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APPROVED  
AUG 14 1976

8/14/76

THE WHITE HOUSE  
WASHINGTON  
August 13, 1976

ACTION  
Last Day: August 21

Posted  
8/16/76

MEMORANDUM FOR  
FROM:  
SUBJECT:

THE PRESIDENT

JIM CANNON *Jhi*

H.R. 1425 - Relief of Juliet Elizabeth Tozzi

Sponsor: Rep. Rodino

→ H.R. 1645 - Relief of Kevin Patrick Saunders

Sponsor: Rep. Drinan

H.R. 4053 - Relief of Roderic Patrick Stafford

Sponsor: Rep. Rogers

archived  
8/16/76

Attached for your consideration are three enrolled bills which would permit the entry into the United States the spouses of American citizens, notwithstanding prior convictions for unlawful possession of drugs.

The details with respect to each of the enrolled bills is provided in OMB's enrolled bill report at Tab A.

OMB, NSC, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bills.

RECOMMENDATION

That you sign H.R. 1425 at Tab B.

That you sign H.R. 1645 at Tab C.

That you sign H.R. 4053 at Tab D.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 12 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

(1) H.R. 1425 - Relief of Juliet Elizabeth Tozzi  
Sponsor - Rep. Rodino (D) New Jersey

→ (2) H.R. 1645 - Relief of Kevin Patrick Saunders  
Sponsor - Rep. Drinan (D) Massachusetts

(3) H.R. 4053 - Relief of Roderic Patrick Stafford  
Sponsor - Rep. Rogers (D) Florida

Last Day for Action

August 21, 1976 - Saturday

Purpose

To permit the entry into the United States of spouses of American citizens, notwithstanding prior convictions for unlawful possession of drugs.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service  
Department of State

Approval  
No objection

Discussion

The enrolled bills would waive a section of the Immigration and Nationality Act which excludes aliens convicted of any drug law violation from entry into the United States, authorize the issuance of immigrant visas to the beneficiaries, and permit their admission into the United States for permanent residence if otherwise admissible under the Act.

H.R. 1425 - Juliet Elizabeth Tozzi

Mrs. Tozzi is a 25-year-old native and citizen of Great Britain. She currently resides in Bloomfield, New Jersey with her husband, Daniel Tozzi, and their 8-month old son, both U.S. citizens. Mrs. Tozzi originally came to the United States in 1954 at the age of 3. In 1968, she was involved in an auto accident in the United States which caused her painful injuries. Subsequent to this accident, she returned to England and was convicted of illegal possession of drugs and for theft. Mrs. Tozzi sought psychiatric help to overcome her drug use and, according to both British and American doctors, she no longer uses drugs and appears to be well-adjusted. She returned to the United States in 1972 to testify on her behalf about the car accident and married Daniel Tozzi. In 1973, she was paroled into the U.S. from Great Britain. On April 3, 1973, the Immigration and Naturalization Service approved a petition to grant Mrs. Tozzi immediate relative classification. However, because of her conviction for illegal possession of drugs, she remains statutorily ineligible to be issued an immigrant visa.

H.R. 1645 - Kevin Patrick Saunders

Mr. Saunders is a 48-year-old native and citizen of Great Britain, who resides there with his wife, a United States citizen. In 1951, at the age of 23, Mr. Saunders was convicted of stealing and being in possession of morphine, cocaine, and heroin, and was sentenced to two years of imprisonment. He does not have a history of the use or sale of illegal drugs. Mr. Saunders and his wife want to live in the United States to be near Mrs. Saunder's father, who is in ill health, to consider raising a family and to obtain a better market for their antique business.

H.R. 4053 - Roderic Patrick Stafford

Mr. Stafford is a 23-year-old native and citizen of Canada, who resides there with his wife, a U.S. citizen. In 1969, at the age of 16, Mr. Stafford was convicted in the Bahamas of possession of marijuana. Since his arrest, he has attended military school and completed studies at Miami Dade Junior College. On May 15, 1973, the Immigration and Naturalization Service approved a petition filed by his wife to grant Mr. Stafford immediate relative status.



However, he remains statutorily ineligible to be issued an immigrant visa because of his previous conviction.

*James M. Frey*  
Assistant Director for  
Legislative Reference

Enclosures

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
Washington 25, D.C.

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

9 AUG 1976

AND REFER TO THIS FILE NO.

A20 482 000

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 1645 ; Office of Management  
and Budget request dated August 6, 1976


Beneficiary or Beneficiaries Kevin Patrick Saunders.

Pursuant to your request for the views of the Department of Justice on the subject bill, a review has been made of the facsimile of the bill, the relating Congressional Committee report or reports, and all pertinent information in the files of the Immigration and Naturalization Service.

On the basis of this review the Immigration and Naturalization Service, on behalf of the Department of Justice:

- Recommends approval of the bill.
- Interposes no objection to approval of the bill

Sincerely,

  
Commissioner



DEPARTMENT OF STATE

Washington, D.C. 20520

AUG 9 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of August 6, 1976, transmitting for comment enrolled bills, H.R. 6687, "For the relief of Doo Hoon Park", and H.R. 1645, "For the relief of Kevin Patrick Saunders".

This Department has no objection to the enactment of these bills.

Sincerely yours,

Kempton B. Jenkins  
Acting Assistant Secretary  
for  
Congressional Relations

The Honorable  
James T. Lynn  
Director,  
Office of Management  
and Budget.



KEVIN PATRICK SAUNDERS

JULY 25, 1975.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H.R. 1645]

The Committee on the Judiciary to whom was referred the bill (H.R. 1645) for the relief of Kevin Patrick Saunders, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to waive the provision of section 212(a) (23) of the Immigration and Nationality Act in behalf of Kevin Patrick Saunders. The bill also provides that this exemption shall apply only to a ground for exclusion known to the Department of State or the Department of Justice prior to the enactment of this act.

GENERAL INFORMATION

The beneficiary of this bill is a 47-year-old native and citizen of England who resides there with his wife, a citizen of the United States. He has been found eligible for a visa because of a conviction in May of 1951 for possession of dangerous drugs. There is no administrative waiver of this ground for exclusion, however, the beneficiary is eligible for a waiver of his ineligibility under section 212(a) (9) of the Immigration and Nationality Act by reason of his marriage to a citizen of the United States. The beneficiary resides in England with his wife and is employed as an antique dealer. They desire to return to this country to establish a business here and to be near his wife's father who is in ill health.

A bill for the relief of the same person passed the House of Representatives during the 93d Congress and the following information is reprinted from H. Rept. No. 93-562:

The pertinent facts in this case are contained in a letter dated May 4, 1973 from the Acting Commissioner of Immigration and Naturaliza-

tion to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C., May 4, 1973.

A-20482000.

HON. PETER W. RODINO, JR.,  
Chairman, Committee on the Judiciary, House of Representatives,  
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 2634) for the relief of Kevin Patrick Saunders, there is attached a memorandum of information concerning the beneficiary.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a violation of law relating to narcotic drugs or marihuana and would authorize the issuance of a visa to the beneficiary and his admission to the United States for permanent residence if he is otherwise admissible under the act. The bill limits the exemption granted the beneficiary to a ground for exclusion known to the Department of State or the Department of Justice prior to the date of its enactment.

The beneficiary, a native of England, is entitled to immediate relative status as the spouse of a United States citizen.

Sincerely,

JAMES F. GREENE,  
Acting Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE H.R. 2634

Information concerning this case was obtained from Shirley R. Saunders, wife of the beneficiary, Kevin Patrick Saunders who was also the beneficiary of H.R. 15817, 92d Congress.

The beneficiary, a native and citizen of England, was born on June 27, 1928. He resides with his wife in Holt, Wimborne, Dorset, England where he is the director of buying and selling for Wessex Export Traders, Ltd. He has no fixed income. His assets consist of 49 percent ownership of Wessex Export Traders, Ltd., and antique stock and personal property valued at \$25,800. He attended Woodlands Secondary Grammar School, and completed matriculation class in Kent, England. From 1968 to 1969, the beneficiary was self-employed as a renovator and salesman of country cottages.

The beneficiary married Shirley R. Gann, a United States citizen, on January 28, 1968 in England. He has a son by a previous marriage whose whereabouts are unknown. His deceased parents were citizens of England. He has no brothers or sisters.

The beneficiary's last entry in the United States was on June 12, 1970 as a visitor for pleasure until June 30, 1970. He made one prior entry as a visitor on December 16, 1967, for approximately 1 month.

Information furnished by the American Embassy in London, England, reflects that the beneficiary received three separate convictions on May 9, 1951, October 16, 1951 and January 9, 1957. The convictions were for bicycle theft; breaking and entering and possession of morphine; heroin and cocaine; and conspiring to break and enter and possession of an implement of housebreaking, respectively. On February 27, 1967, the beneficiary was found to be ineligible to receive a visa on the grounds that he has been convicted of a crime involving moral turpitude and that he has been convicted of a violation of law relating to narcotic drugs.

The beneficiary's wife believes that her husband's past behavior resulted from an insecure childhood in which he suffered the loss of both parents and was denied their estate by distant relatives who reared him, but who evinced no interest in his welfare. She is convinced that he has matured and is the most honest and honorable person she knows. However, their marriage suffers because she is homesick and has been forced to reside in a country which she considers inferior to the United States.

A report dated March 27, 1973, from the Department of State on this legislation reads as follows:

DEPARTMENT OF STATE,  
Washington, D.C., March 27, 1973.

HON. PETER W. RODINO,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Kevin Patrick Saunders, beneficiary of H.R. 2634, 93d Congress, there is enclosed a memorandum of information concerning the beneficiary. The memorandum has been submitted by the American Embassy at London, England, in whose consular jurisdiction the beneficiary resides. H.R. 15817, 92d Congress, on the beneficiary's behalf was not enacted.

The bill would provide for visa issuance and the beneficiary's admission into the United States for permanent residence notwithstanding his ineligibility as an alien who has been convicted of a violation of any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marihuana, if he is otherwise admissible under the Immigration and Nationality Act. The relief granted is limited to a ground for exclusion known to the Department of State of the Department of Justice prior to enactment.

Sincerely yours,

MARSHALL WRIGHT,  
Acting Assistant Secretary  
for Congressional Relations.

Enclosure: Memorandum.

MEMORANDUM OF INFORMATION CONCERNING H.R. 2634, 93D CONGRESS, FOR THE RELIEF OF KEVIN PATRICK SAUNDERS, SUBMITTED BY THE AMERICAN EMBASSY AT LONDON, ENGLAND

The beneficiary was born on June 27, 1928, in Portsmouth, Hampshire, England. He is presently married to the former Shirley Ruth Gann, a citizen of the United States, whose family lives in Newton Center, Mass.

A prior marriage of the beneficiary ended in divorce in early 1953. The couple have no children.

The beneficiary was found ineligible to receive a visa on February 23, 1967, under the provisions of section 212(a) (9) and (23) of the Immigration and Nationality Act, as a result of three separate convictions on five different counts. On May 9, 1951, he was convicted of stealing a bicycle and was sentenced to 2 months imprisonment. On October 16, 1951, he was convicted of (a) breaking and entering a store and stealing a large quantity of assorted drugs, and (b) being in possession of dangerous drugs (morphine, heroin, and cocaine) contrary to law. He received a sentence of 2 years imprisonment. On January 9, 1957, he was convicted of (a) conspiring to break and enter with intent to commit a felony, and (b) possession of an implement of housebreaking. He received sentences on each count of 3 years probation, to run concurrently. Two copies of each court record are enclosed.

The beneficiary is chargeable to the foreign state limitation for the United Kingdom. If a petition is filed on his behalf by his United States citizen spouse, upon its approval he will be entitled to immediate relative status. If the ineligibility under section 212(a) (23) is removed, the beneficiary would be eligible to apply to the Immigration and Naturalization Service for a waiver of his ineligibility under section 212(a) (9) under section 212(h) of the Immigration and Nationality Act.

The beneficiary underwent a medical examination on March 6, 1973, and was found to be in good health.

The Embassy's files reveal no additional derogatory information concerning the beneficiary.

An investigation is presently in progress, and should any additional derogatory information be revealed, a further report will be submitted.

Enclosure: Court records.

Extract from register proving proceeding of a Magistrates' Court (M.C. Rules 1972, r. 56)

IN THE COUNTY OF KENT  
PETTY SESSIONAL DIVISION OF NOKTH AYLESFORD

Memorandum of a conviction (or acquittal) entered in the Register of the Magistrates' Court sitting at Chatham.

51. MAY, 1967

Name of informant or of complainant	Name of defendant, Age, if known	Nature of offence or matter of complaint	Date of offence or matter of complaint	Fine or consent to order	Month of publication	Day of	Year	Time allowed for payment and instalments
S.G. EVERETT. (Police)	KEVIN PATRICK SAUNDERS (22)	Stealing Gents pedal cycle value £3.10.0d. property of Alan Spooner at Gillingham, Contrary to Larceny Act, 1916.	9.3.51.	Consent Guilty.	2 months imprisonment.			

I certify the above extract to be a true copy.

DATED this 13th day of February, 1967

Clerk of the said Magistrates' Court



Great Britain and Northern Ireland }  
London, England } SS.  
Embassy of the United States of America }

I, the undersigned consular officer of the United States of America, duly commissioned and qualified, do hereby certify that the foregoing is a true and faithful copy of the original/copy this day exhibited to me, the same having been carefully examined by me and compared with the said original/copy and found to agree therein word for word and figure for figure. In witness where of I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ 1973.

Twenty - ~~two~~ February

*John D. Moller*  
JOHN D. MOLLER  
Vice Consul of the United States of America at London, England

1973 Oct/1

Central Criminal Court (to wit) of the Delivery of the lawfully appointed Bailiffs holden for the jurisdiction of the Central Criminal Court at the Central Criminal Court in the Old Bailey, in the City of London, on the ~~sixteenth~~ day of ~~October~~ 1951

KEVIN PATRICK SAUNDERS

- (1) was in due form of law convicted on indictment for that he broke and entered a store and stole therein 1,000 quarter-grain tablets of morphine sulphate, 750 one-sixth grain tablets of morphine sulphate, 24 tubes of 20 half-grain tablets of morphine sulphate, 60 tubes of 20 one-third-grain tablets of morphine hydrochloride, 35 tubes of 20 quarter-grain tablets of morphine and atropine, 3 tubes of 20 quarter-grain tablets of morphine sulphate, 12 tubes of 20 half-grain tablets of morphine sulphate, 144 tubes of 20 one-sixth grain tablets of diamorphine hydrochloride, 12 tubes of 20 one-twelfth grain tablets of diamorphine hydrochloride, 23 tubes of 25 one-third grain tablets of omnopon, 2 ozs cocaine hydrochloride (powder), 4 half-ounce bottles morphine sulphate (powder), the property of Medway and Gravesend Hospital Management Committee. Contrary to Section 26 (1) of the Larceny Act 1916
- (2) had in his possession without being duly authorised 2,033 two-third grains of morphine salts, 161 four-fifth grains of heroin and 3 grains of cocaine. Contrary to Regulation 3 (1) of the Dangerous Drugs Regulations 1957

and that the said KEVIN PATRICK SAUNDERS was ordered to be imprisoned two years

Dated the 11th day of January 1967.

*Julie Boyd*  
Clerk of the Court

Great Britain and Northern Ireland }  
London, England }  
Embassy of the United States of America } SS.

I, the undersigned consular officer of the United States of America, duly commissioned and qualified, do hereby certify that the foregoing is a true and faithful copy of the original copy this day submitted to me, the same having been personally examined and compared with the original copy and found to agree therewith word for word and figure for figure. In witness where of I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ 1973

Twenty-Third February

**JOHN D. MOLLER**  
Vice Consul of the United States of America at London, England.



IN THE CITY OF PORTSMOUTH  
Before the Court of General Quarter Sessions of the Peace  
holden in and for the said City of Portsmouth.

The 9th day of January one thousand nine hundred and sixty-seven.

KEVIN PATRICK SAUNDERS

was in due form of law tried and convicted

for that he

- 1st Count - On 30th September 1956 at Portsmouth, conspiring together with Michael David Yeomans, Joseph Anthony DeGostino and Joseph Anthony Byerley to break and enter the City Garage, situate at Havaat Street, Portsea, with intent to commit a felony therein.
- 2nd Count - On 30th September 1956, in the night, at Portsmouth, found having in his possession without lawful excuse a certain implement of housebreaking, namely, a jemmy.

IT IS ORDERED AND ADJUDGED BY THIS COURT that the above-named KEVIN PATRICK SAUNDERS be required to be under the supervision of a Probation Officer for the period of three years (concurrent on each count).

GIVEN under my hand this 23rd day of January one thousand nine hundred and sixty-seven.

*[Signature]*  
Clerk of the Peace.



Great Britain and Northern Ireland  
 London, England }  
 Embassy of the United States of America } SS.

I, the undersigned consular officer of the United States of America, duly commissioned and qualified, do hereby certify that the foregoing is a true and faithful copy of the original/copy this day exhibited to me, the same having been carefully examined by me and compared with the original/copy and found to agree therein word for word and figure for figure. In witness whereof I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ 1973.

Twenty-third

February

1973.

*John D. Moller*  
**JOHN D. MOLLER**  
 Vice Consul of the United States  
 of America at London, England.

TESTIMONY OF HON. ROBERT F. DRINAN IN SUPPORT  
 OF H.R. 2634

Mr. Chairman and members of the subcommittee, I am deeply grateful to have this opportunity to stand before you on behalf of H.R. 2634, a private bill for the relief of Kevin Patrick Saunders who is the husband of my constituent, Shirley Gann Saunders of Newton, Mass.

I was compelled to introduce this private bill as a last resort in attempting to acquire immediate relative status for Mr. Saunders so that he and his wife could return home to the United States. My bill asks for a waiver of section 212(a)(23) of the Immigration and Naturalization Act which at present precludes Mr. Saunders from admission.

I would like to take a few moments to call your attention to the facts of this situation and the circumstances which in my opinion evidence a most deserving case for enactment of this bill.

Section 212(a)(23) precludes from admission to the United States, any alien who has been convicted of a crime relating to the possession of narcotic drugs. In October of 1951, at age 23, Kevin Saunders was convicted of the crime of stealing and being in possession of morphine, heroin and cocaine and was sentenced to 2 years imprisonment. This is the only drug related offense Mr. Saunders has ever been charged with. He did not then nor has ever had a history of use or sale of narcotics or marijuana.

Kevin Saunders was born in England on June 27, 1928. His parents both died during World War II, his mother having been killed during a bombing raid and his father having died as a result of injuries incurred while in the service of the Royal Navy. He was an only child and at a young age was left on his own being without familial ties. Kevin suffered a tumultuous youth. Although it is not relevant to the matter before you, I would mention that in 1951 at age 22, Kevin was convicted of stealing a bicycle and was sentenced to 2 months imprisonment and in 1956 he was given 3 years concurrent probation for conviction on two counts of conspiracy to break and enter with intent to commit larceny and being in possession of an implement of housebreaking. Under administrative procedures, once his ineligibility under section 212(a)(23), which is the matter before us, is removed, Mr. Saunders would be eligible to request waiver of his ineligibility under section 212(a)(9).

Twenty-three years have elapsed since Mr. Saunders' conviction which precludes him from residence in the United States. He has settled into a profitable antique business with assets and savings of approximately \$70,000. He and Mrs. Saunders have been married for 5 years and have from the beginning of their marriage looked to the day when they could come home to the United States where their business would have a better market and where they could consider raising their own family.

We must also consider, Mrs. Saunders, an American citizen, who has been denied her livelihood and has been forced to be separated from her family and friends by reason of her husband's ineligibility for a visa. I have on a number of occasions spoken with her, most recently when she returned home alone, due to the illness of her aging father. I was profoundly moved by her somber and sad description of the adverse effects which absence from her homeland has brought to her. In the most beautiful terms she expressed her love for her husband and sorrowfully reflected upon their optimism at the time of their marriage that the situation would be resolved. Being brought up in a country which places great emphasis on compassion she finds it impossible to believe that this country would deny her husband residence when he has demonstrated flawless conduct since the actions of his youth. She speaks of her husband as a man of impeccable honesty and their mutual desire to come home.

Mrs. Saunders holds a Master's Degree from Harvard University, Graduate School of Education in guidance and counselling. Since there is no market for her particular abilities in England, she has been precluded from using her professional training. I would also point out that there would be an immediate need for her training in Massachusetts.

It is my opinion that there is every indication that Mr. and Mrs. Saunders are persons of total integrity and that they have characters above reproach. Moreover, I feel that they have a most valid claim to enactment of this bill and I respectfully urge your favorable and compassionate consideration based upon the facts and the strong merits of their situation.

Mr. Drinan submitted the following letter in support of this legislation:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 13, 1975.

HON. JOSUUA EILBERG,  
Chairman, Subcommittee on Immigration, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I was deeply pleased to receive notification that my bill, H.R. 1645, for the relief of Kevin Patrick Saunders, was approved by the subcommittee and favorably reported to the full committee on April 17, 1975.

As you know the bill was approved by the House on December 18, 1973 but was not reported out of the Senate Subcommittee on Immigration prior to the conclusion of the 93d Congress. The Senate has agreed to consider this measure in the 94th Congress.

The beneficiary is a 47-year-old citizen of England and the husband of my constituent Shirley Gann Saunders of Newton, Mass. They were married in 1967. Mr. Saunders' ineligibility for an immigrant visa is based upon his conviction in 1951 at age 23 for possession of narcotic drugs. Recognizing that the subcommittee would be particularly circumspect in its consideration of this measure, I personally testified before the subcommittee in 1973 and I would like to have that testimony included in the report of H.R. 1645.

The record shows that Mr. Saunders has no history of drug usage or related offenses. As has been indicated, Mr. and Mrs. Saunders have been engaged in a successful antique business in England. They are most anxious to return to the United States as they have no familial ties in England nor interest in remaining in that country.

Mrs. Saunders holds a Masters Degree in Guidance and Counseling from Harvard University and is deeply interested in returning to her profession within the American school system. Her parents are elderly and her father's health has been deteriorating in the past few years. Due to this fact she has returned to Massachusetts at least once a year for short visits. This fact alone places a great strain on her and her husband who cannot travel with her. For a number of years now, this couple has postponed having children as they desire to raise their family in the United States.

The merits of enacting this measure are as valid and exceed those that have been presented in related private legislation in the past decade. In that period both Houses approved 15 measures which were based upon exclusions under section 212(a)(23) of the Immigration and Nationality Act.

Four of the measures concerned possession of marihuana, eight dealt with situations in which the beneficiaries had been convicted of purchase and/or possession of narcotic drugs and two of the enacted bills provided relief for individuals in the sale of narcotic substances. Twelve of the beneficiaries were the spouses of American citizens.

Mr. and Mrs. Saunders suffered a great disappointment last year when after being given hope by approval of the measure in the House it was not acted upon by the Senate. Enactment of H.R. 1645 provides the only possible resolution of this matter which is of tantamount importance to the lives of Kevin and Shirley Saunders. I hope that relief will be granted in the 94th Congress.

Cordially yours,

ROBERT F. DRINAN,  
Member of Congress.

#### BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

#### OVERSIGHT STATEMENT

The committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

Upon consideration of all the facts in this case, the committee is of the opinion that H.R. 1645 should be enacted and accordingly recommends that the bill do pass.

# Calendar No. 1024

94TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 94-1090

## KEVIN PATRICK SAUNDERS

—————  
AUGUST 4, 1976.—Ordered to be printed  
—————

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

### REPORT

[To accompany H.R. 1645]

The Committee on the Judiciary, to which was referred the bill (H.R. 1645) for the relief of Kevin Patrick Saunders, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted for possession of dangerous drugs in behalf of the husband of a citizen of the United States.

#### STATEMENT OF FACTS

The beneficiary of this bill is a 47-year-old native and citizen of England who resides there with his wife, a citizen of the United States. He has been found ineligible for a visa because of a conviction in May of 1951 for possession of dangerous drugs. There is no administrative waiver of this ground for exclusion, however, the beneficiary is eligible for a waiver of his ineligibility under section 212(a)(9) of the Immigration and Nationality Act by reason of his marriage to a citizen of the United States. The beneficiary resides in England with his wife and is employed as an antique dealer. They desire to return to this country and to establish a business here and to be near his wife's father who is in ill health.

A bill for the relief of the same person passed the House of Representatives during the 93d Congress and the following information is reprinted from H. Rept. No. 93-502:



The pertinent facts in this case are contained in a letter dated May 4, 1973 from the Acting Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C., May 4, 1973.

A-20482000.

HON. PETER W. RODINO, JR.,  
Chairman, Committee on the Judiciary, House of Representatives,  
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 2634) for the relief of Kevin Patrick Saunders, there is attached a memorandum of information concerning the beneficiary.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a violation of law relating to narcotic drugs or marihuana and would authorize the issuance of a visa to the beneficiary and his admission to the United States for permanent residence if he is otherwise admissible under the act. The bill limits the exemption granted the beneficiary to a ground for exclusion known to the Department of State or the Department of Justice prior to the date of its enactment.

The beneficiary, a native of England, is entitled to immediate relative status as the spouse of a United States citizen.

Sincerely,

JAMES F. GREENE,  
Acting Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE H.R. 2634

Information concerning this case was obtained from Shirley R. Saunders, wife of the beneficiary, Kevin Patrick Saunders who was also the beneficiary of H.R. 15817, 92d Congress.

The beneficiary, a native and citizen of England, was born on June 27, 1928. He resides with his wife in Holt, Wimborne, Dorset, England where he is the director of buying and selling for Wessex Export Traders, Ltd. He has no fixed income. His assets consist of 49 percent ownership of Wessex Export Traders, Ltd., and antique stock and personal property valued at \$25,800. He attended Woodlands Secondary Grammar School, and completed matriculation class in Kent, England. From 1968 to 1969, the beneficiary was self-employed as a renovator and salesman of country cottages.

The beneficiary married Shirley R. Gann, a United States citizen, on January 28, 1968 in England. He has a son by a previous marriage whose whereabouts are unknown. His deceased parents were citizens of England. He has no brothers or sisters.

The beneficiary's last entry in the United States was on June 12, 1970 as a visitor for pleasure until June 30, 1970. He made one prior entry as a visitor on December 16, 1967, for approximately 1 month.

Information furnished by the American Embassy in London, England, reflects that the beneficiary received three separate convictions on May 9, 1951, October 16, 1951 and January 9, 1957. The convictions were for bicycle theft; breaking and entering and possession of morphine; heroin and cocaine; and conspiring to break and enter and possession of an implement of housebreaking, respectively. On February 27, 1967, the beneficiary was found to be ineligible to receive a visa on the grounds that he has been convicted of a crime involving moral turpitude and that he has been convicted of a violation of law relating to narcotic drugs.

The beneficiary's wife believes that her husband's past behavior resulted from an insecure childhood in which he suffered the loss of both parents and was denied their estate by distant relatives who reared him, but who evinced no interest in his welfare. She is convinced that he has matured and is the most honest and honorable person she knows. However, their marriage suffers because she is homesick and has been forced to reside in a country which she considers inferior to the United States.

A report dated March 27, 1973, from the Department of State on this legislation reads as follows:

DEPARTMENT OF STATE,  
Washington, D.C., March 27, 1973.

HON. PETER W. RODINO,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Kevin Patrick Saunders, beneficiary of H.R. 2634, 93d Congress, there is enclosed a memorandum of information concerning the beneficiary. The memorandum has been submitted by the American Embassy at London, England, in whose consular jurisdiction the beneficiary resides. H.R. 15817, 92d Congress, on the beneficiary's behalf was not enacted.

The bill would provide for visa issuance and the beneficiary's admission into the United States for permanent residence notwithstanding his ineligibility as an alien who has been convicted of a violation of any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marihuana, if he is otherwise admissible under the Immigration and Nationality Act. The relief granted is limited to a ground for exclusion known to the Department of State of the Department of Justice prior to enactment.

Sincerely yours,

MARSHALL WRIGHT,  
Acting Assistant Secretary  
for Congressional Relations.

Enclosure: Memorandum.

MEMORANDUM OF INFORMATION CONCERNING H.R. 2634, 93D  
CONGRESS, FOR THE RELIEF OF KEVIN PATRICK SAUNDERS, SUB-  
MITTED BY THE AMERICAN EMBASSY AT LONDON, ENGLAND

The beneficiary was born on June 27, 1928, in Portsmouth, Hampshire, England. He is presently married to the former Shirley Ruth Gann, a citizen of the United States, whose family lives in Newton Center, Mass.

A prior marriage of the beneficiary ended in divorce in early 1953. The couple have no children.

The beneficiary was found ineligible to receive a visa on February 23, 1937, under the provisions of section 212(a) (9) and (23) of the Immigration and Nationality Act, as a result of three separate convictions on five different counts. One May 9, 1951, he was convicted of stealing a bicycle and was sentenced to 2 months imprisonment. On October 16, 1951, he was convicted of (a) breaking and entering a store and stealing a large quantity of assorted drugs, and (b) being a possession of dangerous drugs (morphine, heroin, and cocaine) contrary to law. He received a sentence of 2 years imprisonment. On January 9, 1957, he was convicted of (a) conspiring to break and enter with intent to commit a felony, and (b) possession of an implement of housebreaking. He received sentences on each count of 3 years probation, to run concurrently. Two copies of each court record are enclosed.

The beneficiary is chargeable to the foreign state limitation for the United Kingdom. If a petition is filed on his behalf by his United States citizen spouse, upon its approval he will be entitled to immediate relative status. If the ineligibility under section 212(a) (23) is removed, the beneficiary would be eligible to apply to the Immigration and Naturalization Service for a waiver of his ineligibility under section 212(a) (9) under section 212(h) of the Immigration and Nationality Act.

The beneficiary underwent a medical examination on March 6, 1973, and was found to be in good health.

The Embassy's files reveal no additional derogatory information concerning the beneficiary.

An investigation is presently in progress, and should any additional derogatory information be revealed, a further report will be submitted.

Congressman Robert F. Drinan, the author of the bill, submitted the following testimony in support of this legislation.

TESTIMONY OF HON. ROBERT F. DRINAN IN SUPPORT  
OF H.R. 2634

Mr. Chairman and members of the subcommittee, I am deeply grateful to have this opportunity to stand before you on behalf of H.R. 2634, a private bill for the relief of Kevin Patrick Saunders who is the husband of my constituent, Shirley Gann Saunders of Newton, Mass.

I was compelled to introduce this private bill as a last resort in attempting to acquire immediate relative status for Mr. Saunders so that he and his wife could return home to the United States. My bill asks for a waiver of section 212(a)(23) of the Immigration and Naturalization Act which at present precludes Mr. Saunders from admission.

I would like to take a few moments to call your attention to the facts of this situation and the circumstances which in my opinion evidence a most deserving case for enactment of this bill.

Section 212(a) (23) precludes from admission to the United States, any alien who has been convicted of a crime relating to the possession of narcotic drugs. In October of 1951, at age 23, Kevin Saunders was convicted of the crime of stealing and being in possession of morphine, heroin, and cocaine and was sentenced to 2 years imprisonment. This is the only drug related offense Mr. Saunders has ever been charged with. He did not then nor has ever had a history of use or sale of narcotics or marihuana.

Kevin Saunders was born in England on June 27, 1928. His parents both died during World War II, his mother having been killed during a bombing raid and his father having died as a result of injuries incurred while in the service of the Royal Navy. He was an only child and at a young age was left on his own being without familial ties. Kevin suffered a tumultuous youth. Although it is not relevant to the matter before you. I would mention that in 1951 at age 22, Kevin was convicted of stealing a bicycle and was sentenced to 2 months imprisonment and in 1956 he was given 3 years concurrent probation for conviction on two counts of conspiracy to break and enter with intent to commit larceny and being in possession of an implement of housebreaking. Under administrative procedures, once his ineligibility under section 212(a) (23), which is the matter before us, is removed, Mr. Saunders would be eligible to request waiver of his ineligibility under section 212(a) (9).

Twenty-three years have elapsed since Mr. Saunders' conviction which precludes him from residence in the United States. He has settled into a profitable antique business with assets and savings of approximately \$70,000. He and Mrs. Saunders have been married for 5 years and have from the beginning of their marriage looked to the day when they could come home to the United States where their



business would have a better market and where they could consider raising their own family.

We must also consider, Mrs. Saunders, an American citizen, who has been denied her livelihood and has been forced to be separated from her family and friends by reason of her husband's ineligibility for a visa. I have on a number of occasions spoken with her, most recently when she returned home alone, due to the illness of her aging father. I was profoundly moved by her somber and sad description of the adverse effects which absence from her homeland has brought to her. In the most beautiful terms she expressed her love for her husband and sorrowfully reflected upon their optimism at the time of their marriage that the situation would be resolved. Being brought up in a country which place great emphasis on compassion she finds it impossible to believe that this country would deny her husband residence when he has demonstrated flawless conduct since the actions of his youth. She speaks of her husband as a man of impeccable honesty and their mutual desire to come home.

Mrs. Saunders holds a Master's Degree from Harvard University, Graduate School of Education in guidance and counselling. Since there is no market for her particular abilities in England, she has been precluded from using her professional training. I would also point out that there would be an immediate need for her training in Massachusetts.

It is my opinion that there is every indication that Mr. and Mrs. Saunders are persons of total integrity and that they have characters above reproach. Moreover, I feel that they have a most valid claim to enactment of this bill and I respectfully urge your favorable and compassionate consideration based upon the facts and the strong merits of their situation.

Mr. Drinan submitted the following letter in support of this legislation:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 13, 1975.

HON. JOSHUA EILBERG,  
Chairman, Subcommittee on Immigration, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I was deeply pleased to receive notification that my bill H.R. 1645, for the relief of Kevin Patrick Saunders, was approved by the subcommittee and favorably reported to the full committee on April 17, 1975.

As you know the bill was approved by the House on December 18, 1973 but was not reported out of the Senate Subcommittee on Immigration prior to the conclusion of the 93d Congress. The Senate has agreed to consider this measure in the 94th Congress.

The beneficiary is a 47-year-old citizen of England and the husband of my constituent Shirley Gann Saunders of Newton, Mass. They were married in 1967. Mr. Saunders' ineligibility for an immigrant visa is based upon his conviction in 1951 at age 23 for possession of narcotic drugs. Recognizing that the subcommittee would be particularly circumspect in its consideration of this measure, I personally

testified before the subcommittee in 1973 and I would like to have that testimony included in the report of H.R. 1645.

The record shows that Mr. Saunders has no history of drug usage or related offenses. As has been indicated, Mr. and Mrs. Saunders have been engaged in a successful antique business in England. They are most anxious to return to the United States as they have no familial ties in England nor interest in remaining in that country.

Mrs. Saunders holds a Masters Degree in Guidance and Counseling from Harvard University and is deeply interested in returning to her profession within the American school system. Her parents are elderly and her father's health has been deteriorating in the past few years. Due to this fact she has returned to Massachusetts at least once a year for short visits. This fact alone places a great strain on her and her husband who cannot travel with her. For a number of years now, this couple has postponed having children as they desire to raise their family in the United States.

The merits of enacting this measure are as valid and exceed those that have been presented in related private legislation in the past decade. In that period both Houses approved 15 measures which were based upon exclusions under section 212(a)(23) of the Immigration and Nationality Act.

Four of the measures concerned possession of marihuana, eight dealt with situations in which the beneficiaries had been convicted of purchase and/or possession of narcotic drugs and two of the enacted bills provided relief for individuals in the sale of narcotic substances. Twelve of the beneficiaries were the spouses of American citizens.

Mr. and Mrs. Saunders suffered a great disappointment last year when after being given hope by approval of the measure in the House it was not acted upon by the Senate. Enactment of H.R. 1645 provides the only possible resolution of this matter which is of tantamount importance to the lives of Kevin and Shirley Saunders. I hope that relief will be granted in the 94th Congress.

Cordially yours,

ROBERT F. DRINAN,  
Member of Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 1645) should be enacted.

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# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

## An Act

For the relief of Kevin Patrick Saunders.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(23) of the Immigration and Nationality Act, Kevin Patrick Saunders may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.*

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*