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12540 1 (1963) To proclaim Sir Winston Churchill honorary citizen of United States

ALWD 7th ed.

, To proclaim Sir Winston Churchill honorary citizen of United States, 1 (1963).

Chicago 17th ed.

"To proclaim Sir Winston Churchill honorary citizen of United States," U.S.
Congressional Serial Set (1963): 1-6

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"To proclaim Sir Winston Churchill honorary citizen of United States." U.S.
Congressional Serial Set, , 1963, p. 1-6. HeinOnline.

OSCOLA 4th ed.

'To proclaim Sir Winston Churchill honorary citizen of United States' (1963) 1

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TO PROCLAIM SIR WINSTON CHURCHILL AN HONORARY CITIZEN OF THE UNITED STATES OF AMERICA

MARCH 6, 1963.—Committed to the Committee of the Whole House and ordered
to be printed

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

R E P O R T

[To accompany H.R. 4374]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4374) to proclaim Sir Winston Churchill an honorary citizen of the United States of America, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this legislation is to express the highest esteem and admiration of the American people for a great statesman and leader of free peoples, Sir Winston S. Churchill, by authorizing and directing the President of the United States to declare by proclamation that Sir Winston S. Churchill shall be an honorary citizen of the United States of America.

BACKGROUND INFORMATION

Contemplating the introduction of similar legislation, in April 1958, the chairman of Subcommittee No. 1 of this committee, Mr. Walter, inquired directly of Sir Winston of his views on the intended legislation. In reply to his inquiry, Mr. Walter received the following reply:

28 HYDE PARK GATE,
London, SW. 7, 6 May, 1958.

The Hon. FRANCIS WALTER.

MY DEAR MR. WALTER: I was deeply touched at the great honour which you have sought to do me. I am well aware of the historical implications of what you suggested, and it is a remarkable compliment which I shall always remember.

Nevertheless, after most careful consideration, I think that I should decline it. As you know, I am half American by blood. I feel that I would prefer to leave the matter thus rather than have an official seal put on the affection and high regard in which I hold your country.

Pray accept my very warm thanks to you personally, and my good wishes.

Yours very sincerely,

WINSTON S. CHURCHILL.

No legislation of this or similar nature was introduced in the House of Representatives until August 23, 1962, when Mr. Colmer, of Mississippi, introduced House Joint Resolution 859 providing for the issuance by the President of a proclamation declaring Sir Winston to be an honorary citizen of the United States of America. Subsequently, identical or similar legislation was introduced by Mrs. Frances P. Bolton (H.J. Res. 866, August 28, 1962); by Mr. Colmer (H.J. Res. 867, August 28, 1962); by Mr. Roosevelt (H.J. Res. 895, September 26, 1962); and by Mr. Gonzalez (H.J. Res. 908, October 13, 1962).

In the 88th Congress the following resolutions were introduced:

House Joint Resolution 109, by Mrs. Frances P. Bolton.

House Joint Resolution 112, by Mr. Roosevelt.

House Joint Resolution 156, by Mr. Gonzalez.

House Joint Resolution 163, by Mr. Colmer.

House Joint Resolution 198, by Mr. Lindsay.

House Joint Resolution 208, by Mr. Morris.

House Joint Resolution 224, by Mr. Fulton of Pennsylvania.

House Joint Resolution 225, by Mr. Hagan of Georgia.

House Joint Resolution 283, by Mr. Pepper.

Before scheduling this legislation for consideration by Subcommittee No. 1 of this committee, Mr. Walter dispatched through the good offices of the British Embassy in Washington a second inquiry to Sir Winston in an attempt to ascertain his current attitude to the pending proposals. The reply, as paraphrased for the committee by the British Embassy from an official cable received from London on February 26, 1963, is as follows:

Sir Winston feels that since four American States have now offered him honorary citizenship, or are about to do so, the situation from 1958 has radically changed and he will be delighted to be so honored. On the other hand he could not undertake any trip overseas for the purpose of participating in ceremonies if honorary citizenship were offered. He is anxious that this be known so that there would be no cause of misunderstanding or disappointment if he were unable to make the journey. He would also like the Congress to know that he would be deeply moved by such an honor.

Upon the receipt of the above communication, Subcommittee No. 1 of this committee proceeded to the consideration of this legislation and having unanimously approved its purpose and aim, authorized its chairman to introduce a bill omitting the prefatory clauses and perfecting the language. Mr. Walter introduced H.R. 4374 on February 27, 1963, and on the same date the following identical bills were introduced:

H.R. 4375, by Mr. Poff.

H.R. 4376, by Mr. Chelf.

H.R. 4377, by Mr. Moore.

DEPARTMENTAL REPORTS

The Department of Justice report reads as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning House Joint Resolution 109 and House Joint Resolution 112, resolutions authorizing the President of the United States to issue a proclamation declaring Sir Winston Churchill to be an honorary citizen of the United States of America, and House Joint Resolution 198, declaring Sir Winston Churchill to be an honorary citizen of the United States.

As indicated by their titles, after appropriate recitations, both House Joint Resolution 109 and House Joint Resolution 112 would authorize and direct the President to proclaim Sir Winston Churchill to be an honorary citizen of the United States. Section 2 of House Joint Resolution 109 would authorize and request the President to have prepared and presented to Sir Winston, an appropriate copy of the joint resolution; however, section 2 of House Joint Resolution 112 would instruct the Clerk of the House to transmit a copy to Sir Winston. House Joint Resolution 112 is identical to House Joint Resolution 867, 87th Congress, 2d session, concerning which I wrote you on October 4, 1962. As I advised you in that letter, this Department believes that transmittal of the enactment to Sir Winston by the President would have greater ceremonial significance than transmittal by the Clerk of the House, and, accordingly, recommends that procedure.

Section 1 of House Joint Resolution 198 would simply declare Sir Winston Churchill to be an honorary citizen of the United States, thus dispensing with the requirement of a Presidential proclamation. Section 2 would authorize and request the President to have prepared and presented to Sir Winston an appropriate copy of the joint resolution. There would be no legal objection to this procedure. However, since the basic purpose is to honor Sir Winston, the Department of Justice is of the view that the procedure should be of as significant and impressive a nature as possible and suggests this can be best achieved by means of a congressional enactment, a Presidential proclamation, and transmission of the enactment to Sir Winston by the President.

In view of the unparalleled contributions which Sir Winston Churchill has made to the free world, the high esteem in which he is held by the people of this country, and his ties of heritage and sentiment with the United States, the Department of Justice strongly endorses the passage of legislation of the type embodied in each of the resolutions.

While such legislation is without clear legal precedent, this Department perceives no legal objection to its enactment. As we understand the joint resolutions, they are not intended to confer citizenship upon

Sir Winston in the technical sense of that term so as to impose upon him the legal obligations which ordinarily accompany the acquisition of U.S. nationality. Rather, the resolutions would constitute an expression of the affection and high regard which the people of this country have for him, perhaps stronger in sentiment but similar in effect to legislation conferring a medal or decoration upon him.

So viewed, the resolutions would not have the effect of requiring Sir Winston to be considered a national of the United States under the immigration and nationality laws, for example, or under the tax laws of the United States or of the individual States of the Union. If your committee recommends the enactment of legislation conferring honorary U.S. citizenship on Sir Winston, it may wish to make this clear by an appropriate explanation in its report in order to avoid any possibility of imposing unintended hardships upon him or his estate. Such an explanation would also make it clear that, since what is being conferred on Sir Winston is an honor or expression of esteem rather than U.S. nationality in the technical sense, article I, section 8, clause 4, of the Constitution, which authorizes Congress to establish only "a uniform Rule of Naturalization," has no bearing upon these resolutions.

The comments here made supersede those contained in my letter to you of October 4, 1962, concerning House Joint Resolution 867. Upon reconsideration, it is apparent that my earlier letter reflects the type of misconception as to the purpose of that resolution which would undoubtedly be obviated by the incorporation, as recommended above, of appropriate explanatory material in the report of your committee.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General

The Department of State report reads as follows:

DEPARTMENT OF STATE,
Washington, February 20, 1963.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: I want to thank you for your letters of February 7, 1963, enclosing for the comment of the Department of State copies of House Joint Resolution 109, House Joint Resolution 112, and House Joint Resolution 198, bills to provide for the conferring of honorary U.S. citizenship upon Sir Winston Churchill.

The Department welcomes this opportunity to recommend appropriate recognition of the outstanding quality of Sir Winston's leadership and his contributions to the free world. Subject to the recommendations of the Department of Justice, we are greatly pleased to support these proposals. I understand the Justice Department supports the objectives of the legislation and has already been in communication with the committee on the implementation of it.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the submission of this report.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary
(For the Secretary of State).

COMMITTEE RECOMMENDATION

Having carefully examined the legal aspects of this legislation, the committee subscribes to the interpretation of the import of this legislation as outlined in the report rendered by the Department of Justice, *supra*.

Well aware of its unprecedented nature and historical significance, and deeply convinced that it expresses the unanimous feelings of esteem and admiration of the American people for Sir Winston S. Churchill, the son of an American mother and an English father, the committee recommends the approval of the bill, H.R. 4374.

CHANGES IN EXISTING LAW

This legislation is new law.



