

The Executive Memorandum

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IT'S TIME FOR A SENATE PROBE OF U.S. HANDLING OF POLITICAL ASYLUM

Senators Gordon Humphrey (R-NH) and Alan Dixon (D-IL) along with 55 other Senators, on December 16, 1985, introduced Senate Resolution 267 to establish a Senate Select Panel on Asylum. The Panel would investigate the State Department's handling of the case of Miroslav Medvid, the Ukrainian sailor who jumped ship twice near New Orleans in late October, in an attempt to flee to the U.S., but was returned to the Soviets. In addition, the Panel would examine other recent cases involving Soviet bloc citizens seeking asylum in the U.S.

The Panel would consist of seven Senators, four Republicans and three Democrats. It would examine whether any government officer or employee violated U.S. law in connection with the Medvid case or any other instance in which persons asking for asylum from a Communist country have been returned against their wishes. The Panel also would consider changes in U.S. laws to protect more adequately the constitutional, statutory, and moral rights of such persons.

The details of the Medvid case are well known. The Ukrainian sailor leaped 40 feet into the Mississippi River from the Soviet freighter Marshal Konev on October 24. While in the offices of the U.S. Border Patrol, Medvid spoke with interpreter Irene Padoch for 30 to 60 minutes. She subsequently told a congressional committee that Medvid had said that he wanted to be granted U.S. asylum. Instead of doing so, the Border Patrol returned Medvid to his ship. This violated established U.S. procedures.

Medvid dove into the river again that same night. He was apprehended by a Konev officer, handcuffed, and with the assistance of the Border Patrol, carried back, screaming, to the ship a second time. On October 28 Medvid for the first time was questioned by State Department officials. He also was interviewed by them on October 29. By then, according to the Konev's own doctor, Medvid had been given Seduczine and Amonizine, strong mind-controlling neuroleptics. During the State Department interviews with Medvid, his left arm was bandaged and lacerations were visible on his

ingers. According to Dr. William E. O'Malley, former professor at the Georgetown University Medical School who testified before the Senate Agriculture Committee, the extreme pain that such lacerations would produce make it extremely unlikely that--as the Soviets claimed--they were self-inflicted by Medvid. Yet no effort was made by any doctor during the State Department interviews to remove the bandage to examine the extent of his injuries.

No effort was made by the State Department to interview Medvid away from Soviet observers. During the medical examinations by Americans, no urine or blood samples were taken to test for the effects of drugs--despite the ship doctor's testimony that drugs had been administered. Secretary George Shultz nevertheless stated on November 10 that "all the people who were there [at the interviews] are satisfied that [Medvid] was perfectly in control of himself and able to make a decision in which he repeatedly stated that he wished to go back." It is this which many members of Congress question and which the Humphrey-Dixon panel would probe.

There is concern, too, that the Medvid case is by no means isolated. Jessy Tabor, the Director of the Border Patrol in New Orleans, reports that 115 sailors have been returned to their countries by his office this year alone. He would not disclose how many were from Communist countries. The Immigration and Naturalization Service which oversees the Border Patrol, has received 16,622 asylum applications in the fiscal year ending September 30, 1985. Asylum was granted in 4,585 cases involving 6,514 people.

Vladislav Krasnov, professor of Russian Studies at Monterey Institute in Monterey, California, charges that "there has been in the past a pattern of mistreatment or inept handling of defectors by American bureaucrats." He questions some of the current procedural provisions, particularly the requirement that Soviets be present at the time of a would-be defector's questioning. There is suspicion in Congress, meanwhile, that the State Department is less concerned about the human rights of an attempted defector than about displeasing Communist governments. If so, this would make a mockery of the Reagan Doctrine's vow to help those who want to reject Communist rule. So many uncertainties engulf the U.S. treatment of Medvid and similar cases, that the panel proposed by Senators Humphrey and Dixon and their colleagues is long overdue. All of which argues for a thorough investigation of the Medvid case and other possibly similar cases.

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For further information:

Vladislav Krasnov, "Giving Defectors the Back of Our Hand," The Wall Street Journal, November 7, 1985; and Soviet Defectors: The KGB Wanted List (Stanford, California: Hoover Institution Press, 1985).