

**THE CONTRIBUTION OF IMMIGRANTS TO
AMERICA'S ARMED FORCES**

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSIONS

ON

EXAMINING IMMIGRANT AMERICAN'S CONTRIBUTION TO THE ARMED
FORCES AND NATIONAL DEFENSE

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MAY 26, 1999
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THE CONTRIBUTION OF IMMIGRANTS TO AMERICA'S ARMED FORCES

WEDNESDAY, MAY 26, 1999

U.S. SENATE,
SUBCOMMITTEE ON IMMIGRATION,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Spencer Abraham (chairman of the subcommittee) presiding.

Also present: Senators Kennedy and Feingold [ex officio.]

OPENING STATEMENT OF HON. SPENCER ABRAHAM, A U.S. SENATOR FROM THE STATE OF MICHIGAN

Senator ABRAHAM. We will start, and I want to welcome everybody to our subcommittee hearing on the contribution of immigrants to America's armed forces.

Basically, I will be making an opening statement, and then we will go to the witnesses to make their statements. I know we will be joined by Senator Kennedy, probably, in 10 to 20 minutes. He is testifying, I think, on the House side at a hearing there, so when he arrives, depending on where we are at, he will, of course, make an opening statement. And we may be joined by other members of our Senate Judiciary Committee before we are finished here.

I want to thank everybody for coming. This hearing is part of a series in which our subcommittee has sought to balance the debate on immigration by shedding light on the positive contributions which immigrants have made and continue to make to American society.

The first of these hearings in 1997, and at that time we heard from immigrant entrepreneurs, including John Tu of Kingston Technology, a maker of memory products for personal computers. Mr. Tu used the proceeds from the sale of his company, which totaled almost \$1 billion, as I remember, to provide bonuses of \$100 to \$300,000 each to over 400 of his mostly native-born employees.

At the second of the hearings we conducted on Ellis Island, which was in the summer, 1997, we heard from immigrants who represented four separate generations coming to this country. They ranged from Lillian Kreinik, who was a Lithuanian immigrant who came through Ellis Island and whose son served in the army for two decades, to Diameng Pa, a refugee from communist Cambodia who is now attending New York University Medical School on a scholarship. In high school, Mr. Pa volunteered in the Virginia school system to take the lead in trying to expand the interest in,

and ultimately the number of students pursuing backgrounds and careers in math and science.

In the third of these hearings which we conducted in September 1997, we heard from the key authors of a National Academy of Sciences report which concluded that immigration benefits the U.S. economy overall and has little negative effect on the income or the job opportunities of most native-born Americans.

In fact, that has sort of been the goal of these hearings, to try to buttress a case that I think anybody who looks rationally at immigration should reach or conclude, which is that immigration is a positive, not a negative component, that indeed the job creations and contributions and military service and a variety of other things done by immigrants certainly justify the tradition of this country as a Nation of immigrants.

At today's hearing, what we will be doing is hearing from immigrants, as well as native-born individuals, who have firsthand knowledge of the military contributions of immigrants. The approach of Memorial Day is, I think, a proper occasion for us to reflect on what it means to live in a Nation that can attract young men and women who are not even born here to volunteer and, if necessary, both serve as well as give their lives for their adopted country.

It is an occasion to reflect on what it means to live in a Nation where this day the children of immigrants volunteer and serve. Recall that even during World War II, when America fought Italy and Japan, we saw the sons of recent Italian and Japanese immigrants, without question, volunteer, fight and die for this country. On the field of battle, there are no native-born and there are no immigrants; there are only Americans.

Today, over 60,000 active military personnel are immigrants to this country. In some branches of the services, 5 percent or more of active duty enlisted personnel are immigrants. And this is particularly important, given our armed forces' current recruitment difficulties. Officials estimate today that half of all the new recruits at the Army station in Flushing, NY, are immigrants. In New York City, about one-third of the recruits are green cardholders who are not even yet naturalized citizens.

This desire to serve is consistent with our history. More than 20 percent of the recipients of our highest military award, the Congressional Medal of Honor, have been immigrants. Indeed, America remains free because in no small part she has been blessed with many American heroes willing to give their lives in her defense.

More than once, I have told the story of Nicolas Minue, a Polish-born soldier who served in the U.S. Military in World War II. In Tunisia, in 1943, Private Minue's company was pinned down by enemy machine gun fire. According to the official report, Private Minue voluntarily, alone, and unhesitatingly, with complete disregard for his own welfare, charged the enemy entrenched position with a fixed bayonet.

He assaulted the enemy under withering machine gun and rifle fire, killing approximately 10 enemy machine gunners and riflemen. After completely destroying this position, Private Minue continued forward, routing enemy riflemen from dugout positions until finally he was fatally wounded. The courage, the fearlessness and

the aggressiveness displayed by Private Minue in the face of inevitable death was unquestionably the factor that gave his company the offensive spirit that was necessary for advancing and driving the enemy from the entire sector. Nicolas Minue showed that not every American hero was born in America.

Michigan, too, has her share of heroes. Francisco Vega, a citizen of my State, was born and raised in San Antonio, TX, the son of Mexican immigrants. His father served in the American Army during World War I. Frank Vega volunteered for the Army in October 1942 and fought for America in five major battles in Europe, including the crucial landing at Omaha Beach, in Normandy. He was awarded Bronze Stars for bravery in each of these five battles. After his discharge, Mr. Vega came to Michigan—he is a friend of mine; I know him well—and attended Aquinas College in Grand Rapids, where he started a small business.

Today, we will hear from immigrant soldiers who have displayed valor on the field of battle. Among the witnesses are Charles MacGillivray, a recipient of the Medal of Honor, and Alfred Rascon, who received the Silver Star. The Department of Defense and the Secretary of the Army have informed the Congress that awarding Alfred Rascon the Medal of Honor is warranted and that the statutory time restrictions for this award should be waived.

Last night, in accordance with this decision, I offered an amendment to the Defense authorization bill to authorize the awarding of the Medal of Honor to Mr. Rascon. It is my hope that this amendment will be approved and that after these many years Alfred Rascon will receive the honor that he so richly deserves.

During his last year in office, President Ronald Reagan traveled out to a high school in Suitland, MD. He was surrounded by students there and he was asked by them about America and what it means to be an American. President Reagan looked out at the young people and he responded, I got a letter from a man the other day and I will share it with you. The man said that you go to live in Japan, but you cannot become Japanese. You can go to Germany or France, and he named all the others, and he said you could never become really a person of that country. But he said anyone from any corner of the world can come to America and become an American.

We owe a debt, I believe, to all of those people, wherever they or their parents were born, who have kept our Nation free and safe in a dangerous world. And we owe a continuing debt of gratitude to those today who serve, guarding our homes and our freedom. Like all good things, freedom must be won again and again. I hope all of us will remember those immigrants and native-born who have won freedom for us in the past and stand ready to win freedom for us again if they must. May we never forget our debt to the brave who have fallen and the brave who stand ready to fight. So I want to welcome this panel and thank you for being here, as well as to all who have helped us.

I notice that we have been joined by Senator Russ Feingold from Wisconsin, who sits on our Judiciary Committee. And while he is, notwithstanding my constant encouragement to join the subcommittee, not a member of the subcommittee, but a member who cares a lot about immigration issues and whom I have worked with

on a number of these issues in the past, Senator Feingold we welcome you. I know you wanted to make a statement and so we will turn to you at this time.

**STATEMENT OF HON. RUSSELL D. FEINGOLD, A U.S. SENATOR
FROM THE STATE OF WISCONSIN**

Senator FEINGOLD. Well, thank you, Mr. Chairman, and I want you to know that if the only consideration in choice of subcommittee was the chairman, this would have been my first choice.

Senator ABRAHAM. Thank you.

Senator FEINGOLD. I enjoy very much working with the chairman, and I give him enormous credit for holding what I understand will be a series of hearings on the subject of the role of immigrants in our current day, in addition to, of course, the historical role. I think that is an enormously important subject.

So I am honored to be here today in the presence of these American heroes, and I commend you for calling this hearing, in particular, to recognize the contributions of immigrants to our armed forces and the sacrifices they have made.

It is very important—and I know you share this view, Mr. Chairman—for us to remind the Senate and the country of the importance of immigrants to the health, vitality and growth of the United States. Those who serve or who have served in the military have done so much for this country, and I salute them and thank them.

Mr. Chairman, I would like to take a minute to talk about one particular matter, and that has to do with one of the many immigrant communities that live in my State of Wisconsin. Their service to this country is unique and we have an opportunity in this Congress not only to recognize them, but also to help them achieve their goal of citizenship.

During our involvement in Southeast Asia, before and during the Vietnam conflict, the decision was made by the Kennedy administration and continued by the Johnson and Nixon administrations to recruit ethnic Hmong and Lao people to assist the United States in our military efforts in Laos. These people made up what has been called the secret army. For years, they fought to keep the North Vietnamese from entering South Vietnam through Laos. They succeeded.

They rescued American pilots who had been shot down, and guarded crucial American intelligence sites. Many of them died in the process of these missions, which actually saved countless American lives. I honor the service of the Lao and Hmong veterans of the United States and appreciate the great personal risks they and their families faced when they chose to help this country.

These people were recruited, Mr. Chairman, by the U.S. Government, specifically by the CIA and the Department of Defense, to assist with our efforts in Southeast Asia. They willingly participated in these highly secret and often dangerous operations, including missions to rescue downed American pilots, because they believed in what America was trying to do in Vietnam.

These individuals, Mr. Chairman, owed us nothing, but they helped us anyway, and now I think we owe them a great deal. After the CIA and the American soldiers went home and the com-

munists took over, these brave Hmong and Lao were, and still are in many cases persecuted because they helped the United States in the war. Thousands of them have fled their homeland, many ending up in prison camps in Thailand. About 140,000 of them settled in the United States, and I am pleased that many of them have chosen to make my home State of Wisconsin their adopted homeland. They are legal immigrants, admitted as refugees to this country.

Earlier this year, our colleague, Senator Wellstone, introduced Senate bill 890, the Hmong Veterans Naturalization Act. I am proud to be an original cosponsor of that bill, and it is now cosponsored by three of our colleagues who are Vietnam veterans, Senators Robb, Reed of Rhode Island, and Hagel. This bill would expedite the naturalization process for 45,000 Lao and Hmong veterans and their spouses by waiving the English language requirement of the citizenship test.

This waiver is especially important for Hmong veterans, one-third to one-half of whom are now over 70 years old. Apparently, until recently the Hmong did not have a written language. Learning English is an enormous challenge for them, a challenge that many of them have simply been unable to meet. The bill that Senator Wellstone and I have proposed would, for Hmong veterans and their spouses only, waive the requirement of the immigration law that those applying for citizenship demonstrate an understanding of the English language. This waiver is the least we can do to help repay the huge debt we owe these brave individuals.

I have had the opportunity to meet with many Hmong and Lao veterans and their families as I travel throughout Wisconsin. I am struck by the profound importance they place on specifically becoming citizens of the United States. The most important thing to many of these individuals is to become legal citizens of the country they risked their lives to help and that they now call home.

I should note here that many of the children of these veterans who, of course, are U.S. citizens and speak English as their native language are themselves enlisting in our armed forces. Their parents and their communities consider serving in the military of this country an honorable and important thing to do.

So, Mr. Chairman, S. 890 would begin to repay a debt that this country owes the Hmong and Lao veterans that really can never be repaid. So I hope that you will consider moving this bill through the subcommittee as quickly as possible, and I again commend you for this very positive and important hearing and series of hearings that you have initiated.

Senator ABRAHAM. Thank you, Senator Feingold. Thanks for coming by today.

At this point, we will hear from our panel, which is really quite a distinguished panel indeed. First, we will hear from Ray Compton, who is a former Army sergeant in Vietnam and received the Combat Infantry Badge, the Parachutist's Badge and a number of other commendations for his service in Vietnam.

Then we will hear from Mr. Alfred Rascon who is, as I described earlier, a Mexican-born immigrant who was a member of Mr. Compton's platoon, which we will hear more about, I believe, in today's testimony. Mr. Rascon, as I indicated earlier, has received the

Silver Star, two Bronze Stars and many other commendations for his service to this country.

We will then hear from Mr. Charles MacGillivary. Mr. MacGillivary is a Canadian-born immigrant who enlisted during World War II, and for his valor during combat received the Medal of Honor. Mr. MacGillivary, who is the past President of the Congressional Medal of Honor Society, will also be presenting the testimony of Mr. Paul Bucha, the current President of the Medal of Honor Society, but who was called away unexpectedly and could not join us for the hearing here today.

Finally, we will hear from Erick Mogollon, a Guatemalan-born immigrant who is on active duty as a Senior Chief Petty Officer in the U.S. Navy. Senior Chief Mogollon has received a number of commendations during his distinguished 20-year Naval career and is a veteran of the Gulf War.

We will begin with you, Mr. Compton. We welcome the entire panel and very much appreciate your taking a few minutes to be with us here today.

PANEL CONSISTING OF ELMER R. COMPTON, FORMER ARMY SERGEANT, 173d AIRBORNE BRIGADE, 1st BATTALION RECON PLATOON, HEADQUARTERS COMPANY IN VIETNAM, EVANSVILLE, IN; ALFRED RASCON, RECIPIENT OF THE SILVER STAR, FORMER ARMY SPECIALIST FOUR, 173d AIRBORNE BRIGADE, 1st BATTALION RECON PLATOON, HEADQUARTERS COMPANY IN VIETNAM, LAUREL, MD; CHARLES MacGILLIVARY, RECIPIENT OF THE MEDAL OF HONOR, FORMER ARMY SERGEANT, COMPANY I, 71st INFANTRY, 44th INFANTRY DIVISION, BRAINTREE, MA; AND ERICK A. MOGOLLON, GULF WAR VETERAN, SENIOR CHIEF PETTY OFFICER, U.S. NAVY, GROTON, CT

STATEMENT OF ELMER R. COMPTON

Mr. COMPTON. Thank you. Senator Abraham, I would like to thank you and the Senate for inviting me here to give me this opportunity to testify before the committee.

I am a former sergeant with the 173d Airborne Brigade, 1st Battalion, of the 503d Infantry, Headquarters Company Recon Platoon. I served with the 173d in Okinawa and in Vietnam from September 1964 to April 1966. Serving in the military afforded me the opportunity to serve with immigrants from around the world.

As a former sergeant, I understand the importance of having a strong military, and today I feel we have the strongest military in the world. And I feel this is due, in part, to the commitment made to the United States, past and present, by those individual immigrants who chose to be part of this country.

When I look at my wife, my son and my daughter, I cannot keep from thinking of one particular immigrant by the name of Al Rascon, and the contribution he made to me and my family on March 16, 1966. The heroic and gallant action of Al Rascon on that day, I believe, saved my life, as well as other members of my team.

On March 16, 1966, Al Rascon was with the Recon Platoon on a search and destroy mission known as Operation Silver City. My team had engaged a well-armed enemy force and the enemy had

superiority and immediately pinned our fire team down. Through the intense fire of automatic fire and grenades, Rascon made his way to the point where my squad was pinned down and couldn't move in any direction.

Although wounded himself, Rascon continued to move forward to work his way to my position, attending to my wounds as well. After reaching my position, I could see that he was in great pain. As he began to patch me up, as I was placing M16 fire in the direction of the enemy, two or three hand grenades were thrown in our direction, the direction of Rascon and myself, landing no more than a few feet away. Without hesitation, Rascon jumped on me, taking me to the ground and covering me with his body. He received numerous wounds from that encounter, also. I truly do believe his actions that day saved my life. What more can a person do for God, country and his fellow man?

In closing, I think of the Military Code of Conduct, the first code, which goes I am an American fighting man. I serve in the forces which guard our country and our way of life, and I am prepared to give my life in its defense. The immigrants that I had the privilege to know and serve with upheld this code.

Thank you for this opportunity to be here.

Senator ABRAHAM. Mr. Compton, thank you.

[The prepared statement of Mr. Compton follows:]

PREPARED STATEMENT OF ELMER R. COMPTON

I would like to thank Senator Abraham and the members of the Senate for inviting me to testify before your Committee.

I am a former sergeant with the 173rd Airborne Brigade 1st Battalion of the 503rd Inf. HQ, Company Recon Platoon, serving with the 173rd in Okinawa and in Viet Nam from September 1964 to April 1966. Serving in the military afforded me the opportunity to serve with immigrants from around the world. As a former sergeant, I understand the importance of having a strong military and today I feel we have the strongest military in the world. I feel this is due in part to the commitments made to the United States, past and present, by those individuals, immigrants, who chose to be a part of this Country.

When I look at my wife, son and daughter, I cannot keep from thinking of one particular immigrant by the name of Al Rascon and the contribution he made to me and my family on March 16, 1966. The heroic and gallant actions of Al Rascon on that day, I believe saved my life, as well as other members of my team.

On March 16, 1966, Al Rascon was with the Recon Platoon on a search and destroy mission known as Operation Silver City. My team had engaged a well-armed enemy force.

The enemy force had fire superiority that immediately pinned down the entire point squad with heavy machine gun fire and numerous hand grenades. Through the intense fire of automatic weapons and grenades, Rascon made his way to point where my squad was pinned down and could not move in any direction. Wounded himself, Rascon continued to work his way to my position, attending to wounded as he did.

After reaching my position I could see that he was in great pain. He began to patch me up. As I was placing M16 fire in the direction of the enemy, two or three hand grenades were thrown in the direction of Rascon and myself, landing no more than a few feet away. Without hesitation, Rascon jumped on me, taking me to the ground and covering me with his body. He received numerous wounds to his body and face.

I truly believe his actions that day saved my life. What more can a person do for God, Country and his fellow man. (Sworn statement attached.)

In closing, I think of the Military Code of Conduct. The First Code, "I am an American fighting man, I serve in the forces which guard our Country and our way of life. And I am prepared to give my life in its defense." The immigrants I had the

privilege to know and serve with upheld this Code. Again, thank you for this opportunity.

I, Elmer R. Compton, former Sergeant with the 173rd Airborne Brigade, First Battalion of the 503rd Airborne, serving with the 173rd in Okinawa and Vietnam (1965–66) make the following statements as they pertain to the actions of our medic, then SP4 Alfred V. Rascon, during operation Silver City, and in particular March, 16, 1966.

My first hand testimony is most critical, since I can personally attest, and did attest previously of then SP4 Rascon's incredible deeds on that day, because I was an eye witness to his actions on that afternoon. Everything that he did that day was within my immediate field of view and no more than 25 feet away, and as close as body to body, since I was one of two persons that Specialist Rascon shielded with his own body from incoming grenades, that severely wounded Rascon on both occasions.

The heroic and gallant by SP4 Rascon prevented me from being critically wounded and more than likely saved my life.

I, personally made verbal recommendation to the Platoon leader the evening after the firefight (March 17), that SP4 Rascon be recognized with the Medal of Honor or at least a DSC for his gallantry above and beyond the call of duty.

In garrison, days after the battle we and other NCO's and enlisted personnel who witnessed SP4 Rascon's actions, submitted paperwork (statements & drawings) nominating for the Medal of Honor through the chain of command.

I and other survivors were never aware that SP4 Rascon's nomination of the MH paperwork never went up the chain of command, until the last five years. Since then I, and others eyewitnesses have been trying to correct this error and injustice.

I was the point man for the Recon platoon on the patrol and it was my squad that was ambushed, eventually killing or wounding every member of our squad.

What happened almost 33 years ago, is easy to recall, although unpleasant and sad since, as I mentioned previously every member of my squad, along with then SSG Willie Williams, our element leader, our medic Rascon and possible one or two others from the Recon platoon were either wounded or killed on that March 16th, 1966. I would like to once again make a formal and official statement on what I personally witnessed on March 16, 1966.

On March 16, 1966, our Recon platoon was asked to move as quickly as possible to the Second Battalion area of operation, in order to provide support to the battalion after it had encountered and engaged a well armed enemy force. I believe we were the last element to move towards the Second Battalion area.

As we approached what we thought was the outer perimeter of the Second Battalion, I acting as the point man spotted a number of enemy personnel dressed in khaki uniforms manning a machine gun position to our front. Not knowing how many enemy personnel were actually there, or if others were in hiding, I came back to report the sighting. Immediately we engaged the enemy position, which instantly brought a massive and intense firefight.

The enemy force had fire superiority and familiarity of the terrain, that immediately pinned down the entire point squad through a heavy and accurate concentration of small arms and machine gun fire, including numerous hand grenades.

Immediately, I motioned and told our machine gunner Thompson to move forward and lay fire upon the enemy machine gun emplacement that was to our immediate front. As he did this, he was able to only fire one or two burst from the weapon, before it jammed. Thompson who was laying almost on the edge of an open trail spontaneously became the focus of heavy automatic enemy fire and hand grenades from his forward and flank area. As he tried to unjam the machine gun, he was immediately struck by enemy weapons fire and laid motionless, next to his machine gun. The enemy force was very close to our positions and had excellent field of fire, providing them superior views to any movement by our squad or the rest of the Recon platoon.

A few seconds later, miraculously through the intense fire of automatic weapons, small arms and hand grenades, SP4 Rascon had made his way to our point and was laying off the trail a few meters away from Thompson, with possibly Louis at his side.

The entire squad was still pinned down and no one could move to the aide of Thompson and another wounded soldier, because of the sheer intensity of the enemy fire. Extended movement in any direction, without counterfire was useless and pure suicide, since we were getting hit by deadly accurate enemy fire that was all around us, that included the lobbing of a number of hand grenades. We yelled for cover fire from the rest of the platoon that was to our rear and trying to get to us.

SP4 Rascon tried one or two times to move towards Thompson, to give him aide, but became the center point for all of the enemy fire and hand grenades. Thompson's assistant machine gunner, and another soldier had previously tried to assist Thompson and another injured trooper to his rear, but were rebuffed by the heavy, accurate fire power, thus remaining pinned down and unable to move, and unable to aide Thompson or throw him the spare machine gun barrel.

Under heavy enemy fire SP4 Rascon made another attempt and through the hail of machine gun fire and hand grenades reached Thompson, taking the spare barrel with him.

SP4 Rascon was completely exposed in the open trail trying to provide aide to Thompson, now under intense enemy fire. In an attempt to protect Thompson, SP4 Rascon placed his body to the on coming fire, as a shield, and as he was performing these courageous deeds, SP4 Rascon was hit by enemy fire in the back or hip. Although seriously wounded, SP4 Rascon disregarding his severe wound, continued to expose himself to the enemy fire, and doggedly continued to try to aide and move Thompson to a safer area, which he finally accomplished. SP4 Rascon's valorous efforts and complete disregard for his own being to reach and provide aide to Thompson, were superhuman, but were not enough to save Thompson life from his massive wounds. SP4 Rascon's efforts to provide aide and to move Thompson to a safer location, the machine gun was left on the edge of the trail, along with the spare barrel. After attending to Thompson, SP4 Rascon, now critically wounded, drawled with great pain, endangering himself again to the heavy enemy fire to secure the machine gun and spare barrel. He accomplish this, in spite of the intense hostile fire and hand grenade, handing the machine gun and spare barrel to possibly Louis or Hatfield, who were just off the trail trying to place suppressive fire in support of SP4 Rascon's movement. One of them was able to quickly change the barrel and placed the weapon back in action.

This action by SP4 Rascon's, I believe saved numerous other lives from possible severe injury or death, since we needed the machine gun to return fire to the more heavily armed enemy force around us.

What must be noted is that any activity, no matter how minor immediately brought the onslaught of enemy fire, based on the close proximity of the enemy force. When SP4 Rascon went after Thompson the enemy force had him and Thompson in their sights of fire, but somehow SP4 Rascon survived this ordeal.

The point squad continued to maintain a protective perimeter as best as it could, and when possible provide some cover fire to Rascon's movement within the enclosed area, that was under continued heavy enemy fire all around our positions. SP4 Rascon severely wounded and in pain continued to move (crawl) about giving aide or assistance to the wounded.

Sometime, during the firefight, I clearly recall that one of the wounded soldiers, possibly Hatfield, who SP4 Rascon had given first aide too earlier, made an attempt to get up and move to another position. Rascon immediately recognized the danger of this act, and without regard for his personal safety, and handicapped by his severe wound, managed to get up, revealing himself once again to the enemy fire to tackle and bring to the ground the wounded soldier. Neither Rascon nor the other soldier were hurt, but they did receive immediate intense hostile fire to their position.

SP4 Rascon's unselfish action in my eyes saved the soldier life, or at least from severe injury. Rascon had again placed himself in the field of fire and could have been killed, yet again his concern was for his fellow soldier.

A short time later, SP4 Rascon headed in the direction of another soldier who was severely injured. It was Louis who was critically wounded some ten feet away from me, having been hit by either hand grenades or machine gun fire. Still Crawling, and bleeding from his wound, SP4 Rascon was again placing his life in danger, being exposed to the hand grenades and weapons fire being directed at him, to reach and provide first aide to Louis. SP4 Rascon under the accurate fire aimed at him, reached Louis, and successfully moved him off to a safe location, where he and another soldier tried to revive Louis, however, all efforts proved futile, based on his massive injuries.

Well into the firefight, SP4 Rascon, under deadly enemy grazing fire and in still obvious great pain from his hip wound had crawled back to my area, making sure that I was alright after being hit with grenade shrapnel.

By then enemy fire and hand grenades had wounded or killed every member of the point squad, yet we were still defending our positions and Rascon was still moving about and attracting enemy fire as he did this.

As I was placing M-16 fire in the direction of the incoming enemy fire, two or three hand grenades were thrown in the direction of SP4 Rascon and myself. One grenade landed no more than four feet away from both us. SP4 Rascon without any

hesitation jumped on me, taking me to the ground and covering me with his body. He received the full force of the grenade blast, resulting in a severe wound to his face, and numerous small wounds to his body with his T sack literally shredded and deformed from the grenade blast, with his helmet peppered with shrapnel.

This unbelievable, unselfish and heroic action taken by SP4 Rascon prevented me from being critically wounded and more than likely saved my life.

Although, the concussion of the grenades had momentarily shaken us, we both regained our composure. I continued to fire on the enemy and SP4 Rascon quickly continued to seek out the wounded. I could see that he was in severe pain by his difficult movement and the bleeding from his back or hip wound. This was now compounded by the massive bleeding from his face wound, and other possibly injuries received from the grenade blast, yet he stuck with it until the firefight terminated.

Eventually the rest of the Recon platoon was able to come to our assistance, through a frontal assault by the main Recon platoon and flanking movement led by SFC Akuna with some soldiers, finally routing the enemy.

After the firefight SP4 Rascon made his way to the wounded and the mortally wounded, making sure that everyone was being provided adequate care.

SP4 Rascon, throughout the firefight never received, nor did he try to administer first aide to his person, his only consideration was the men of the Recon platoon.

SP4 Rascon had refused treatment by anyone, until everyone of the soldiers from the Recon platoon had been accounted for medically.

Within the point squad, myself, SSG Williams, SGT Hanna, SP4 Hatfield, PFC Gibson, along with Louis (prior to his mortal wound) had all personally witnessed and provided statements of SP4 Rascon's super human accomplishments.

Later on, at our base camp, a statement by SFC Cook, our Reconnaissance Platoon Sergeant pretty well restated what we all knew, that he was putting SP4 Rascon for at least a DSC, for his actions back on the 16th of March, based on his personal observations and statements made by other members of the Recon platoon. I and others within the Recon platoon felt and still feel that SP4 Rascon's efforts on March 16, were extraordinary.

SP4 Rascon's every effort was to seek out the wounded, exceeding this by constantly exposing himself to enemy fire that was killing or seriously injuring a number of our Recon platoon members. We were all appreciative of his efforts, yet we were aware that every effort by Rascon, diminished his life expectancy, during the firefight yet he prevailed.

The incident in which SP4 Rascon jumped on top of me, protecting me from the on-coming grenade, is an overwhelming act. He was prepared to give his life for my safety and I'm sure of others that might have been within the immediate blast of the grenade. This extraordinary act of caring for another human being has gotten other military personnel the recognition of this countries highest military honor, yet here was SP4 Rascon accomplishing the same act as other great men have done before him in time of war, and yet it was some how overlooked.

If SP4 Rascon would have died, from this one incident, I am sure the outcome of the citation would have changed. You cannot deny such an overt act of valor that was committed, it was an act committed in a spontaneous manner, without forethought about survival, only the intentions of saving another human being.

In closing I just want to again say that;

1. SP4 Rascon's unselfish act in shielding me, through his on body from the on-coming grenade(s), more than likely saved me from being critically injured and possibly saved my life. This one act almost caused SP4 Rascon his life, or permanent personal injury, yet he felt it was his duty to this, not thinking of himself, only his fellow soldiers.
2. SP4 Rascon, obligated as a combat medic to give medical aide to the wounded, went far and above the call of duty by placing his own life in constant danger in the firefight. The odds for his survival were greatly stacked against him from the start, because of the extreme closeness of enemy force and their hostile fire. This was further compounded by his constant exposure to the enemy, when attending to the wounded.
3. As stated over and over again, SP4 Rascon time and again ventured openly, disregarding his well being and his life into the onslaught of heavy, accurate treacherous enemy fire that was obviously killing or wounding everyone in my squad in a noble and unselfish quest to render aide and comfort.
4. SP4 Rascon more than likely saved the life of SP4 Hatfield, when he, already wounded, again disregarded his own safety and life to tackle down SP4 Hatfield, surely saving him from incoming accurate enemy fire that have caused great injury or death upon him.

5. In retrieving the machine gun and spare barrel kit back to us, surely played a important and critical factor in our ability to return counterfire in the initial moments of the firefight that was going in favor of what I think was a well entrenched and heavily armed enemy force.

I believe that the above summation of what I personally saw SP4 Rascon accomplish on that day and statements by Recon members will again prove out what we previously stated and submitted in March, 1966.

In keeping with the highest traditions of the military service and reflecting great credit upon himself, his unit and the United States Army, I, Elmer R. Compton, do again hereby recommend that the Medal of Honor be awarded to SP4 Alfred V. Rascon in recognition of his service on March 16, 1966.

ELMER R. COMPTON,
FORMER SGT, RECONNAISSANCE PLATOON,
HHC 1/503d (ABN), Infantry, 173d Airborne Brigade SEP.

Sworn before me this 26 day of January, 1998
Notary Public Damonte B. Witzbacher
My Commission Expires June 15, 2000

Senator ABRAHAM. Mr. Rascon, we welcome you again. We have had the opportunity to do some things a couple of years ago together, and have always appreciated your help on things with us here at the committee. I am hopeful that the Senate will express its appreciation a little more formerly and appropriately here before we conclude the bill that is on the floor today.

We welcome you, as well as members of your family, and we will hear from you at this time.

STATEMENT OF ALFRED RASCON

Mr. RASCON. Thank you very much, sir. First of all, I want to thank you for bringing Ray Compton here. The last time that I did see him was 33 years ago, and we weren't having a very good day. Again, I can't thank you enough for having him here.

I have a prepared statement that I would like to come back and give to you.

Senator ABRAHAM. Sure.

Mr. RASCON. First of all, Mr. Chairman, members of the committee, had my parents not made the difficult decision to emigrate from Mexico to the United States when I was a young boy, I would not be here before you today. I am grateful for this opportunity from the committee to add my dialog on the contributions of immigrants to the U.S. Military.

I want to personally thank you, Senator Abraham, not only for this opportunity, but for other opportunities in which you have highlighted the distinguished service to the country of immigrants in the military and other fields. If it wasn't for your initiatives, many people would not be aware of the contributions of immigrants not only in the military, but the contributions immigrants as a whole have made to the country. So for this and for the many things you have done for immigrants, on behalf of immigrants across this Nation I want to thank you personally.

Although by birth immigrants are from other nations, they have served and continue to serve with pride and great distinction in the U.S. Armed Forces. The U.S. Military affords immigrants the opportunity to demonstrate their commitment to this great Nation, with some making the ultimate sacrifice, as you had stated before, giving their lives.

When I began attending grade school in Southern California, I could not speak a word of English. I spent my youth wanting to assimilate into America. I gradually learned to speak English, even without an accent, or I thought I didn't have one. Learning English was a difficult task before me. Other than in school, Spanish was the language in my home and in the community.

Living near three military bases and watching convoys head for ports or debarkation on their way to the Korean War in the 1950's, I developed a fascination for the military. In fact, at the age of 7, I made a parachute and jumped off the roof of our home. Well, in military airborne jargon, my parachute had a total malfunction and I streamed in, resulting in a broken wrist.

As soon as I graduated from high school, at the age of 17, I joined the military. Being underage, I pressured my parents into signing the age waiver, and I think they still regret it. I volunteered to be a paratrooper, my first love. My first bad jump at the age of 7 did not deter me at that time. As a legal permanent resident of this great country, I wanted to give back something to this country and its citizens for the opportunities it had given me and my parents.

In 1963, I completed basic advanced individual training in airborne school and was then sent to Okinawa, Japan, as an airborne medic. In May 1965, I arrived with the 173d Airborne Brigade in South Vietnam, where I served as a reconnaissance platoon medic with the 1-503d Airborne Battalion. Until recently, those paratroopers who served with me in the reconnaissance platoon knew nothing of my immigrant status. It was never an issue with them. In fact, they were rather surprised. They simply knew me as "Doc," and they still know me as "Doc."

In March 1966, my military career was curtailed because of combat wounds, which eventually lead to an early honorable discharge. I returned to Southern California with a more mature outlook on life and with a motivation to continue in service to this country. Again, my love for the military gravitated me back into service.

Overcoming more injuries, I was able to rejoin and enter the Army's Infantry Officers Candidate School. I was commissioned a second lieutenant of infantry, eventually making it back to Vietnam to serve a second term. I completed 6 additional years of military service, until my active military service ended due to combat-related wounds.

The Army provided me with an opportunity to serve my adopted country. Above all, it gave me the opportunity to give something of myself to this great Nation. I was once asked by a reporter why, as a noncitizen of the United States, I volunteered to join the military and to serve in Vietnam, not once but twice. I answered "I was always an American in my heart."

Again, thank you, Senator Abraham, Senator Feingold, as well as the other Senators who will be here, for giving me this chance to express my love for this great country and its military. Thank you very much, sir.

Senator ABRAHAM. Mr. Rascon, thank you for being here and for all you have done and your contributions. We appreciate them.

Mr. MacGillivary, we welcome you as well, and thank you for your magnificent contributions and we are very pleased to have you with us today.

STATEMENT OF CHARLES MacGILLIVARY

Mr. MACGILLIVARY. Mr. Chairman, members of the committee, my name is Charles MacGillivary. I was born in Charletown, PE, Canada, the smallest province in Canada. I was born on January 7, 1917. I came to the United States in 1933 at the ripe old age of 16. I was in the Merchant Marines. I was on a Canadian ship at the time. I went to New York, and I had a brother living in South Boston. I came off the ship and kept sailing across the North Atlantic on other ships.

I sailed on Norwegian ships, Panamanian ships and American ships. I crossed the North Atlantic several trips at the height of submarines controlling the North Atlantic and trying to catch the life line of Great Britain. I finally figured my luck was running out, and I didn't want to get torpedoed, so I decide to join the U.S. Army.

When I went to go in the Army, they saw that I had a gunner's ticket from the Merchant Marines. The Navy wanted me and they offered me ratings and all that, but I still wanted to go in the Army to give me some time ashore. I went in the Army and I ended up at Fort Devons, Air Mass. They kept me there for 2 weeks. The officer of the day came along and said, you spent a lot of time in Europe. He says, would you like to be a citizen of the United States? I said, if I am going to fight for the United States, I want to be a citizen.

He had a young Norwegian who was a Merchant Marine and he had a Mexican who was from Mexico. And they took us into the Federal court in Boston, in front of a judge, and swore us into the United States as citizens. From there, I went to Fort Benning and I took my basic training, and then from Fort Benning they took me to a place called Ancrum, Scotland, and I trained right alongside the British commandos with Company I, 71st Regiment, 44th Division.

We made the landing on Omaha Beach, and from Omaha Beach we fought through the hedge rows of France, right up to the German border, to a place called Woelfling, one part of us in France, and the other part was in Germany. We ran into the SS 17th Panzer Division, and it was December 17, 1944. My company commander got knocked out and my lieutenant got knocked out. At that time, I was a platoon sergeant, just head of a platoon. We had no officers left. I was the highest ranking officer and I took over Company I.

We fought from December 17, and we were running out of ammunition and we were running out of food. And the weather was so bad they couldn't drop anything to us. Christmas Day of 1944, we were eating frozen oatmeal. The Germans had disks that they would play to us, that they would give us Christmas dinner if we surrendered and all that. And some of them did try to surrender, they would cut the belt of their pants and put their hands over their head and tell them to run across a field. When they would

reach for their trousers, they would machine gun them out of the top of tanks. I told them there was nothing to surrender to.

So we were pinned in by four machine guns on both flanks of us. I volunteered to knock out the four machine guns. I had as many hand grenades as we had left and I had what they call a grease gun in the Army. It was the old .45 caliber, like a tommy gun. And at the last machine gun nest, the SS trooper was wounded. His next was pretty well wiped out and he swung the gun and he caught me down around the side. It took part of my arm off. The only thing that saved me was the snow. I froze in the snow. If I had gotten hit in the South Pacific, I would have bled to death.

The free French picked me up and they just picked me up, a cake of ice, and put me on a Jeep and took me back to a field hospital. And I thought I was captured because there were Germans there and French, and then along came a chaplain and he said they were going to take me back to an aid station. They took me back to an aid station, and from the aid station they took me to Marseilles, and from Marseilles I came back to the Walter Reed Hospital.

Now, all I can say is I met quite a few immigrants, like myself, that were fighting in France, and some of them did not even become citizens because they didn't get the chance that I did at Camp Air Mass, Fort Devons. We had one Norwegian that had both his legs off in the Walter Reed Hospital, and he told me he was going back to Trondheim, Norway, where his father had a hunting camp. And left the States, not becoming a citizen, and I used to get Christmas cards from him. He passed away here about 6 years ago. He never got the Medal of Honor, but he stepped on a mine and his legs were blown off.

History will show you in the United States, if you go back to the Civil War, Ireland had 204 Medal of Honor recipients from the north and the south of Ireland. In 1973, when I had the honor to be nominated to the presidency of the Congressional Medal of Honor Society, I made up my mind that I would bring out what the Irish did for this great Nation of ours.

I got a plaque made up and went to Ireland and gave it to the President of Ireland on St. Patrick's Day, in 1975. Then when I came back from Ireland, I had the same plaque from the Medal of Honor Society of 54 Canadians that received the Medal of Honor, and went up to Ottawa and met with the Victoria Crosses and gave them the plaque with all the names of the Canadians that received the Medal of Honor. That plaque is now in the headquarters of the Veterans Administration; it is in Charletown, where I was born, in the administration building.

Also, I went to Mr. Rotterbush, who was the head of the Veterans Administration. The Medal of Honor markers on their graves were never marked the Medal of Honor like they did with the Victoria Cross. They would engrave it in the cement and they had it in bronze. I went to Congressman McCormick and he told me that he would have the money put in the budget, and I had to go in front of Owen Page, who was chairman of the Veterans Committee. And he had it put in and they have markers on the graves today of Congressional Medal of Honor.

I took four of those markers up to Canada, one to Halifax, one to St. John, New Brunswick, and one to Calais, ME, and they are

on their graves today. Nobody can ever tell me that foreigners that come to this country—you read the history; there are 1,400 Medals of Honor issued in this great Nation of ours, and almost half of them foreign-born. You had two Medal of Honor recipients from World War II—one's name is Monroe; he was in the Coast Guard, the only Medal of Honor to come out of the Coast Guard, he was in Iwo Jima, and myself from the Army.

We had a man that lived in the next town. His name is Seats. He was born in London. He was the oldest Medal of Honor recipient. He came from the Boxer Rebellion. He died in the Brockton V.A. Hospital. I used to go over to see him. He went blind, and the only thing he wanted was to be buried in Arlington. He had a son that was in a submarine in World War II. We made sure that he went to Arlington, and he is buried there.

We have a Vietnam veteran; his name is Lemmerts. He is living in Colorado. He is a Medal of Honor recipient from Vietnam. We had two of them in Korea. I don't think there is a foreigner right today as we talk—there are battles going on and they are in danger. They are fighting for this Nation of ours, and nobody can tell me that they didn't add anything to this Nation. I think we are all foreigners. Aren't we all? We had an American-born Indian in the 45th Division.

I went to France and I met Ernie Pyle when he was in France, and he said, sergeant, what keeps the Americans going? And the only thing that kept Americans going—they were trying to free people and they were free people themselves. That is what made the American soldier great. They were second to none. The real hero is left over there at the age of 18, 17, left his high school, took his basic training and went into battle. The first time he left his hometown was to go in the Army. That is what makes America great.

We have got the greatest form of government in the world. All we have got to do is put it to work, and when we put it to work there is no nation that can ever lick us. We proved that in World War II. We fought three battles on three fronts—Burma, the South Pacific, and Europe. We put 15 million in the armed services in World War II, men and women. That is why we are here today, to try to protect our freedom, and I am proud and honored to come before you and talk about foreigners—Irish, Africans, Italians. I had a great friend of mine, Peter Delassandro. He lost his life. He got the Medal of Honor posthumously.

Thank you, and it is an honor for me to be here.

[The prepared statement of Mr. MacGillivray follows:]

PREPARED STATEMENT OF CHARLES MACGILLIVRAY

Mr. Chairman, Members of the Committee. My name is Charles MacGillivray. I was born in Charlestown, Prince Edward Island, Canada on January 7, 1917. I came to the U.S. in 1933 when I was 16 years old to live with my brother who was in Boston, Massachusetts. During the next few years I worked as a merchant marine and was in and out of the country. When World War II began our ships were in constant danger from German torpedoes.

On December 7, 1941, after Pearl Harbor was attacked and the U.S. joined the war, I decided that the right thing to do was volunteer to fight for this country. I joined the U.S. Army. I went to Fort Devons, Massachusetts for two weeks of training. While there, an officer asked me and two other immigrants from Mexico and Norway whether we wanted to become U.S. citizens. We all agreed. We were taken

to the federal courthouse and were sworn in before a judge. I thought that if I was going to fight for this country I should be a U.S. citizen.

In 1942, after receiving more training, I was sent to Europe as part of Company I, 71st Infantry, 44th Infantry Division. I landed in France at Omaha Beach as part of the Normandy invasion. We fought our way through France taking back towns from the Germans. In December 1944, my company, the 44th Infantry Division, was near Woelfling, France. We became pinned down by the 17th German Panzer Division. Our company commander and lieutenant commander were both hit. As the platoon sergeant, I was left in command. We had been pinned since December 17th. By January 1, we were running out of ammunition and the men in my company were talking of surrender. The Germans were promising us a Christmas dinner if we surrendered. I told the other men that they had nothing to surrender too.

As the head of my company I had a duty to do something. I decided to try to knock out some of the German machine guns that surrounded us. I thought that this was the only way we were going to get out. I was able to knock out four machine guns before being wounded. I was shot across the chest and leg and ended up losing my left arm.

I was awarded the Purple Heart because I was wounded in combat. Additionally I learned that I would receive the Congressional Medal of Honor. On August 23, 1945, I attended a ceremony at the White House with 28 other veterans. President Truman presented us with the medals. I was very honored to have been included among so many distinguished recipients. I was also very proud that I, as an immigrant, had been selected to receive this award. I am happy to say that there are now 714 other immigrants who have received the Congressional Medal of Honor.

After receiving the award, I returned to Boston to marry my wife who had waited for me during the war. I have since remained very active in veteran organizations. I am a lifetime member of the Veterans of Foreign Wars, the American Legion, Disabled American Veterans, AMVETS, the Order of the Purple Heart, and the Congressional Medal of Honor Society. I served as President of the Congressional of Honor Society from 1973 to 1975.

During my presidency at the Congressional Medal of Honor Society, I took on the project of identifying past recipients of the Medal of Honor who were born in Ireland and Canada. I went to Ireland in 1975 to present a plaque to President Cearbhall O'Daligh of Ireland, containing the names of the 204 Irish-born Medal of Honor recipients. I presented a similar plaque to Prime Minister Trudeau in 1976, containing the 54 names of Canadian-born Medal of Honor recipients. I have also delivered stones to the graves of Canadian-born Medal of Honor recipient who were buried in Canada. I was able to enlist the help of the Royal Canadian Legion with this project. The stones are placed on the graves of all Medal of Honor recipients buried here.

My experience and the record shows that since the Civil War, immigrants have fought valiantly to defend this country. No one can prove to me otherwise.

Senator ABRAHAM. Mr. MacGillivray, I just want to thank you. It is an honor for us to have you here today. Not only does your testimony about your own personal experience mean a lot to us, but it is very important, I think, for us to hear about the accomplishments of so many others, as you have related them, who are people that didn't necessarily find themselves born in the United States, but chose to come here and then were willing to give their lives for this country. We appreciate your testimony of bearing witness to that.

I know Senator Kennedy has joined us here. He may want at this point, if Mr. Mogollon would give us a little bit of flexibility here to depart from our panel, to let Senator Kennedy comment and then we will move forward.

**STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR
FROM THE STATE OF MASSACHUSETTS**

Senator KENNEDY. I would like to take one moment, Mr. Chairman, to welcome all of our guests here and thank them for being here and sharing with us their life's experience. I think you, Mr. Chairman, and certainly the record of this committee will under-

stand what all of us have understood for years in my own State of Massachusetts. John MacGillivray is an institution, and he has given more inspiration to children in schools that he has spoken to, and older people, senior citizens, that he has spoken to and to politicians that he has spoken.

We get reminded about the best in our Nation and about service to the country and selfless service to the Nation, and that has been his and our panel's contribution. And their love of this Nation is so clear, and its values, and it is a good lesson for us to hear again and again. It is important that we do.

We thank him for his incredible service and his continuing service, because it is real service, in telling us about what our policies ought to be in many different areas. So I thank him very much for being here, and welcome also Erick very much for his service to the Navy and working on the *John F. Kennedy* aircraft carrier in the Gulf and his continued service to the country, and Alfred and Ray as well. We thank you all for coming.

I think what we have seen and what has been said here is the contribution of individuals who desire to be a part of this Nation, and then through force of circumstance find out that they are called up to serve it. What the record has been historically in the most recent times, to the time of the earliest days of the Republic, is that they have served with extraordinary courage and heroism. And they feel a part of our process.

Maybe it is the issue of citizenship that gives sort of the official designation, but in terms of the emotion and the feeling of what is in their hearts and what is in their minds, that comes at a different moment, and their devotion to the Nation comes. And we as a country ought to understand that. So much of what we have done in the very recent times has failed to do so, and I think it is an important blot on our statute books, and many of us are attempting to alter and change that.

So I thank all of you for being here. I thank the chairman for having this hearing. It is very, very important, and I commend you and thank you for having it.

Senator ABRAHAM. Thank you, and thank you for being here with us and helping us to put it together. We have very much appreciated working together with you, Senator Kennedy, on this.

We have one last witness, and we appreciate your being here as well today, Chief. We look forward to hearing from you, Chief Mogollon.

STATEMENT OF ERICK A. MOGOLLON

Mr. MOGOLLON. Mr. Chairman, Senator Kennedy, I am honored to appear before you today to talk about immigrant Americans' contributions to the armed forces and our national defense. I would like to share with you a few thoughts on how I became an American and why I joined the U.S. Navy.

I was born in Guatemala City, Guatemala, on January 24, 1960, and emigrated to the United States with my family in 1970. My mother, three brothers—all three of them actually serve in the armed forces—and one sister live outside Boston, in Milford, MA.

In 1973, I moved to East Douglas and attended Douglas High School. I am proud to say I graduated in 1979 with high honors.

For me, that was a great achievement due to the fact that, just like Alfred over here, I could not speak a word of English when I first came on board—on board—I feel like I am on a ship. [Laughter.]

While in high school, I entered the delay entry program and shipped out to boot camp in September 1979. I joined because of the opportunity to excel and to give of myself in gratitude for what this great country of ours has done for me and my family. I would like to acknowledge the support of my wife—she is sitting behind me—Marilyn, and my four children, Solines, Erick, Elias and Marilyn—throughout my career. Sailors go to sea, but the family must always remain behind.

Being able to qualify for service was in itself an accomplishment that encouraged me to do my best. I graduated at the top of my class from a school and was assigned to the world's best aircraft carrier, the USS *John F. Kennedy*, CV-67.

After serving on the *Kennedy*, I was assigned to VR-22 and VQ-2 in Rota, Spain. I have enjoyed the opportunity of overseas service, and earned my qualification as an aviation warfare specialist. While in Spain, I was fortunate and honored to receive the Commander in Chief United States Naval Forces Europe Leadership Award for petty officers. Being chosen from thousands of highly qualified shipmates was truly rewarding.

The most important highlight of this tour was my citizenship. On June 17, 1985, I became a U.S. citizen at Fanuiel Hall, Boston, MA. I flew all the way back from Spain. After Spain, I asked for reassignment to the USS *John F. Kennedy*, CV-67. I am proud of the ship and our combat service during Operations Desert Shield and Desert Storm. As a newly promoted chief petty officer, I served as a flight deck chief during the war and was directly responsible for the launching and recovery of our combat aircraft.

During the war, USS *John F. Kennedy* aircraft participated in over 120 combat strike missions and flew nearly 4,000 strike sorties. I am proud to say we did not lose any pilots or air crew during the war. The professionalism and dedication of our sailors were evident in daily operations. After the war, I assigned to the USS *America*, CV-66, as the leading chief petty officer for B-3 Division, and was able to experience the contributions of many immigrant Americans who are dedicated to the defense of our Nation.

I now teach leadership to the senior enlisted force and am assigned to the submarine school in Groton, CT. This gives me the opportunity to instill pride and commitment to others. After having the opportunity to meet so many shipmates over the course of my career, I can honestly say that the contribution of immigrant Americans can never be fully measured. These soldiers, sailors, airmen and Marines have left their motherland, been welcomed by the United States, and have given of themselves to the defense of this Nation.

For many immigrants, they have given and will continue to give because of their deep appreciation and dedication to the United States. They know firsthand how it is to live without the protection and security they now count on, and will give their lives to protect it.

Thank you again for the opportunity to appear today. I look forward to any questions.

[The prepared statement of Mr. Mogollon follows:]

PREPARED STATEMENT OF ERICK A. MOGOLLON

Mr. Chairman and distinguished members of the Committee, I am honored to appear before you today to talk about immigrant American's contribution to the Armed Forces and our national defense. I'd like to share with you a few thoughts on how I became an American and why I joined the United States Navy.

I was born in Guatemala City, Guatemala on 24 January 1960 and immigrated to the United States with my family in 1970. My mother, three brothers and one sister lived outside of Boston in Milford, Massachusetts. In 1973, I moved to East Douglas and attended Douglas High School. I am proud to say I graduated in 1979 with high honors. While in high school, I entered the Delayed Entry Program and shipped out to boot camp in September 1979. I joined because of the opportunity to excel and to give of myself in gratitude for what this great country of ours has done for me and my family. I'd like to acknowledge the support of my wife, Marilyn and my children, Solines (15), Erick (12), Elias (9) and Marilyn (6) throughout my career. Sailors go to sea, but the family must always remain behind.

Being able to qualify for service was itself an accomplishment that encouraged me to do my best. I graduated at the top of my class from "A" school and was assigned to the world's best aircraft carrier, the USS *John F. Kennedy* (CV-67). After serving on *Kennedy*, I was assigned to VR-22 and VQ-2 in Rota, Spain. I have enjoyed the opportunity of overseas service and earned my qualification as an Aviation Warfare Specialist. While in Spain, I was fortunate and honored to receive the Commander-in-Chief, U.S. Naval Forces Europe, Leadership Award for Petty Officers. Being chosen from thousands of highly qualified shipmates was truly rewarding. The most important highlight of this tour was my citizenship. On June 17, 1985, I became a United States Citizen at Fanuiel Hall in Boston, Massachusetts.

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After the war, I was assigned to USS *America* (CV-66) as the Leading Chief Petty Officer for V-3 division and was able to experience the contributions of many immigrant Americans who are dedicated to the defense of our nation. I now teach leadership to the senior enlisted force and am assigned to the Submarine School in Groton, CT. This highlight gives me the opportunity to instill pride and commitment to others.

After having had the opportunity to meet so many shipmates over the course of my career, I can honestly say that the contribution of immigrant American's can never be fully measured. These Soldiers, Sailors, Airmen and Marines, have left their motherland, been welcomed by the United States and have given of themselves to the defense of this nation. For many immigrants, they have given and will continue to give because of their deep appreciation and dedication to the United States. They know, first hand, how it is to live without the protection and security they now count on, and will give their lives to protect it.

Senator ABRAHAM. Mr. Mogollon, thank you, and we really appreciate your service as well. Your comments as you concluded are the ones that I hope we can broadcast as far as possible because one of the frustrations that I think both Senator Kennedy and I encounter are people who somehow don't appreciate the remarkable contributions which our immigrants today as well as historically have done for the country.

And I can't think of an area—you know, we talk about a lot of different things, but the military contributions, to me, rank first and foremost just because we are talking about people, including three on this panel, who have put themselves in a position to fight for a country that they have adopted. And I don't think that is a very widely known story, and that is one of the reasons we are here

today because I really think that too often the debates about immigration, particularly the issues that relate to legal immigration, are one-sided.

We hear about problems. We hear people try to pretend or claim that somehow immigration hurts America, and we have not had an adequate opportunity to hear about the contributions. And so the contributions we have heard today, in my mind at least, are as powerful as any we could possibly have to demonstrate exactly why this country's immigrant history is a great one and should be continued.

Senator Kennedy, do you have any questions for the panel?

Senator KENNEDY. Well, I think just to continue the thought of our chairman, I think most Americans think that just citizens are in the military. I mean, I think if you ask most in a high school class who serves in the military, I think they would be very surprised that individuals who are resident aliens and other immigrants, before citizenship, are serving in the armed services. They would be very surprised about it.

They find out that they are paying taxes and contributing to the well-being of the communities and cities and counties. They are paying their taxes into it. And the other factor is there is very little evidence that they are overutilizing the services that are available to them. They have come here for opportunity, and because of an energy and an interest and because they have shared values.

Let me just ask the panel, because you came from not a native-born tradition—all of you come from somewhat different circumstances geographically, obviously, but did you find that people that were immigrants were less willing to pull their share of the load in the service which you came in contact with? As nonnative-born Americans, probably if there were others, they probably sought you out or looked for you or you came across them, or whatever. From your own experience in the service, what was your experience and contact? Maybe you could give it just very quickly down the line.

Mr. COMPTON. Actually, I would say the privilege that I had to serve with the immigrants—and we were probably 25 percent, and we had them from all over the world. And let me say this. I was born and raised in the United States and I think we are all good American fighting men. But when the chips were down, they were there. Like I said, we had guys from all over, and whether it was a unit or whether it was their nationality, they stuck with you. You could count on them. You never had to look back because they were beside you.

Senator KENNEDY. Alfred.

Mr. RASCON. Sir, I think that ends up being one of the equalizers, especially during the military in a combat situation, that regardless of where you were born, when a bullet is coming at you, the bullet doesn't come back and ask you what immigration status you are. And it was really forthcoming especially in Vietnam, especially with the Recon platoon that I was with.

We were literally color-blind. Everybody was there to do one thing and that was for their country, regardless of where they were born. That is the thing that I come back and I carry with myself everyday—duty, honor and country—by the fact that I had the op-

portunity to come into this country, and thank God for my parents who came into this country. It is just a way of life and it is an honor, sir.

Senator KENNEDY. Could I ask you, did you get caught in the draft or how did you come to be in the military—were you in voluntary induction?

Mr. RASCON. No, sir. I came into the service, in fact—

Senator KENNEDY. What year?

Mr. RASCON. 1963. I was out of high school. I had the opportunity to attend college, but in my heart I always wanted to be in the military and that was an obligation I think I had. The odd thing about it, I didn't really realize that I was not a citizen of the United States until possibly when I was in high school and I would end up filling out forms—place of birth. And all of a sudden, Chihuahua, Mexico, wasn't exactly in the United States. And I said, oh, I guess I am a foreigner.

Then I didn't realize that I was not a citizen, but in the military it wasn't a question of where I was from. Like I said, I was a medic the first time and I think up until now when they do end up calling me, it is not Alfred Rascon, it is Doc.

Senator KENNEDY. Well, the people that went on into higher education got education deferments. You had employment deferments, you had marital deferments, so someone else was fighting up until the time we got the random selection in. That was actually in 1968, and so they really could have worked out the process, probably, and even avoided the service. And the fact that you went in and felt that kind of obligation, let alone how you performed once you were in there, is an additional noteworthy point.

Charlie, I think you have given us a pretty good sense about it, about your own experience.

Mr. MACGILLIVARY. Well, the way it was for me, I was in the Merchant Marines. If I stayed ashore for 30 days, I would be eligible for the draft if I stayed in the United States. If I stayed ashore 30 days in Canada, I would be eligible for conscription. And I sailed the North Atlantic a good many times. I fired coal burners across the North Atlantic, and I also made the Murmansk run. And I had enough of the sea, and there were too many ships getting defeated, so I went in the Army. They tried to take me in the Navy because I had a gunner's ticket. I wouldn't go. I went into the Army, and I joined the Army at South Station, taken to Devons, and that was it.

Senator KENNEDY. Well, I am familiar with Fort Devons. I hesitate to even mention my service after listening to yours, but I did go in through Fort Devons, both in and out.

Erick, what about you? Do you find that there are others in the service, nonnative-born, here in the United States that you have run into, and do they do a good job in the service?

Mr. MOGOLLON. I think one of my best experiences with that was on the USS *America*, because I was in charge of that one division and I had people from Korea, I had people from China, I had people from Mexico. I had people from everywhere, and my division stood out. I wish I would have had a picture because I took a picture of my guys. I still consider them my guys, but it was great. We actually worked side by side, and on the USS *America* at that

time we did go to the deal with the Haiti stuff back in 1994, and we stuck together.

The thing about it is that there is no difference, especially out at sea for sailors. The Army, you know, they are a little bit different than us. But sailors, we have to trust our people. We have trust, from the commanding officer all the way down, and one of the things that I am trying to instill now with our guys now in our senior leadership is the fact that early in the morning—I bring out lessons 2 weeks at a time, and every morning we do the “Pledge of Allegiance” to put back into focus what are we really here for.

And from there, a lot of times we play patriotic songs first thing in the morning, and they are surprised that we are doing this in our leadership classes. I say yes, because we have to go back to our focus. What are we really here for?

Senator KENNEDY. Well, I thank all of you for being here.

Mr. Chairman, I have a statement from Senator Leahy, if that could become part of the record.

Senator ABRAHAM. That will be great. Thank you, Senator.

[The prepared statement of Senator Leahy follows:]

PREPARED STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

I commend Senator Abraham and Senator Kennedy for holding this hearing on immigrants' contributions to the U.S. armed forces. It has become fashionable for Congress over the last several years to use immigrants as scapegoats and blame them for society's problems. So I am pleased when we focus attention on the many ways in which immigrants have contributed to our country and serve our nation.

According to the CATO Institute, immigrants account for more than 20 percent of all recipients of the Congressional Medal of Honor—the country's highest award for battlefield valor. That is more than 700 immigrants who served this country in time of war and displayed heroism “beyond the call of duty.” Many lost their lives or were seriously injured.

Today's witnesses provide further evidence—if evidence is needed—that immigrants share a commitment to defending this nation and are willing, if necessary, to give what Abraham Lincoln called “the last full measure of devotion” in support of America's interests.

As we pay tribute today to our immigrant veterans, we should ask ourselves why we are often so quick to turn our backs on them. Under the immigration “reform” legislation enacted in 1996, Congress passed and the President endorsed a broad expansion of the definition of what makes a legal resident deportable. In the rush to be tough on illegal immigration, the bill also vastly limited relief from deportation and imposed mandatory detention for thousands of permanent residents in deportation proceedings. These harsh new measures have now snared immigrants who spilled their blood for our country. As the INS prepares to deport these American veterans, we have not even been kind enough to thank them for their service with a hearing to listen to their story and consider whether, just possibly, their military service or other life circumstances outweigh the government's interest in deporting them.

Here is the cold and ugly side of our “tough” immigration policies. Here are the human consequences of legislating by 30-second political ad. Unfortunately the checks and balances of our government have failed these veterans because Congress and this Administration were determined not to be outdone by each other. “Tough” in this case meant blinding the INS to the personal consequences of these people. It meant substituting discretion with a cold rubber stamp that can only say “no.”

Just last month, a 52-year old Vietnam veteran named Gabriel Delgadillo was deported for a crime he committed in 1988. The crime, burglary, was reclassified as a mandatory deportation offense under the 1996 law. Delgadillo left behind a wife and seven children, all U.S. citizens.

Ralph Hesselbach enlisted in the U.S. Army in the summer of 1967, when he was 17 years old, and fought in active combat in Vietnam. As a scout dog handler with the 33rd Scout Dog Platoon of the 4th Infantry Division, Specialist Hesselbach served as a permanent point man and led scouting missions to uncover mines, trip

wires and intercept ambushes. In late 1968, he was severely injured and permanently disabled in an explosion at base camp. He was honorably discharged to medical retirement and was awarded the National Defense Service Medal, the Combat Infantry Badge, the Vietnam Service Medal, the Vietnam Campaign Medal and the Good Conduct Medal. Hesselbach challenged the retroactive application of the 1996 law, but was ordered deported by an immigration judge. His service and sacrifice got him no consideration whatever.

Rafael Ramirez is a 35-year-old New Yorker who immigrated from the Dominican Republic at the age of seven and who, nine years after his honorable discharge from the Army as a sergeant, faced deportation. His offense: in 1990, just months after leaving the Army, he pled guilty to possessing marijuana.

I brought Sergeant Ramirez's case to the attention of INS Commissioner Meissner, and I was pleased that some semblance of justice was eventually achieved. But in too many cases, the INS maintains that the 1996 law stripped it of any discretion to consider whether military service or other life circumstances may outweigh the government's interest in deportation. We need to ensure that every veteran's case is carefully reviewed by an immigration judge empowered to do justice.

Our national policy on deportation of veterans is particularly disgraceful at a time when we are sending tens of thousands of U.S. servicemen and women, including untold numbers of non-naturalized immigrants, into harm's way in the Balkans. Why on earth has Congress asked the INS to devote its limited resources to hunting down immigrants who previously answered this country's call to duty, some of whom were permanently disabled in the course of their service?

A few weeks ago, I introduced the Fairness to Immigrant Veterans Act of 1999, S. 871. This bill would restore for veterans the opportunity to go before an immigration judge to present the equities of their case and to have a federal court review any deportation decision. It would also restore for veterans the opportunity to be released from detention and at home with their families while their case is under consideration.

The injustice addressed by this legislation is just one egregious example of how recent immigration "reform" has resulted in the break-up of American families and the deportation of people who have made significant contributions to our country. This Congress needs to address the broader injustices that the prior one-upmanship caused. In the meantime, as Memorial Day approaches, the Senate should take an important step in the right direction by passing the Fairness to Immigrant Veterans Act.

Senator ABRAHAM. I really don't have a lot of questions because I think these hearings are ones where the witnesses say pretty much what needs to be said and there is very little for us to contribute.

I did want to follow up, though, Erick, just really briefly. You have been in service on active duty for about 20 years at this point?

Mr. MOGOLLON. In September, it will be 20 years.

Senator ABRAHAM. Is it your impression that there still continues to be a fairly large number of immigrant-born individuals who are continuing to enlist even today?

Mr. MOGOLLON. Oh, yes, yes.

Senator ABRAHAM. We have heard anecdotal evidence that suggests a fairly significant number continuing.

Mr. MOGOLLON. They still are, but the only thing is you just can't tell unless you ask them.

Senator ABRAHAM. Right.

Mr. MOGOLLON. When we are serving out there, we are serving.

Senator ABRAHAM. Right.

Mr. MOGOLLON. Just like he mentioned earlier, the bullets—it doesn't matter who you are.

Senator ABRAHAM. Right.

Mr. MOGOLLON. And when we are out there, we just serve.

Senator ABRAHAM. I appreciate it. Well, I just want to thank you all. Obviously, as I say, we have some hearings here where the

focus tends to be on an immigration problem, whatever it might be, and we have had our share of those because that is part of the job we have as a subcommittee.

But I have felt since we began this—well, since I became chairman, at least, that it was important to balance the debate and to make sure people understood that there were not just problems related to immigration, but great accomplishments, and we have heard a lot about them today. We will continue to have hearings like this.

Obviously, Alfred, we will continue to work with you on the legislation I mentioned because I think it is necessary that we pass it. And to you, Mr. MacGillivray, we want to thank you for not just, as I say, the great service to the country, but for helping to let other people know, as you have done in the role you have had with the Medal of Honor Society, to make sure people know.

And to you, Mr. Compton, thanks for coming to bear witness to—

Mr. COMPTON. Can I make a comment?

Senator ABRAHAM. Sure, please.

Mr. COMPTON. I would just like to make a comment. Al and I—this is the first time we have laid eyes on each other yesterday in 33 years, 27 years before we even communicated after Vietnam. Not only were we together in Vietnam, but we also served together in Okinawa and went to Vietnam together.

I had nominated him for the Congressional Medal of Honor 33 years ago, and for some reason that honor has not been bestowed upon him as of yet. And I appreciate your effort and the effort of the other people that are working toward—hopefully, we can get that accomplished.

And when I said in my cover letter that I dearly do believe that I wouldn't be here had it not been for Al Rascon, I am a firm believer in that, and not just myself, other members of my squad. And this hounded me and haunted me for 33 years and I have never been able to do anything about it up until now. And I just want you to know I certainly appreciate the opportunity of being here.

Senator ABRAHAM. Well, I am glad you are here, and I want to say that I think you and others who have tried to help in this process have helped us to draw more attention to this, what we consider to be unjust circumstance that we hope to change. So thank you for what you have done.

Thank you all. I want to thank those who have helped us put the hearing together. We appreciate it.

We are adjourned.

[Whereupon, at 11:15 a.m., the subcommittee was adjourned.]

A P P E N D I X

ADDITIONAL SUBMISSION FOR THE RECORD

PREPARED STATEMENT OF PAUL BUCHA

My name is Paul Bucha, President of the Congressional Medal of Honor Society, and I have asked Charles MacGillivray, a past president of the society, to present my testimony. I want to thank you Senator Abraham for holding this hearing and, more importantly, for displaying leadership on the immigration issue and reminding us of America's great tradition as a nation of immigrants.

Let me state my position clearly: All of us owe our freedom and our prosperity to the sacrifices of immigrants who gave of themselves so that we might have more. We are fortunate and we are forever indebted to those who have gone before.

The Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the U.S. Armed Services. Generally presented to its recipient by the President in the name of Congress, it is often called the Congressional Medal of Honor. In 1946, the Medal of Honor Society was formed to perpetuate and uphold the integrity of the Medal of Honor and to help its recipients. In 1957, Congress passed legislation, later signed by President Eisenhower, that incorporated the Congressional Medal of Honor Society.

A review of the records shows that 715 of the 3,410 Congressional Medal of Honor recipients in America's history—more than 20 percent—have been immigrants. I would like to share the stories of some of these individuals so the committee can better understand the sacrifices made by these and other immigrants.

Lewis Albanese, an immigrant from Italy served during the Vietnam War as a private first class in the U.S. Army. On December 1, 1966, Albanese's platoon advanced through dense terrain. At close range, enemy soldiers fired automatic weapons. Albanese was assigned the task of providing security for the platoon's left flank so it could move forward.

Suddenly, an enemy in a concealed ditch opened fire on the left flank. Realizing his fellow soldiers were in danger, Albanese fixed his bayonet, plunged into the ditch and silenced the sniper fire. This allowed the platoon to advance in safety toward the main enemy position.

The ditch that Lewis Albanese had entered was filled with a complex of defenses designed to inflict heavy damage on any who attacked the main position. The other members of the platoon heard heavy firing from the ditch and some of them saw what happened next: Albanese moved 100 meters along the trench and killed six snipers, each of whom were armed with automatic weapons. But soon, Albanese, out of ammunition, was forced to engage in hand-to-hand combat with North Vietnamese soldiers. He killed two of them. But he was mortally wounded in the attack.

"His unparalleled action saved the lives of many members of his platoon who otherwise would have fallen to the sniper fire," reads the official citation. "Private First Class Albanese's extraordinary heroism and supreme dedication to his comrades were commensurate with the finest traditions of the military service and remain a tribute to himself, his unit, and the U.S. Army." Lewis Albanese was 20 years old.

Mexican-born immigrant Marcario Garcia was acting squad leader of Company B (22nd Infantry) near Grosshau, Germany during World War II. Garcia was wounded and in pain as he found his company pinned down by the heavy machine gun fire of Nazi troops and by an artillery and mortar barrage. Garcia crawled forward up to one of the enemy's positions. He lobbed hand grenades into the enemy's emplacement, singlehandedly assaulted the position, and destroyed the gun, killing three German soldiers.

Shortly after returning to his company, another German machine gun started firing. Garcia returned to the German position and again singlehandedly stormed the enemy, destroying the gun, killing three more German soldiers, and capturing four prisoners.

Finally, Lieutenant John Koelsch was a London-born immigrant who flew a helicopter as part of a Navy helicopter rescue unit during the Korean War. On July 3, 1951, he received word that the North Koreans had shot down a U.S. marine aviator and had him trapped deep inside hostile territory. The terrain was mountainous and it was growing dark. John Koelsch volunteered to rescue him.

Koelsch's aircraft was unarmed and due to the overcast and low altitude he flew without a fighter escort. He drew enemy fire as he descended beneath the clouds to search for the downed aviator.

After being hit, Koelsch kept flying until he located the downed pilot, who had suffered serious burns. While the injured pilot was being hoisted up, a burst of enemy fire hit the helicopter, causing it to crash into the side of the mountain. Koelsch helped his crew and the downed pilot out of the wreckage, and led the men out of the area just ahead of the enemy troops. With Koelsch leading them, they spent nine days on the run evading the North Koreans and caring for the burned pilot. Finally, the North Koreans captured Koelsch and his men.

"His great personal valor and heroic spirit of self-sacrifice throughout sustain and enhance the finest traditions of the U.S. Naval Service," his citation for the Medal of Honor reads. That self-sacrifice, the citation-notes, included the inspiration of other prisoners of war, for during the interrogation he "refused to aid his captors in any manner" and died in the hands of the North Koreans.

These and other immigrant Medal of Honor recipients tell the story not only of America's wars but of America's people. After all, we must never forget that all of us are either immigrants or the descendants of immigrants.

Tens of thousands of immigrants and hundreds of thousands of the descendants of immigrants have died in combat fighting for America. I put to you that there is a standard, a basic standard, by which to judge whether America is correct to maintain a generous legal immigration policy: Have immigrants and their children and grandchildren been willing to fight and die for the United States of America? The answer—right up to the present day—remains a resounding "yes." Thank you Mr. Chairman and members of the committee for receiving my testimony.

