. Evald Ferdinand Kask, a national of Estonia, who has been employed in China for more than 30 years by Andersen, Meyer & Co., Ltd.

Mr. Kask is a capable mechanical engineer and he has an excellent record of employment with Andersen, Meyer & Co., Ltd. He is now in this country consulting with executives of that company concerning certain power plant projects in China and also acquainting himself with company policy. Mr. Kask's problem is to have his temporary status changed to a permanent status in order that he might remain here permanently and become a citizen of the United States.

Since the quota allotment for nationals of Estonia to enter the United States is exhausted and oversubscribed for an indefinite period and since it would be unsafe for Mr. Kask to return to Estonia or to China in view of the Communist occupation of both countries, he is in a very difficult situation.

I enclose Mr. Brown's letter to me of January 23, a letter from Andersen, Meyer & Co., Ltd., to Mr. Brown dated December 27, 1949, and a memorandum dated December 1, 1949, which give detailed information concerning the case of Mr. Kask.

We would greatly appreciate any efforts that you may be able to exert in causing a private bill to be introduced in Congress and enacted into law, for the purpose of changing the present temporary status of Mr. Kask to a permanent status in this country.

Sincerely yours,

CLARK H. MINOR,
Chairman of the Board.

The bill has been amended to conform with the policy of the committee in granting permanent residence in the United States to an alien as of the date of the adjustment rather than as of the date of last entry into the United States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 648), as amended, should be enacted.

It is advised that under existing laws of the United States it is not possible for him to obtain any immigration quota number in his native country, since the quota number for immigrants of that country is fully utilized and has been exhausted and is not available for allocation to any other person.

It has been pointed out by the authorities of the State Department of the United States that in the case of the applicant, the quota number for his native country is fully utilized and has been exhausted and is not available for allocation to any other person. It is pointed out that the quota number for his native country is fully utilized and has been exhausted and is not available for allocation to any other person. It is pointed out that the quota number for his native country is fully utilized and has been exhausted and is not available for allocation to any other person.

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James H. Brown & Co., Inc.
New York, N. Y.

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