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APPROVED

OCT 14 1976

8/10/14/76

THE WHITE HOUSE
WASHINGTON
October 12, 1976

ACTION

Last Day: October 18

Printed 10/15
To AA-NEWS
10/15

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *H.A. Quern*
SUBJECT: H.R. 12707 - Relief of Barry Ray
Leftwich Dibling

Attached for your consideration is H.R. 12707, sponsored by Representative Mahon.

The enrolled bill would make the alien illegitimate son of a U.S. citizen eligible for preferential treatment under immigration law.

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

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

RECOMMENDATION

That you sign H.R. 12707 at Tab B.





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

OCT 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12707 - Relief of Barry Ray
Leftwich Dibling
Sponsor - Rep. Mahon (D) Texas

Last Day for Action

October 18, 1976 - Monday

Purpose

To make the alien illegitimate son of a U.S. citizen eligible for preferential treatment under immigration law.

Agency Recommendations

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

Discussion

The beneficiary, a 30-year-old British citizen residing in England, is the illegitimate son of a U.S. citizen. Mr. Dibling's mother is deceased and he is unmarried. His father and his father's wife, Mr. and Mrs. Leftwich of Lubbock, Texas, have attempted to obtain an immigrant visa for Mr. Leftwich's son since 1969, but immigration law does not confer preferential treatment on the illegitimate children of U.S. citizen fathers.



H.R. 12707 would declare Mr. Dibling to be the natural-born alien son of Mr. Leftwich and make the beneficiary eligible for a first preference immigrant visa as the unmarried son of a U.S. citizen.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures



UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

Washington 25, D.C.

OFFICE OF THE COMMISSIONER

OCT 6 1976

AND REFER TO THIS FILE NO.

A19 816 540

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 12707; Office of Management
and Budget request dated October 5, 1976.

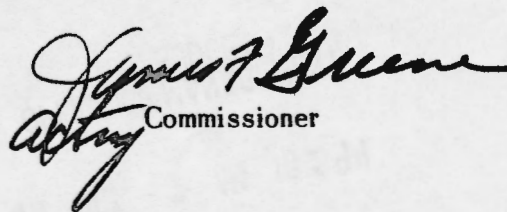
Beneficiary or Beneficiaries Barry Ray Leftwich Dibling.

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

OCT 7 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of October 5, 1976, transmitting for comment enrolled bills, H.R. 9543, "For the relief of Eupert Anthony Grant", H.R. 12707, "For the relief of Barry Ray Leftwich Dibling", and H.R. 13417, "For the relief of Dae Ho Park and Maria Park".

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.

OFFICE OF MANAGEMENT
AND BUDGET

OCT 1 1976 4:38

RECEIVED

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 730pm

FOR ACTION: Dick Parsons *ok*
 Max Friedersdorf *ok*
 Bobbie Kilberg *ok*
 NSC/S *ok*

cc (for information): Jack Marsh
 Ed Schmults
 Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R. ~~21707~~-Relief of Barry Ray Leftwich Dibling

12707

ACTION REQUESTED:

<input type="checkbox"/> For Necessary Action	<input type="checkbox"/> For Your Recommendations
<input type="checkbox"/> Prepare Agenda and Brief	<input type="checkbox"/> Draft Reply
<input checked="" type="checkbox"/> For Your Comments	<input type="checkbox"/> 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

Date: October 11

Time: 730pm

FOR ACTION: Dick Parsons ✓
Max Friedersdorf
Bobbie Kilberg
NSC/Scc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R. ~~22~~¹²707-Relief of Barry Ray Leftwich Dibling

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Approve. RFB
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

Date: October 11

Time: 730pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg
NSC/S

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R. ~~1707~~ 1707-Relief of Barry Ray Leftwich Dibling

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

Recommend Approval.
[Signature]

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

Date: October 11

Time: 730pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg ✓
NSC/Scc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R. ¹²21707-Relief of Barry Ray Leftwich Dibling

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

*agp
Robby 10/12/76***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

5682

October 12, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Davis *(JWD)*
SUBJECT: H. R. 21707

The NSC Staff concurs with the proposed enrolled bill ¹² H. R. 21707-
Relief of Barry Ray Leftwich Dibling.

BARRY RAY LEFTWICH DIBLING

SEPTEMBER 20, 1976.—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. 12707]

The Committee on the Judiciary, to whom was referred the bill (H.R. 12707) for the relief of Barry Ray Leftwich Dibling, having considered the same, report favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 1, line 6, after the name "Ray E. Leftwich," strike out "father,".

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to confer first preference status on the son of a United States citizen. The amendment is technical in nature.

GENERAL INFORMATION

The beneficiary of this bill is a 30-year-old native and citizen of Great Britain. His father is a citizen of the United States who has been trying to obtain an immigrant visa for the beneficiary since 1969.

The pertinent facts in this case are contained in a letter dated June 30, 1976 from the Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., June 30, 1976.

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. 12707) for the relief of Barry Ray Leftwich

Dibling, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary the classification of a qualified immigrant who is the unmarried son of a citizen of the United States within the meaning of Section 203(a)(1) and 204 of the Immigration and Nationality Act.

The beneficiary, a native of Great Britain, is chargeable to the numerical limitations 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: H.R. 12707

Information concerning this case was obtained from Ray E. Leftwich, the interested party in this case.

The beneficiary, Barry Ray Leftwich Dibling, a native and citizen of Great Britain, was born on May 18, 1946. He is single and resides in London England. His mother, a native and citizen of Great Britain, is deceased. He is a high school graduate. He was a member of the Royal Air Force approximately five years. He is currently employed as a welder with a monthly income of approximately \$600. His total assets are unknown. The beneficiary has never been in the United States.

The interested party, Mr. Ray Leftwich, a native and citizen of the United States, was born on August 31, 1920 and is the avowed father of the beneficiary. He and the mother of the beneficiary were never married. The interested party served with the United States Army Air Corps in England during world War II. He is married and resides with his wife in Lubbock, Texas. He is a high school graduate and is currently self-employed as a salesman with an annual income of approximately \$12,000. His assets consist of savings, personal property and real estate totaling approximately \$100,000.

On May 21, 1976 the Department of State submitted a report on this legislation which reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 21, 1976.

HON. PETER W. RODINO, Jr.
*Chairman, Committee on the Judiciary,
House of Representatives.*

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Barry Ray Leftwich Dibling, beneficiary of H.R. 12707, 94th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at London, England in whose consular jurisdiction the beneficiary resides.

The bill would grant the beneficiary first preference status under sections 203(a)(1) and 204 of the Immigration and Nationality Act as the natural born alien son of Ray E. Leftwich, an American citizen.

Sincerely yours,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

Enclosure: Memorandum of information.

Submitted by the American Embassy at London, England

MEMORANDUM OF INFORMATION

(Concerning H.R. 12707 for the relief of
Barry Ray Leftwich Dibling)

The beneficiary was born at Mitcham, Surrey, England, on May 18, 1946. He is single and presently residing at 15 Pretoria Road, London, S.W.16, England. He graduated from the Secondary Modern School at Colliers' Wood, London, England in 1961 and served in the Royal Air Force from 1964 to 1969. He has worked as a mechanic, warehouse supervisor and is presently employed as a Sheet Metal Worker in Sutton, Surrey where he has held a position with the Carter Parratt Company for the last two and one-half years. The beneficiary's natural father is Ray E. Leftwich who resides at 2613 43rd Street, Lubbock, Texas, 79413, U.S.A.

On October 17, 1969, as the natural son of Ray E. Leftwich, the beneficiary was found ineligible for registration as an intending immigrant under Section 203(a)(1) of the Immigration and Nationality Act. A petition approved on his behalf on October 6, 1969 at the Office of the Immigration and Naturalization Service, San Antonio, Texas was returned to that office on February 20, 1970. The beneficiary is chargeable to the foreign state limitation for Great Britain and Northern Ireland.

The Embassy's investigation revealed no derogatory information concerning the beneficiary.

The beneficiary underwent a medical examination on April 27, 1976 and was found to be in good health.

Mr. Mahon submitted the following letters in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 22, 1976.

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

DEAR MR. CHAIRMAN: I have introduced a private bill today for the relief of Mr. Barry Ray Leftwich Dibling, which seeks to have him

considered as a natural-born son of my constituent, Mr. Ray E. Leftwich of Lubbock, Texas.

Mr. Leftwich has been trying desperately for years to bring his illegitimate son, Barry Dibling, to this country, so that Barry could be trained in his father's business and carry it on after his father's retirement. Barry is Mr. Leftwich's only child, and Mr. Leftwich is now 56 years old.

I will not burden you with the huge collection of correspondence which I hold in my file regarding the matter, but I am enclosing various documents which may be helpful to your review of my bill, including three copies of the information required by Rule 3(b) of your Subcommittee's rules of procedure. I have tried to be helpful to Mr. Leftwich since 1971 and have repeatedly contacted officials on his behalf. I believe Mr. Leftwich and I have exhausted every possible administrative remedy.

This is a tragic situation to my mind, and one which begs for compassion and sympathy on the part of the Congress. I intend to make every personal effort to secure passage of this bill, unless and until H.R. 10933, the proposal of my colleague, Congresswoman Holtzman, becomes law. As you are aware, this measure would extend to citizen fathers the same privilege which already exists for mothers who are U.S. citizens, who may under present law bring their illegitimate children to this country.

I would therefore respectfully request that the appropriate departmental reports be requested at the earliest possible time so that the bill I have introduced may be considered as quickly as reasonably possible.

Your close consideration would be greatly appreciated.

Sincerely,

GEORGE MAHON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 23, 1976.

HON. JOSHUA EILBERG,
Chairman, House Subcommittee on Immigration, Citizenship and International Law, House of Representatives.

DEAR MR. CHAIRMAN: I understand that you have received the necessary department reports to for the private immigration bill, H.R. 12707, which I introduced on behalf of Barry Ray Leftwich and his father, Ray Leftwich. I would greatly appreciate an effort to consider this bill when your Subcommittee next meets on private immigration bills.

I realize that the Subcommittee has many of these bills before it, yet I want to make every effort to seek passage of the measure before the end of this Congress. Mr. Ray Leftwich has suffered a great deal of frustration and anguish in his attempts to be united with his son, and I want to do everything I possibly can to assist him.

Best regards,

Sincerely,

GEORGE MAHON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 26, 1976.

HON. JOSHUA EILBERG,
Chairman, House Subcommittee on Immigration, Citizenship and International Law, House of Representatives.

DEAR MR. CHAIRMAN: I have just received the enclosed letter from my constituent, Mrs. Ray E. Leftwich, which pertains to the private immigration bill, H.R. 12707, which is pending before your Subcommittee. I thought the information provided by Mrs. Leftwich might be helpful to your consideration of this measure.

Best regards,

Sincerely,

GEORGE MAHON.

LUBBOCK, TEX., August 23, 1976.

Congressman GEORGE MAHON,
House of Representatives,
Washington, D.C.

DEAR SIR: I have before me your last three letters to Ray re getting his son, Barry, to Texas to live with us. First of all, please consider this a letter of appreciation of your efforts and help to us in this matter. We were just about to give up.

I have known about Barry since my first acquaintance with Ray in 1948. At that time, Barry was not quite two years old and was living with his mother (who did not marry) and her parents. After his mother's death in 1950, Barry continued to live with his grandparents. At that particular time, Ray's mother was doing the corresponding with Barry's grandmother. In January of 1951, Ray and his parents opened an infants and childrens clothing store in Lubbock. They were in this business until 1962. All of these years, clothing was sent to Barry. To my knowledge, nothing was said at that time about bringing Barry over here. After Barry's grandparents passed away, he joined the RAF. It was just before his service time was up that Ray and I both began corresponding with Barry and learned of his desire to come to Texas. I think you know about all of our efforts and the papers we signed and sent in, which were all returned. After these failures, we kept corresponding and from time to time, have sent Barry some money, and also some clothes. Just before we wrote to you, I had started filling out papers for adoption of Barry by me.

So you can see there is no objection from me in bringing Barry to Texas. After your efforts seemed to be doing so much, I did not proceed with the adoption. Ray and I have no children, and Barry has no brothers nor sisters. He has one uncle (his mother's brother) who lives with his wife and two children in Barry's grandparents home. Barry lives alone in a small efficiency apartment. So we do highly appreciate all that you have done in this matter, and hope that you will continue to be successful in bringing Barry to us. We anxiously await further news from you.

I am making a copy of this letter and you may feel free to give it to whomever it will help in furthering our cause.

Sincerely,

JEAN LEFTWICH
(Mrs. Ray E. Leftwich).

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 8, 1976.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to learn that the Subcommittee on Immigration, Citizenship and International Law is preparing to act favorably on H.R. 12707, for the relief of Barry Ray Leftwich Dibling. Mr. and Mrs. Ray E. Leftwich of my Congressional District have spared no effort and have undertaken considerable expense over a period of many years to find some way to allow Barry to join them in this country. As I tried to point out through the information I submitted to your Committee, simple justice would dictate that Barry be allowed an immigration preference in view of the present inability of the immigration law to address the circumstances of his case.

You may be sure of my complete support for the Subcommittee's action on this bill and of my continuing effort to seek successful passage of H.R. 12707.

Best regards.

Sincerely,

GEORGE MAHON.

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.

COMMITTEE RECOMMENDATIONS

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 12707, amended, should be enacted and accordingly recommends that the bill do pass.

○

H. R. 12707

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 Barry Ray Leftwich Dibling.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Barry Ray Leftwich Dibling shall be held and considered to be the natural-born alien son of Ray E. Leftwich, a citizen of the United States.

Speaker of the House of Representatives.

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