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8, 10/11/76

APPROVED
OCT 11 1976

THE WHITE HOUSE

ACTION

WASHINGTON
October 8, 1976

Last Day: October 12

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *JAC*
SUBJECT: S. 2618 - Relief of Chea Hyo Suk

Attached for your consideration is S. 2618, sponsored by Senator Moss.

The enrolled bill authorizes the issuance of an immigrant visa to a 15-year old Korean orphan who is to be adopted by U.S. citizens.

Because the adoptive parents have already adopted two other Korean children and the beneficiary is over the age of 14, they have been unable to obtain an immigrant visa for her.

Additional information is provided in OMB's enrolled bill report at Tab A.

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

RECOMMENDATION

That you sign S. 2618 at Tab B.

*Posted
10/12/76*

*Archives
10/12/76*





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 4 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2618 - Relief of Chea Hyo Suk
Sponsor - Sen. Moss (D) Utah

Last Day for Action

October 12, 1976 - Tuesday

Purpose

Authorizes the issuance of an immigrant visa to an alien child to be adopted by United States citizens.

Agency Recommendations

Office of Management and Budget	Approval
Immigration and Naturalization Service	Approval
Department of State	No objection

Discussion

The beneficiary is a 15-year old Korean orphan who resides in Korea as a ward of the state. She will be adopted by Mr. and Mrs. Theodore Thatcher, both U.S. citizens residing in Utah. Mr. and Mrs. Thatcher have six natural children and two adopted children from Korea.

The Immigration and Nationality Act (INA) limits to two the number of immediate relative visa petitions which can be approved per petitioner. In addition, the INA provides that only aliens who have not reached the age of fourteen can be considered "children" eligible to receive an orphan immigrant visa as the prospective adoptive children of U.S. citizens or permanent residents. Because the Thatchers have already had two immediate relative petitions approved for their two adopted Korean children, and because Chea Hyo Suk is over 14, the Thatchers are unable to obtain an immigrant visa for her.

S. 2618 would declare Chea Hyo Suk a child for immigration purposes, as well as authorize the issuance of an immigrant visa to Chea Hyo Suk upon approval of an immediate relative petition filed in her behalf by the Thatchers. In addition, the enrolled bill would declare that Chea Hyo Suk's natural parents and siblings are not to be accorded preferential immigration treatment because of their relationship to her.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 6

Time: noon

FOR ACTION:

Dick Parsons *MP*
Max Friedersdorf *MP*
Bobbie Kilberg *MP*
NSC/S *MP*

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 8

Time: noon

SUBJECT:

S. 2E18-Relief of Chea Hyo Sukl

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

Washington 25, D.C.

OFFICE OF THE COMMISSIONER

30 SEP 1976

AND REFER TO THIS FILE NO.

A21 340 398

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. S. 2618; Office of Management
and Budget request dated September 29, 1976.

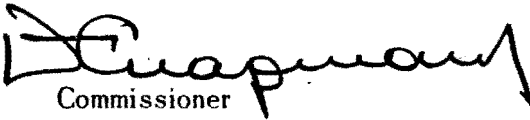
Beneficiary or Beneficiaries Chea Hyo Suk

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

SEP 30 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of September 29, 1976, transmitting for comment enrolled bills, S. 2618, "For the relief of Chea Hyo Suk", S. 2942, "For the relief of Kenrick Withington Brookes aka Kenrick Withington Clifton", and S. 3757, "For the relief of Walter Louis Moritz Laqueur and his wife Barbara Auguste Helene Koch Laqueur".

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

Sincerely yours,

A handwritten signature in cursive script that reads "Kempton B. Jenkins".

Kempton B. Jenkins
Acting Assistant Secretary
for Congressional Relations

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

THE WHITE HOUSE

TION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 6

Time: noon

FOR ACTION:

Dick Parsons
Max Friedersdorf
Bobbie Kilberg
NSC/S

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 8

Time: noon

SUBJECT:

S. 2618-Relief of Chea Hyo Suk

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

For Your Comments

___ Draft Remarks

REMARKS:

Approve. RP

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

October 7, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: S.2618 - Relief of Chea Hyo Suk

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

THE WHITE HOUSE

MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 6

Time: noon

FOR ACTION:

Dick Parsons
Max Friedersdorf
Bobbie Kilberg
NSC/S

cc (for information):

Jack Marsh
Jim Connor
Ed Schmultz

FROM THE STAFF SECRETARY

DUE: Date: October 8

Time: noon

SUBJECT:

S. 2618-Relief of Chea Hyo Suk

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

m. b. Kilberg 10/8/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately


James M. Cannon
For the President

MEMORANDUM

NATIONAL SECURITY COUNCIL

5600

October 8, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Dav 
SUBJECT: Enrolled Bill-S. 2618

The NSC Staff concurs in the Enrolled Bill-S. 2618-Relief
of Chea Hyo Suk.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 4 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2618 - Relief of Chea Hyo Suk
Sponsor - Sen. Moss (D) Utah

Last Day for Action

October 12, 1976 - Tuesday

Purpose

Authorizes the issuance of an immigrant visa to an alien child to be adopted by United States citizens.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service
Department of State

Approval
No objection

Discussion

The beneficiary is a 15-year old Korean orphan who resides in Korea as a ward of the state. She will be adopted by Mr. and Mrs. Theodore Thatcher, both U.S. citizens residing in Utah. Mr. and Mrs. Thatcher have six natural children and two adopted children from Korea.

The Immigration and Nationality Act (INA) limits to two the number of immediate relative visa petitions which can be approved per petitioner. In addition, the INA provides that only aliens who have not reached the age of fourteen can be considered "children" eligible to receive an orphan immigrant visa as the prospective adoptive children of U.S. citizens or permanent residents. Because the Thatchers have already had two immediate relative petitions approved for their two adopted Korean children, and because Chea Hyo Suk is over 14, the Thatchers are unable to obtain an immigrant visa for her.

Calendar No. 908

94TH CONGRESS }
2d Session }

SENATE }

REPORT
No. 94-957

CHEA HYO SUK

JUNE 17, 1976.—Ordered to be printed

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

REPORT

[To accompany S. 2618]

The Committee on the Judiciary, to which was referred the bill (S. 2618), for the relief of Chea Hyo Suk, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

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

That, in the administration of the Immigration and Nationality Act, Chea Hyo Suk may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Theodore Thatcher, citizens of the United States pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act. Section 204(c) of the Immigration and Nationality Act shall be inapplicable in this case.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States as an immediate relative the alien child to be adopted by citizens of the United States, notwithstanding the fact

that the prospective adoptive parents have previously had the maximum number of petitions approved. The bill has been amended in accordance with established precedents.

STATEMENT OF FACTS

The beneficiary of the bill is a 15-year-old native and citizen of Korea who currently resides in that country as a ward of the state. The prospective adoptive parents, citizens of the United States, have six natural children and two adopted children. They reside in Farmington, Utah.

A letter, with attached memorandum, dated April 5, 1976 to the Chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., April 5, 1976.

A21340398

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 2618) for the relief of Chea Hyo Suk, there is attached a memorandum of information concerning the beneficiary.

The bill, as drawn, would waive the provision of the Immigration and Nationality Act which limits the number of petitions that may be approved for adopted children. However, the beneficiary does not qualify for immediate relative status as a child under Section 101 (b) (1) (F) of the Act because the beneficiary has attained the age of fourteen years. The bill does not waive the requirement that the beneficiary be under fourteen years of age.

The beneficiary, a native of Korea, is chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

L. F. CHAPMAN, Jr., *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 2618

Information concerning this case was obtained from Theodore Reed Thatcher and his wife, Huntley Goldsmith Thatcher, the prospective adoptive parents of the beneficiary.

The beneficiary, Chea Hyo Suk, a native and citizen of Korea, was born on January 10, 1961 and is presently a ward of the state at the Sung Sae Rehabilitation Center in Tae Jon, Korea. The beneficiary has no near relatives and is one

of a group of fourteen orphans all of whom, except the beneficiary, are in the process of being adopted.

Mr. and Mrs. Thatcher were married in 1959 and have six natural children and two adopted children from Korea. The Korean children were adopted in 1974 and 1975 and were beneficiaries of approved visa petitions submitted by the Thatchers to accord the children immediate relative status in the issuance of immigrant visas. The second child adopted by the couple was also one of the group of fourteen of which the beneficiary is a part. It is the desire of the Thatchers to reunite these two orphans.

Mr. Thatcher is a plant manager for Utah Emulsions, Inc. earning \$18,000 per year plus an equal amount in bonuses per year. Mrs. Thatcher is not employed. They own a home valued at \$60,000 and have savings in the amount of \$10,000 and bonds in the amount of \$3,000.

Senator Frank E. Moss, the author of the bill, has submitted the following supporting information:

FARMINGTON, UTAH, November 11, 1975.

FRANK E. MOSS,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MOSS: Thank you for your prompt reply to our request. I am deeply grateful that you will help us.

All of my information on Hyo Suk's present circumstances comes from Miss Young and my daughter Sarah, but I will relate what I know. Firstly, I am sure you realize that being an orphan in Korea is in no way comparable to that of an orphan in America. In Korea, family is everything and without the family ties, you are considered a non-person, possibly comparable to that of a slave before the Civil War. Also, handicaps are very much discriminated against in Korea; therefore Hyo Suk has two negatives in her life to begin with. Song Sae School, where she is residing, is a rehabilitation center and the majority of the children there are not orphans and the older orphans feel the discrimination greatly. The man that runs the school is Dr. Nam, a medical doctor. He did not attend school to gain his degree, but rather "purchased" it many years ago when it was possible to do so. I am hesitant to go into character assassination when I have not personally met the man, but I have heard from Miss Young, who worked with him, and Sarah, that he is dishonest and cruel to the children.

Miss Young told me that Dr. Nam taught her the meaning of the word hate. Those who can walk do the work and it is hard and tiring. My Sarah worries about who has had to pick up the load that she left when she came to America! It is difficult, nearly impossible, for us to make Hyo Suk's wait more comfortable as it is common practice to take things away from the orphans almost immediately after they have received it. I have tried to send a package and I know that it arrived, but the girls who wrote Sarah to thank her only thanked her for the gum and candy, never mentioning the socks, shampoo, hand

lotion etc. that was sent. Did they get it? I don't know! I was also told by Helen Miller, Director of Social Services at Holt that Dr. Nam has requested that Holt withdraw its financial help to the orphans there and that Holt has had to comply with Dr. Nam's request. Jack Theis, field director in Korea for Holt has had to deal with Dr. Nam and finds him most difficult and unpleasant.

I previously asked Helen Miller at Holt if Holt could move some of the girls to Holt's facility at Il San, but they felt unable to do that even if Ted and I provided the money for their total support. The school that Hyo Suk attends has no heat which of course makes it difficult to study and write, especially in the winter months. The orphans are also hit often in school, according to Sarah. Apparently they have no gloves and socks or they are few and far between because Sarah especially asked me to send over hand lotion to rub on their hands and feet as they get sore, swollen and chap. I certainly understand that things like this take time, but I am also glad that you would like to get Hyo Suk out of Korea and here as soon as possible. For a girl almost fifteen time is a very important thing. She has been denied love, support, proper nutrition and good environment for so long that it will take years to help her feel secure and good about herself. I know that as a child of God she has great potential and we sincerely feel that our family can help her develop this potential.

There is one possibility that has occurred to me and I have acted on it as far as I can, to see what would happen. I first suggested this to Bob James and he gave me the "go-ahead". I have very little knowledge of legal or immigration affairs so I will suggest this idea for what it is worth. I inquired at the immigration department about a student visa. They told me I would have to fill out an affidavit of support and get an I20 form from the school district and have it signed by the proper authority there. These two things have been done with absolutely no problems at all, much to my surprise. I then contacted the immigration department again and they said that the next and only step would be to send these two forms to Chea Hyo Suk and have her present them to the American Consulate in Seoul. When they were signed there and a visa issued she could come here immediately. I do not know if there would be any problems getting it signed in Seoul or who actually has to sign it.

Possibly your support could help there! Also, at one time we mentioned our desire to bring Hyo Suk over here to Helen Miller at Holt and she told my husband that if we could get the visa that they would send her over and make the plane arrangements. Possibly they could also take the papers to the American Consulate for us. My only negative feeling on a student visa is that it would be good for only six years and would have to be renewed every year and emotionally I feel it would be difficult for Hyo Suk to be a part of our family on a temporary basis. But, if your bill was being acted upon at this time I would feel more secure that she would be able to stay here, as our daughter. Is this a good idea—or is there a better way?

I realize that my descriptions on Hyo Suk's circumstances are vague, but it is all that I know. I have written Miss Young and her brother Ben and asked them to fill you in more specifically. May I again take this opportunity to thank you for responding to our family's need. I have never had a need to call on a Senator before and it strengthens my faith in our government to know that you really are working for us and listening! God bless you!

Sincerely,

HUNTLEY THATCHER.

HONOLULU, HAWAII, *November 13, 1975.*

Senator FRANK MOSS,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MOSS: I am writing to you in reference to BILL #S2618. This is the Bill in which Huntley Thatcher of Utah is seeking a visa for Chea Hyo Suk, a fourteen year old handicapped orphan from Korea.

I was a Peace Corps volunteer in Korea and lived with the children of Sung Sae Rehabilitation center where Chea Hyo Suk lives and studies. I would like to tell you a little bit about the Rehabilitation center and Hyo Suk's particular circumstances.

The rehabilitation center is privately operated by a man who has been exploiting the children for his own profit. There are more than one hundred children who live at Sung Sae. All of them are physically handicapped. There are approximately 25 orphans who have spent most of their lives at Sung Sae.

Handicapped persons are considered "non-persons" in Korea. In public they are stared at and shunned. Koreans feel a strong sense of pity for persons with handicaps but they are not willing to hire them because having persons with disabilities around them makes them feel uncomfortable.

Family and heritage are important in the Orient. Handicapped orphans have no identity. They can't marry or find jobs and live with little hope for a decent future. Suicide among this group is not uncommon.

The orphans at Sung Sae are mistreated, mistrusted and abused. Hyo Suk is given more than her share of chores, she is beaten without just cause and her basic needs are hardly met. They eat a diet of rice, soup and kimchee every day. They sleep in one room with just enough heat from the floor to keep them warm. Classrooms are not heated in the winter and the orphans must wait four to five months to go to the public bath. The director of the school will spare no expense for their comfort.

I have seen that it is possible to live under the conditions described without physical comforts. Truly the most difficult thing for them is living in the total absence of love. They do develop a strong kinship together as orphans but they have no adult figure to care for them, to guide them and to respect them as persons of worth.

The orphans who have been released for adoption live with the small hope that some day their need to love and be loved will be fulfilled. When Hyo Suk turned fourteen, her dream was shattered. Hyo Suk is a bright child, who in spite of her suffering has a zest for life. When she completes junior high she will be turned out into the streets or put to work like a slave for the director.

The Thatcher family has opened their hearts and their home to her. They want to give her a new life. She will surely have a tragic future in Korea. I urge you to help Hyo Suk join this very special loving family.

I will be happy to furnish any information about Hyo Suk and her situation. Thank you for your help and concern in this matter.

Sincerely,

JAN YOUNG.

NOVEMBER 14, 1975.

DEAR SENATOR MOSS: My name is Ben Kim. I used to live in Korea at Sung Sae Rehabilitation Center. I was adopted two years ago and now I live in Hawaii. I'm writing to you about my friend and sister Chea Hyo Suk.

I heard from Mr. and Mrs. Thatcher of Utah that you are trying to help Hyo Suk by passing a bill (S. 2618) so that she can get a visa to come to America and have a family. I just want to tell you that what you are doing is very, very important. It is like giving new life to a child. When I was at Sung Sae I felt like I was in prison. Do you know what it is like to have such an unhappy miserable life? We helped each other but there was never much joy in our life. Now, I feel free and happy and I'm glad to be alive. I love life. I like to do everything. I'm strong and healthy now. I want my sister Hyo Suk to be strong and healthy and happy too. I think the people in the Senate might be too busy to think about one person but I hope you will make them think about giving her a chance. I have learned in America that every individual is important; that life is dear. Hyo Suk's life is dear too.

Thank you very much.

Sincerely,

BEN KIM.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2618), as amended, should be enacted.

○

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 Chea Hyo Suk.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Chea Hyo Suk may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Theodore Thatcher, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act. Section 204(c) of the Immigration and Nationality Act shall be inapplicable in this case.*

Speaker of the House of Representatives.

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