

~~FOR NOTE TO DEVELOP OF DEFECTOR PROGRAM~~

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ATTACHMENT

~~SECRET~~

The following events and documents relate to the National Security Council's adoption of a program for the encouragement of defection, for more effective utilization of defectors, and the arrangement of more liberal rehabilitation and resettlement facilities for them during the period from 1945^{to}-1951:

1. The Yalta Agreement on Repatriation, 11 February 1945, which provided for the speedy repatriation of prisoners of war and civilians of the British Commonwealth, the Soviet Union and the United States, liberated by the Allied Armies then invading Germany. As a result of the difficulties which arose in 1945 in connection with the unwillingness of many displaced persons and refugees to return home, the Departments of State, of War and of the Navy agreed to a comprehensive repatriation policy which stated that the following would be repatriated to the USSR against their wishes if necessary, if they fell into one of the three categories: 1) those captured in German uniforms, 2) those who had been members of the Soviet Armed Forces on or after June 22, 1941, 3) those who had collaborated with the enemy. *Individuals* Those outside the above categories would not be forcibly repatriated but Soviet authorities would have access to them and an opportunity to persuade them to return.

2. United Nations Developments Since 1946: a resolution passed by the General Assembly of the United Nations on 12 February 1946 stated that: "No refugee or displaced person unless he be a war criminal, Quisling or traitor . . . will be forced to return to the countries of their origin if he has valid objection for so doing . . ."

3. On 15 December 1946 the General Assembly voted to create the International Refugee Organization (IRO) to deal with all aspects of the displaced persons and refugee problem - principally repatriation, resettlement and rehabilitation. The General Assembly's resolution of 17 November 1947 reaffirmed the Assembly's position that the main task concerning displaced persons is to "encourage and assist in every possible way their return to their country in accordance with the resolution of 12 February 1946," The principle of "valid objections" remained in effect.

3. The Clay-Sokolovsky Agreement of 14 August 1946[!] called for the return of Soviet defectors, deserters and political refugees who entered the U.S. Zone in Germany. The Army interpreted this to mean those who entered the U.S. Zone illegally and later softened this to mean only those who were actually apprehended for misconduct. Controversy arose after it was determined that the Soviets were using the Agreements to discourage defectors by falsely asserting that the Agreement provided for indiscriminate forcible re-patriation.

4. Council of Foreign Ministers' Decision on 23 April 1947: recognized the rights of the Soviet officials to visit their nationals (presumably including defectors) in the displaced person camps. On July 11, 1947 the Joint Chiefs of Staff instructed General Clay, United States Military Governor in Germany, to facilitate the emigration to other countries of displaced persons unwilling to return to the country of their origin.

5. State-Army-Navy-Air Force Coordinating Committee (SNACC): on 17 March 1948 the Department of State member presented a memo which said in essence that the free world could make excellent use of Soviet desertors, but that there were two deterrents to their use: 1) the absence of assurance of asylum, and 2) the absence of an organization in the democratic world to take care of the wants and needs of such men. It also recommended that a study be instituted. A SNACC report of 25 May 1948 dealt largely with the procedures, and screening, and importation of a limited number of refugee specialists.

6. Displaced Persons Act of 25 June 1948: provide for the issuance over a two-year period of an additional 200,000 visas for the United States, provided that the recipients: 1) were eligible under the IRO Constitution, 2) complied with the United States Immigration laws, 3) had entered Germany, Austria or Italy between 1 September 1939 and 22 December 1945, 4) were in the British, American or French zone of Germany or Austria, or in Italy on 1 January 1948. The amendatory act of 16 June 1950 extended the cut-off date until 1 January 1949. The significance of this legislation was that it gave preference to persons whose original homes were in countries under Soviet control and that

more defectors in the eligibility requirements.

7. Soviet and United States notes of 1949: a Soviet note of 24 February 1949 accused the United States of violating the agreement of 11 February 1945, the CFM decision of 23 April 1947 and the General Assembly's resolutions of 12 February 1946 and 17 November 1947 by obstruction of the Soviet Repatriation Mission activities and by terminating the Mission as of 1 March 1949. The American reply of 3 March 1949 denied the Soviet allegations and stated that "ample and adequate facilities had been given to the Soviet repatriation official in order that they might speedily conclude their mission.

8. Legislation of 1949-1951: under the provision of legislation adopted in 1924 and still in force, an official of a foreign government need not depart the United States without approval of the Secretary of State. (Defector asylum).

Under the CIA Act of 20 June 1949 up to 100 aliens annually are authorized without regard to their admissibility under the immigration laws determined in each case by the ~~ICIA~~^{DOC 1}, the Attorney General and the Commissioner of Immigration that entrance of the alien for permanent residence is in the best interests of U.S. national security. (PL-110)

The Internal Security Act of 23 September 1950 (McCarran Act) which prohibits the entrance of any alien who had one time been member of a totalitarian party or organization. This was amended on 28 March 1951, defining the foregoing membership as "voluntary."

9. Conclusions of American Diplomatic Officials in October 1949. The Department of State arranged for a conference of Ambassadors in London from 24-26 October 1949 from London, Moscow, Belgrade, Prague, Warsaw, ministers from Bucharest, Budapest and Sofia plus two Assistant Secretaries of State. They agreed that high level defectors represent perhaps the best source of intelligence on political, economic, military and psychological conditions and developments in the Iron Curtain countries. There should be developed in Washington without delay a national policy towards defection, including agreed procedures for the reception, handling, exploitation and disposition of