

August 5, 1940.

MONTH EXTENSION FOR FILING PROOF OF CITIZENSHIP

Answer to Questions Asked by Radio Operators Subject to Compliance
with Federal Communications Commission Order No. 75

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The Federal Communications Commission has extended for one month - to September 15 - the time for compliance with its Order No. 75 calling upon each licensed radio operator, commercial or amateur, to submit proof of citizenship.

Many communications have been received showing delayed receipt of information regarding the order, and indicating further delay in responding to it as a result of absence or other causes. It is not contemplated, however, that a further extension will be granted except where unusual circumstances exist.

Inquiries have also been received concerning the basis of the order and the penalties which might follow non-compliance. Under Section 303 of the Communications Act of 1934, as amended, the Commission is given authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified." It should be noted that the act limits such licenses to citizens of the United States and under existing conditions it is necessary to obtain additional evidence of citizenship in respect to those persons licensed by the Commission. The Commission likewise is authorized to suspend the license of any operator, among other causes, for violation of any regulation made by the Commission. Failure to respond to Order No. 75, accordingly, would be grounds for suspension of the operator's license.

Instandes have been reported to the Commission in which an operator having theretofore believed himself to be a citizen of the United States and having so affirmed, discovered, upon endeavoring to secure the information required for compliance with Order No. 75, that he was in fact an alien and was not and had never been entitled to the license which he held. Under such circumstances the only proper course of action is to submit his license to the Commission for cancellation, advising the Commission at the same time of the circumstances. The license document which has been issued by the Commission to such an operator is null and void. Continued operation under such a condition would be unlicensed operation in violation of the Communications Act. Furthermore, continued reliance upon a false claim of citizenship would subject such persons to penalty by imprisonment and fine under Section 79 of the United States Criminal Code which provides in part that such penalties shall be imposed upon "whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship."

Operators holding more than one license, such as a radiotelegraph and radiotelephone, or a commercial and an amateur class, have inquired whether it is necessary to submit a separate response for each such license. This is not necessary. A single response to the order is required from each individual affected, whether he holds one or more licenses or holds one and is applying for another.

The order does apply to the holder of a radio operator's license or permit of any class. Thus, a person holding only a restricted radiotelephone operator permit or radiotelephone third class should respond. Service in the military forces, police departments, or other organizations, does not exempt a licensee from compliance.

Inquiries relating to the submission of valuable personal papers such as birth or baptismal certificates, naturalization certificates, passports, marriage certificates, etc., have also been received. Whenever possible original certificates and records should be submitted to the Commission by registered mail. They will be returned when they have served their purpose. When certified copies may be obtained, such copies may be submitted in lieu of the original.

It should be noted, however, that it is unlawful to make any copy of any certificate of naturalization or of derivative citizenship. When it is impracticable or undesirable to forward original naturalization or derivative citizenship certificates, they may be presented for examination to any office of the Commission together with the completed questionnaire and all other documents necessary for a complete response to the order. In the alternative, where the operator has been issued a certificate of naturalization or of derivative citizenship in his own name, the response may be accompanied by the certification of the notary public or other duly authorized official before whom the response has been affirmed, stating over his seal that he has examined the original certificate and found it to be accurately described in the response to the questionnaire and that he believes that affiant to be the person named in such certificate.

Certificates of derivative citizenship may be obtained by persons qualified therefor upon proper application to the Department of Justice, Immigration and Naturalization Service, Washington, D.C. It is unquestionably to the advantage of any person who claims citizenship through the naturalization of parent or husband to obtain such a certificate. Although the possession of a certificate does, the filing of an application for such a certificate does not relieve the operator from submitting to the Commission the other documentary evidence required for the complete response to Order No. 75.

In every case a person responding to the order should submit completed forms 735 and 735A, including fingerprints taken by appropriate officials as the form provides. It is not acceptable to refer to fingerprints already on file in some other Federal or State agency. Postmasters at county seats or post offices of the first or second class may take fingerprints. In Alaska, the postmaster may also serve as a notary public. For the purpose of this order, fingerprints may also be taken by a military officer who is authorized to take fingerprints for enlistment purposes, as well as by local or State police officials. When appearing for fingerprints the operator should exhibit the completed form 735 as a means of identification to the official taking the fingerprints.

The nature of the documentary evidence of citizenship is suggested in Form 736. When a certified copy of public record of birth does not name the child, or if a different name is shown, additional identifying data must be submitted. Such identifying data may be a certified copy of the baptismal record, affidavits of parents, or other methods of proof suggested in Form 736.

Where original certificates or records other than fingerprints have been presented to and are now in the possession of other departments of the United States Government, it will be sufficient if reference is made to that fact, in response to Form 735 provided the documents relied on are described in detail.