82d Congress
2d Session

COMMITTEE PRINT

HEARINGS

BEFORE THE

PRESIDENT'S COMMISSION

ON

IMMIGRATION AND NATURALIZATION

SEPTEMBER 30, OCTOBER 1, 2, 6, 7, 8, 9, 10,
11, 14, 15, 17, 27, 28, 29, 1952

Printed for the use of the Committee on the Judiciary

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HOUSE OF REPRESENTATIVES

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PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

PHILIP B. PERLMAN, *Chairman*
EARL G. HARRISON, *Vice Chairman*
Msgr. JOHN O'GRADY
Rev. THADDEUS F. GULLIXSON
CLARENCE E. PICKETT
ADRIAN S. FISHER
THOMAS C. FINUCANE

HARRY N. ROSENFIELD, *Executive Director*

REQUEST FOR TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D. C., October 23, 1952.

Hon. PHILIP B. PERLMAN,
Chairman, President's Commission on
Immigration and Naturalization,
Executive Office, Washington, D. C.

DEAR MR. PERLMAN: I am informed that the President's Commission on Immigration and Naturalization has held hearings in a number of cities and has collected a great deal of information concerning the problems of immigration and naturalization.

Since the subject of immigration and naturalization requires continuous congressional study, it would be very helpful if this committee could have the transcript of your hearings available for its study and use, and for distribution to the Members of Congress.

If this record is available, will you please transmit it to me so that I may be able to take the necessary steps in order to have it printed for the use of the committee and Congress.

Sincerely yours,

EMANUEL CELLER, *Chairman.*

REPLY TO REQUEST

PRESIDENT'S COMMISSION ON
IMMIGRATION AND NATURALIZATION,
EXECUTIVE OFFICE,
Washington, October 27, 1952.

Hon. EMANUEL CELLER,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN CELLER: Pursuant to the request in your letter of October 23, 1952, we shall be happy to make available to you a copy of the transcript of the hearings held by this Commission. We shall transmit the record to you as soon as the notes are transcribed.

The Commission held 30 sessions of hearings in 11 cities scattered across the entire country. These hearings were scheduled as a means of obtaining some appraisal of representative and responsible views on this subject. The Commission was amazed, and pleased, at the enormous and active interest of the American people in the subject of immigration and naturalization policy.

Every effort was made to obtain the opinions of all people who might have something to contribute to the Commission's consideration. All shades of opinion and points of views were sought and heard. The response was very heavy, and the record will include the testimony and statements of some 600 persons and organizations.

This record, we believe, includes some very valuable information, a goodly proportion of which has not hitherto been available in discussions of immigration and naturalization. It is of great help to the Commission in performing its duties. We hope that this material will be useful to your committee, to the Congress, and to the country.

Sincerely yours,

PHILIP B. PERLMAN, *Chairman.*

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HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

TUESDAY, OCTOBER 14, 1952

NINETEENTH SESSION

San Francisco, Calif.

The President's Commission on Immigration and Naturalization met at 9:30 a. m., pursuant to adjournment, in Civic Center Building, San Francisco, Calif., Hon. Philip B. Perlman, Chairman, presiding.

Present: Chairman Philip B. Perlman and the following Commissioners: Msgr. John O'Grady, Thomas G. Finucane, Rev. Thaddeus F. Gullixson.

Also present: Harry N. Rosenfield, executive director.

The Chairman. The Commission will come to order.

The first witness who will be heard this morning is Mr. Lloyd E. McMurray.

STATEMENTS OF LLOYD E. McMURRAY, CHRIS MENSALVAS, GEORGE VALDES, AND VINCENT PILIEN, REPRESENTING THE INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION AND THE NATIONAL UNION OF MARINE COOKS AND STEWARDS

Mr. McMurray. I am Lloyd E. McMurray, 240 Montgomery Street, San Francisco.

I am appearing here, Mr. Chairman and members of the Commission, on behalf of the International Longshoremen's and Warehousemen's Union and on behalf of the National Union of Marine Cooks and Stewards.

The ILWU is a union of about 80,000 members spread over the entire west coast and including Alaska and including also about 30,000 members in the Hawaiian Islands who are the organized workers in the sugar and pineapple plantations there. Of the 30,000 ILWU people in Hawaii, a great many of them are aliens; approximately half of them are Filipino-Americans.

Of our local unions on the mainland here there are the fishermen in San Pedro, which is the largest fishing port in the United States. A great many are people of Yugoslav extraction. In the warehouse division of the union there are many aliens up and down the coast. In Alaska we have one union of 80,000 persons composed of Filipinos—that is local 37—the members of which spend their time partly in agricultural industries in California and part of their time in Alaska salmon canning during the spring and summer months. So that this

union has very vital interest in the immigration and naturalization laws.

Some of its members are so directly affected, but its interest also stems from the fact that it is a union which has successfully organized workers of all national origins and races and all colors without any attention whatever to any differences among them.

They have been organized successfully by this union for the first time; for example, in Hawaii, where the basic wage was raised from less than 50 cents to $1.02. The highest agricultural workers are members of this union in Hawaii. They are successful there because they followed a principle that the immigration law is designed to subvert, in our opinion. This union has, as a part of its constitution, article 3, the objects of the organization. The first objective is to unite into one organization, regardless of race, religion, political affiliation, or nationality, all workers in the jurisdiction of this nationality. This union has had a special experience with the immigration law, as Harry Bridges, its leader, has been the subject of persecution of the immigration services for many years.

In the case of Harry Bridges it is longer; it has been for 18 years, and it still continues. I think that it is impossible in the time allowed here for us to state anything more than the general objections that we have to this immigration law as it now stands or as it will be when the McCarran-Walter Act goes into effect.

The first major objection that we have is to erase his character—the fact that it is based upon a principle that this union has found to be contrary to its own successful experience and, of course, which this union feels is quite contrary to the idea of American democracy.

The second objection it has is that this law as it now stands continues the trend to give enormous power to the Immigration Service and particularly in the McCarran-Walter Act. The effect of whatever restrictions may be in the law it seems to us to be practically negative by the fact that at every turn the Attorney General is given discretion to do something other than what the law seems to require or authorizes to do.

The third major objection is that this law puts a restriction on movement of our people and all people. It sets up internal passports, particularly by registration requirement, which sets up an enormous blacklist of aliens, a central blacklist which had been unknown in this country, which was certainly characteristic of Fascists before the war. It has effect on international relations of a union whose welfare is vitally connected on the west coast with world trade.

We think that this immigration law is at variance with American policy on extending trade. We think that it is vitally necessary that trade be extended, particularly in the Pacific area, and the peoples of the Pacific areas cannot help but be insulted by the attitude of the United States when it passes this statute, the McCarran-Walter Act.

Now we have one union, as I said, which is particularly affected by this. That is local 37, the Alaska fishermen's or canneries workers section of the international, and we have Mr. Chris Mensalvas, the president of that union, who is here to testify before you, about the way in which that union is affected by the Immigration Service and by the McCarran-Walter Act.

I should like to present Mr. Mensalvas.

The CHAIRMAN. You may do so.

Mr. MENSALVAS. I am Chris Mensalvas, 213 Main, Seattle, Wash. I am president of local 37 of the International Longshoremen's and Warehousemen's Union.

Mr. Chairman, for the record, I would also state that I have here with me in the room two of my colleagues elected by the union, Mr. George Valdes and Mr. Vincent Pilien.

The CHAIRMAN. Will you tell us something about the composition of your union?

Mr. VALDES. Our union is composed of 80 percent Filipino-Americans, and the remaining 20 percent consists of Negro-Americans, Mexicans, Puerto Ricans, Chinese, Japanese, and Hawaiians, and so forth. These workers are engaged in the canned-salmon industry about 2 to 4 months during the summer period, and the rest of the year they are engaged in the agricultural crops in the State of California, especially.

Now the 80 percent Filipino-Americans came to this country as permanent residents, and they have reached the peak of immigration in 1934, when some 75,000 of the Filipino-Americans came to this country and they were recruited—we were recruited—by the Alaska salmon industry and the growers and farmers of California to work in these particular industries as early as 1925.

Now, our membership, in the nature of their employment as transient workers moving from California to Alaska and back, have developed a very high degree of efficiency for these industries, so that in World War II the California farmers and the Alaska salmon industry were able to secure the permanent status for these men, although some 20,000 of the Filipino-Americans were, of course, inducted into service and serving the Armed Forces of the United States.

Also, because of their employment, we believe that because of their employment the implementation of the McCarran-Walter Act is detrimental to their welfare. Firstly, I would state here because of our organization we were able to improve and secure higher wages for our membership from $25 a month to $250 a month in the canneries in Alaska, and also in agriculture from 15 cents an hour back in 1929 and 1930, to about $1 an hour up to the present time.

Now, we were delegated by our membership to present our views here in opposition to the Walter-McCarran Act for the following reasons: Firstly, with regard to the Walter-McCarran Act, we have noticed in it especially Mr. John P. Boyd, of the Immigration Service in Seattle, Wash., has from the time harassed our union and our membership ever since 1948 or 1949 up to the present time when Mr. Boyd arrested some of our leaders and rank and file of some of our members during the time of union negotiations with Alaska salmon industry and also during the National Labor Board elections.

Secondly, that we are opposed to the implementation of the Walter-McCarran Act because that law itself, if it is going to be applied, will greatly interfere with the normal procedure of union business.

For instance, our membership would elect officers of our union to visit the Territory of Alaska. They would feel insecure under the Walter-McCarran Act of being able to come back to the United States in spite of the fact that they are permanent residents in the United States.

No. 2 is that the Walter-McCarran Act deprives the right of these workers the right of employment. We believe that, after working for

25 to 30 years both in the Alaska salmon industry and in the California agriculture, we certainly have the right to maintain and to have these jobs that we have had for the last 25 years. The Walter-McCarran Act will take this right away from us.

Commissioner FINUCANE. How will it do that?

Mr. VALDES. Well, according to the statement of Mr. Boyd, the immigration man in the Northwest, he stated that all citizens that will go to Alaska and work can go, but they will not be permitted to come back. In other words, we will be keeping in the Territory of Alaska for the rest of the year these people, and they would never be able to come back to our formal pursuit of occupation here in California.

Mr. ROSENFIELD. Does that relate to your union only or also to others?

Mr. VALDES. I think to other unions also.

Commissioner FINUCANE. Do you happen to have a copy of Mr. Boyd's statement?

Mr. VALDES. No; I haven't a copy here now. We could obtain that, however, and forward it to the Commission.

Mr. ROSENFIELD. Will you, please?

Mr. VALDES. I will.

Another reason why our membership is opposed to the Walter-McCarran Act is that the act itself will create a very, very unfavorable reaction against the agencies of the Government of the United States, which is the Immigration and Naturalization Service, by the Filipino people back in the Philippines. Now I mention this because the Philippine Government today has a trade agreement, known as the trade agreement of 1946, with the United States Government, thereby defining the reciprocity of quality of opportunity for both the American people and the Filipino peoples to earn a living. American citizens going to the Philippines are given the opportunity and unlimited right to earn a living. They are allowed to go to the Philippines in unlimited numbers, whereas, on the other hand, the Philippines is only allowed a quota of 100 a year to come to the United States, and it is our opinion that the Walter-McCarran Act is, by depriving the rights of our people, the Philippine people or Filipino-Americans, the right to pursue their occupations in California or elsewhere, particularly in the Territory of Alaska. Well, that is unjust and unfair as far as our people are concerned.

Commissioner O'GRADY. What section are you referring to?

Mr. VALDES. It is because of section 212 (d) 7, the section which makes the Territories essentially foreign for this purpose.

Another reason, Mr. Chairman, why we oppose the Walter-McCarran Act is the fact that it is depriving our people the right to pursue their occupation they have had for the last 25 years, is that it will subject these people to public charity in the future, and we understand that under the new law people under public charge or under public welfare would be subject to deportation, and certainly it is our opinion that this will deprive the right of our people to do that and then subject them to deportation.

Mr. MENSALVAS. If I may, I should like to present Mr. Eddie Tankin, of the National Marine Cooks and Stewards. I think we have about 6 minutes left.

The CHAIRMAN. Can't one person make the statement?

Mr. MENSALVAS. These are two separate unions.

The CHAIRMAN. It doesn't add much to our knowledge to have repetition from three different people. We have a very crowded schedule, and this business of dividing it up and presenting it and repeating the same argument is not very helpful to us.

What matter is he going to introduce?

Mr. MENSALVAS. The particular provisions of the law that relate to seamen as opposed to other aliens. It is an extension of the law that has already been in effect, but it is worse than it was before, so we should like to present our opposition to those particular provisions of the law by Mr. Tankin or by myself, whichever you prefer.

The CHAIRMAN. We have no preference except that it would make it easier if one person would state the opposition the unions have to the different provisions of the act instead of having it broken up.

Mr. MENSALVAS. If you would like, I would say there are certain provisions of the McCarran-Walter Act which apply particularly to seamen and distinguish between alien seamen and other aliens in a way which we think is wrong. It is detrimental to the shipping industry and to the unions, particularly.

Commissioner O'GRADY. What sections are you referring to?

Mr. MENSALVAS. Sections 232, 233, 234, and 235, 236, and 237 of the act, and to the sections on chapter 6 of title II, I believe it is, on the control of alien crewmen. Under this statute now, alien seamen who come to or into the United States may be admitted to the United States by an immigration officer for a period not to exceed 29 days, but this permission to remain in the United States may be revoked at any time by the immigration officer, and the alien may be imprisoned without a warrant; that is, without a warrant and without any charge against him. He may be deported without any hearing, without any of the process that is provided with regard to deportation hearings for other aliens. He may be required to remain aboard the ship or he may be taken to the detention quarters of the Immigration Service by any immigration officer who wants to examine him about his right to be here or about anything material to the implementation of this act or the conduct of the Service. He may not be paid off in the United States without the permission of the Attorney General.

Now there are a great many alien seamen who have been sailing on American vessels for years. They form a substantial segment of the American merchant marine, particularly on this west coast. They form a substantial portion of the union that I am speaking of, the National Union of Marine Cooks and Stewards, which mans the stewards department of all west coast vessels; and these seamen, under the new provisions of this act, would not be able to be paid off at the end of a voyage and then take another ship out unless the Attorney General approved. This is a departure from the way in which this statute has been operating and which the Immigration Service has been operating in the past. It means virtually the end of shipping for alien seamen who have been shipping on American ships since they began doing that during the war when they were particularly welcome here.

May I say we have many other objections to this statute. There is no time to state them now. We would like an opportunity on behalf of both of these unions to present a written statement which would

present in detail our objections to the act and to the practice of the Immigration Service.

The CHAIRMAN. We would be glad to have it if you can let us have it in the near future and send it to Washington at our address there, and then we will make it a part of this record. We would like to have it in detail.

Mr. MENSALVAS. I will prepare that and have it to you before the end of October. I understand you have hearings scheduled for most of October.

Thank you.

The CHAIRMAN. Thank you.

(There follow two statements submitted by Mr. McMurray on behalf of the National Union of Marine Cooks and Stewards and the International Longshoremen's and Warehousemen's Union and local 37, ILWU:)

STATEMENT OF INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION AND LOCAL 37 ILWU

INTRODUCTION

This document is in the nature of a statement, argument, or brief submitted by the International Longshoremen's and Warehousemen's Union and local 37, ILWU, one of its affiliated locals. The President's Commission kindly agreed at its hearing in San Francisco on October 14, 1952, to receive a written statement in addition to the oral testimony given by these unions.

The International Longshoremen's and Warehousemen's Union is an organization of approximately 80,000 members on the west coast of the United States, Alaska, and Hawaii. Its divisions include longshoremen, warehousemen, fishermen, sugar and pineapple workers, and Alaska fish cannery workers. Among the membership there are many aliens. In Hawaii approximately twelve to fifteen thousand of the 30,000 members of the union in the islands are Filipinos or aliens of Asiatic origin. In California and the Pacific Northwest are many Filipino members who earn their living partly in California agriculture and partly in the Alaska fish canneries.

Since most of its membership is concerned in one way or another with international trade, the members of this union have a vital interest in all matters which affect the relations of the United States and foreign countries, particularly in the Asia-Pacific area. To the extent that the immigration laws hamper a thriving international trade and produce bad relations with friendly foreign nations, those laws are inconsistent with the best interests of the ILWU. Furthermore, the large number of naturalized citizens in the union means that there is an interest in fair play for aliens that arises naturally among the foreign-born, even though they are no longer aliens. Finally, this union has been founded and has prospered upon the principle of equality without regard to race, color or creed. Such a policy alone has made it possible for this union to organize the many divergent groups of Hawaiian workers and many workers on the mainland in occupations historically dominated by foreign-born persons. The racist character of the McCarran-Walter Act and the discriminatory practices of the Immigration and Naturalization Service are inconsistent with the policies and procedures which this union has found effective in the United States. They are inconsistent with the tenents of government which this union has sought to observe and expand.

For many different points of view, therefore, the International Longshoremen's and Warehousemen's Union has a deep interest in our immigration laws and policies. It is happy to have an opportunity to present its views to the President's Commission. The presentation which follows is neither as lengthy nor as detailed as the information at hand would warrant. Should any further procedure be followed by the President's Commission to gather more material, this union could and would, if allowed, supply more than the following brief statement.

IMMIGRATION PROCEDURES

The policies and practices followed by the Immigration and Naturalization Service have earned almost universal condemnation. The studies made by the Attorney General's committee on administrative procedure and its predecessors covering a period from 1937 to 1941 pointed out many defects in the practice followed by the Immigration Service and many points at which that practice varied widely from the accepted standards for administrative action. These reports are very briefly summarized in the opinion of the Supreme Court of the United States in *Wong Yang Sung* v. *McGrath* (339 U. S. 33, 70 S. Ct. 445). Primary attention there was given to the centering, in one group of immigration agents, of both the investigative and the quasi judicial functions of the Service. Particularly singled out for discussion and criticism was the combining of prosecutor and administrative judge in one person. The evils of such procedure as set forth in various governmental studies were commented upon by the Supreme Court. The Supreme Court said:

"Turning now to the case before us we find the administrative hearing a perfect exemplification of the practices so unanimously condemned."

That such practices were not the result of historic accident or gradual accretion to once valid procedures is demonstrated by the attitude taken by the Department after the decision in *Wong Yang Sung* v. *McGrath*. That case, it will be recalled, decided that he Administrative Procedure Act, set up by Congress in 1946 to require a uniform and fair procedure for Federal administrative agencies, applied to deportation hearings. The Service of necessity reorganized its procedures to conform to this new state of the law. The decision of the Supreme Court was handed down in March 1950. The following November the Service obtained the passage by the Congress and the President of a rider to an appropriations act which provided that deportation proceedings thereafter need not conform to the Administrative Procedure Act (8 U. S. C. A. sec. 155 (a)). The Immigration Service then remodified its procedures to return to the status quo ante. In so doing it made major changes in its procedure, set forth below (with references to the sections of 8 C. F. R.).

These modifications in procedure are set forth in some detail here not only to demonstrate the attitude of the Service toward procedural requirements which the Congress found desirable and necessary in all administrative proceedings, but also to shed some light upon the little known methods used by the Service in deportation cases. Those who have had experience with it recognize it as almost entirely unadorned by the fairness which Americans like to think their Government regularly affords all persons. Even the courts are generally unaware of the nature of deportation hearings. The bald statements appearing in the regulations, if they are envisaged in operation in a deportation case, may give some sense of the authoritarian nature of these hearings.

151.2: The hearing officer, who had purportedly been appointed pursuant to the provisions of section 11 of the Administrative Procedure Act, was no longer required to be so appointed.

151.2 (b): The hearing officer was no longer required to refrain from consultation with any person or party on any fact in issue without first giving notice and opportunity for all persons concerned to participate. It was stated that he should not perform any duties inconsistent with the responsibilities of an adjudicating officer "except as provided in this part." The inconsistencies between certain of his duties and his functioning as an adjudicating officer was thus expressly recognized but allowed by the Immigration Service.

151.2 (c): It was no longer required to inform the alien at the outset of a deportation hearing of the definition of and the penalty for perjury, or of the disabilities incurred under the act of March 4, 1929, respecting reentry into the United States after arrest and deportation. He was no longer to sit as a hearing officer alone, but was empowered to present to himself the evidence in the case which he was deciding. Except in certain types of cases, where an examining officer was appointed as prosecutor, he was to be the complainant, prosecutor, judge, and jury.

151.2 (d): It was no longer possible to have a hearing examiner disqualified by the filing of a timely and sufficient affidavit of personal bias or disqualification of such officer. His withdrawal was placed entirely in his own discretion.

151.2 (e): Examining officers were no longer required to obtain the permission of the hearing officer before lodging additional charges against aliens. This function was placed in the examining officer in cases where there was an examining officer, and in cases where no examining officer was appointed the hearing

officer would determine during the course of the hearing whether the evidence as it developed warranted the filing of additional charges. This placed a premium upon procuring and admitting evidence outside the issues stated in the warrant of arrest.

151.3: The regulations which during the period when the Administrative Procedure Act applied stated that the transcript of testimony and exhibits together with motions and other papers should constitute the exclusive record for the recommended decision of the hearing officer, was modified to provide that such matters should constitute "the record for the decision in the case."

151.4: This section, which had allowed submission of proposed findings of fact and conclusions of law by counsel for the alien, was revoked.

151.5: This section, which had required a recommended decision to be prepared by the hearing officer in which he gave due regard to the proposed findings submitted by the alien, was modified to provide merely that as soon as practicable after a hearing the hearing officer should prepare a decision setting forth a summary of the evidence adduced and his findings of fact and conclusions of law.

The official attitude of the Immigration Service is therefore one which seeks hearings which have been condemned by Congress and by the Supreme Court of the United States as unfair, unconstitutional, and highly prejudicial to the aliens whose fate is entrusted to the Service. It is not surprising, therefore, that this administrative agency follows certain other procedures not set forth in the Code of Federal Regulations but equally damaging to the rights of aliens and to all Americans. Thus the use of imprisonment without bail for aliens who have committed no crime and are not charged with the commission of and crime is a commonplace practice. Not only are aliens regularly imprisoned without warrant they are even placed in solitary confinement. The detention quarters provide no place for fresh air or exercise, and the conditions there are so depressing and unbearable that at San Francisco, at least, the detention quarters at 630 Sansome Street have been the scene of frequent suicide attempts on the part of aliens imprisoned there for long periods.

With regard to aliens who are suspected of being in the United States in violation of law or of being deportable on one of the many grounds available to the Service, the practices of the Service frequently reflect no concern whatever for the provisions of law. Thus aliens are asked to appear before the Immigration Service and are then placed under oath and examined, without counsel, frequently without interpreters where interpreters are needed, and their answers are recorded for use against them at a later stage of the proceedings when they may have obtained counsel and have some protection. The Service regularly uses questions prepared on printed forms for such interrogations. These questions are frequently so complex and presuppose such a knowledge and understanding of the law that they would be immediately objected to by any competent attorney. The testimony of frightened, friendless aliens, held incommunicado and examined in this manner, is nevertheless freely accepted over objection when it is subsequently offered in deportation hearings.

Part of the vice of this type of inquisition is that the alien does not know when nor whether he will be allowed to leave the detention quarters where he is questioned. Frequently he is not. He is often asked to report, supposedly to discuss a little matter of change of address of some vague question about whether his papers are in order. Once he has walked into the web, he is not allowed to leave. At some subsequent date a warrant is obtained for his arrest and is served upon him in his detention cell.

The discretionary power of the Attorney General to allow or to deny release on bond is exercised without regard to any regular published procedures and without any relation to the usual purposes of bond or bail. The district director of immigration and naturalization at San Francisco, Mr. Bruce Barber, has stated that it is the policy and practice of the Service to hold seamen, suspected of having overstayed their leave, without bail or bond until their deportation can be effected. This is done even where such detention means months of delay while the deportation procedure is followed. Recently in one such case while this policy was being followed, it required the filing of a petition for habeas corpus, setting forth that statement of the district director, to obtain the administrative release of the alien on bond. (See *In re Nikolas Guikas*, No. 31342 United States District Court, Northern District of California, Southern Division.) This was a case where the alien had been in the United States for a number of years, married to an American citizen, and where he had been casually asked at his place of business to drop into the immigration office at his convenience to check on the status of his papers.

At the present time a Filipino, a member of local 37, ILWU, is being held by the Immigration Service without bond while his petition for habeas corpus is being processed on appeal in the United States Court of Appeals for the Ninth Circuit. The alien is a Filipino who has been in this country for many years and who, if he had been charged with the commission of a crime, would undoubtedly be entitled to bail under both the State and Federal Constitutions and statutes. No reason whatever is given for the refusal to release this alien upon bond.

This matter of detaining aliens without bond frequently results in lengthy imprisonment, sometimes extending for years. See the article in the New Yorker, "a serious study of the practice of the service at Ellis Island," by A. Logan, appearing in the May 12, 1951, issue at page 56 of that magazine.

The prejudicial practices of the Service not provided for by regulations include the examining of aliens during deportation hearings on issues far outside the issues stated in the warrant of arrest. The purpose of this type of broad examination is to search for additional material upon which to base new charges to be lodged during the hearing itself. Since it is frequently necessary for the alien in a deportation case, in order to fully protect himself against the consequences of a possible adverse decision, to apply for discretionary relief from the Attorney General, he is often extremely loath to refuse to answer these questions. Nevertheless, they may go so far afield from the stated issue before the hearing officer that they seriously prejudice his rights and interfere with his opportunity to defend himself. Hearing officers have frequently taken the position nevertheless that any question is allowable if it has any possible bearing upon the status of the alien in the United States under the immigration and naturalization laws. This is a far cry from the standard of fairness which has long been accepted in America as requiring that the charges against any person called to account be known to him in advance, and he be given an opportunity to prepare for it.

The Immigration Service replies to this criticism that whenever a new charge is lodged, an opportunity is given to the alien to request a continuance for the purpose of preparing to meet the new charge. Since the evidence upon which the new charge is based is frequently sought and put into the record before the new charge is lodged, this answer is obviously not a serious one.

It is not only in hearings that the Immigration Service frequently departs from its proper role and from fair procedure. It has frequently injected itself into trade disputes. The experience of local 37, ILWU, in Seattle included attempts by the Immigration Service to interfere against unions there in the interests of employers. Thus, although there was no possible excuse for it and no excuse was offered, seven members of the negotiating committee of the union were arrested and imprisoned during the conduct of negotiating sessions while a trade dispute was in progress. These men, chiefly union officials, were Filipinos who had been in the United States and whose records and activities were well known to the Service for many years. No possible explanation for the timing of their sudden arrest and imprisonment could be supplied except that they were then engaged in negotiating for new contracts in accordance with our law.

Not only has the Service interfered directly in negotiations in the manner just related, but it has also exhibited its antiunion bias by questioning approximately 100 members of local 37, ILWU, with regard to union policies and union positions on matters of public affairs. The method of questioning used left no doubt that the purpose of these examinations was to intimidate the union members and to attempt to find among them persons who would testify against their union leaders. These were aliens who had applied for naturalization. The pressures that could be exerted upon them in such a situation are too obvious to need exposition.

These practices are the historic ones. Any study of the Immigration Service will reveal countless examples of such prejudicial misconduct on the part of immigration officers purporting to exercise the executive power of the Government of the United States without regard to the laws of the United States. The McCarran-Walter Act, when it goes into effect, will make many of the extralegal practices now followed lawful, assuming that the statute is itself constitutional. Thus it will be provided that aliens arriving at ports of the United States may be detained for so long as the Immigration Service finds it necessary to detain them, in order to allow their examination by immigration officers as to their right to enter the United States. The examination of aliens as to their right to remain in the United States aside from physical disease is en-

trusted to immigration officers. It includes an examination with regard to political ideas and affiliations of aliens in accordance with the exclusionary sections of the immigration law. Section 232 of the McCarran-Walter Act (hereinafter referred to as the act) in allowing examination by immigration officers therefore speaks not only of examination for disease but examination as to the state of mind and the political ideas of aliens. What may occur during such examinations would depend, of course, upon the particular purpose for the examination. The pressures that could be brought upon aliens seeking to enter the United States, who would be unable to obtain their release by any means until they satisfied their captors and jailors may well be imagined.

Under sections 233 and 235 of the act the power to require testimony under oath of persons entering the United States is extended to all persons (thus including citizens) entering the United States. In addition to questions regarding the right of aliens to enter or reenter the United States or remaining there, the Service may question any person "concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service." Books and records may be required to be produced, and the subpena power of the United States district courts may be obtained to force such production.

The experience of this union with the Immigration Service leaves no doubt that such power is dangerous, in part because it will be exercised by the Immigration Service to the prejudice of unions.

SUBSTANTIVE OBJECTIONS

Procedure aside, this union has many points of disagreement with the current law and with the McCarran-Walter Act. Some of these are matters of such widespread distaste that they will undoubtedly have been thoroughly covered by other organizations appearing before the Commission. Therefore we pass by, without more than mentioning it, the racist character of this legislation. Its effect on international trade in the Pacific area particularly is yet to be seen, but there can be little doubt that it will not foster good will and good trade relations. The conflict between the treatment required of the Philippine Government in dealing with American citizens in the Philippines, as contrasted with the treatment accorded Philippine citizens in the United States, is but one example of the variance between this legislation and our declared foreign policy and our treaties. The good will of Asia is generally regarded as essential to American security and prosperity. Legislation like the McCarran-Walter Act harms the entire Nation by worsening our relations with other nations.

An aspect of the statute that has received much less comment, but that is undoubtedly at least as important, is the delegation of almost unlimited discretionary power to the Attorney General. The extent of this delegation of legislative and executive power surpasses any statute recently enacted. It attempts to bypass the courts and to erect an unreviewable authority held to few of the requirements of law which our Constitution is generally thought to exact. Thus in section 103 of the act it is provided that "determination and ruling by the Attorney General with respect to all questions of law shall be controlling." In deportation matters where the Attorney General has the power to imprison or to release on bond, the act attempts to make the actions of the Attorney General unreviewable in court except by habeas corpus. The scope of habeas corpus even is restricted, so that the court may not review or modify the Attorney General's decision unless it is conclusively shown that the Attorney General is not proceeding with such reasonable dispatch as may be warranted by the particular facts and circumstances in the case of any alien (sec. 242 (a) and (c)).

In exclusion matters, where the Attorney General will be empowered by this act to exclude purported aliens who are in fact citizens of the United States, his decision is reviewable, but only by habeas corpus, providing the person excluded can get to the court. The more extended review of deportation orders which has recently been developed, allowing review under the declaratory judgment statute (*Kristenson* v. *McGrath*, 179 F. 2d 796) and review under section 10 of the Administrative Procedure Act (5 U. S. C. A. 1009); *Podovinnikoff* v. *Miller* (179 F. 2d 937 (3) Cir. 1950) is thus done away with.

In countless situations where the act sets up a rule or principle which is to be applied in a given situation, it allows the Attorney General in the exercise of his discretion to follow some other course of procedure if it seems proper to him. It is extremely difficult to obtain judicial review of the exercise of discretionary power by a Cabinet officer. Particularly when the statute authorizes the use

of secret information obtained by the Attorney General, which is not disclosed either to the alien or to the courts in certain types of proceedings, court review is almost wholly ruled out. This statute attempts to delegate to the Attorney General complete power over the fate of both aliens and citizens who may for proper reasons and in the exercise of their legal rights have occasion to attempt to enter the United States.

The most flagrant examples of this power are found in the provisions of sections 235 (c), 236 (a), and 360 (a). The first of these sections provides for the temporary exclusion of aliens who appear to immigration officers upon arrival to be excludable. Section 236 (a) provides that "proceedings before a special inquiry officer under this section * * * shall be the sole and exclusive procedure for determining admissibility of a person to the United States under the provisions of this section." As to aliens, this section means that any alien may be kept out of the United States by the Attorney General without any appeal to the courts if the Attorney General is satisfied that the alien is excludable "on the basis of information of a confidential nature, the disclosure of which the Attorney General in the exercise of his discretion * * * concludes would be prejudicial to the public interest, safety, or security." This exclusion is made without any hearing whatever. This section is taken from the McCarran Act of 1950 and has been upheld by the Supreme Court of the United States in *Knauff v. Shaughnessy* (338 U. S. 537, 70 St. Ct. 309). In that case the alien seeking to enter was the wife of a naturalized American who was serving in the Armed Forces in Germany. She sought to enter under the provisions of the War Brides Act in order to achieve American citizenship. She was not a stranger knocking at the gate, but one whose right to enter the United States was felt by several judges, including Justices of the Supreme Court, to be guaranteed by the War Brides Act. She was, however, excluded without any hearing and without any statement of the reasons therefor.

The procedure under discussion is serious enough when it is applied to aliens who have never been in the United States before. When applied to aliens who have taken up lawful residence in the United States and who have for sufficient reasons and with the permission and knowledge of the Government left the United States intending to return, it presents an even more unpalatable picture. The current case of Charley Chaplin may become an instance of the exercise of this power. But this procedure may be used to keep out of the United States a citizen born in the United States of American parents born in the United States.

The attempt to keep American citizens out of the United States is not a figment of the imagination of novelists. It is true that a novel has been written on this subject. See Washington Story, by J. A. Deiss (Duell, Sloan & Pierce, New York 1951). However, it has occurred and doubtless in many instances. In the case of *In re Kamaiko*, the Immigration Service sought to prevent the entry of an American citizen who had left the United States with a State Department passport for the purpose of setting up a unit of the United Seamen's Service in the Philippines. While he was in Manila his passport was required of him by the State Department and was not returned. He was given a certificate of identity under the provisions of the Nationality Code, which was designed to allow him to return to the United States in order to pursue there his judicial remedy under the Nationality Act for a declaratory judgment that he was a citizen of the United States. On his arrival in San Francisco bearing the certificate of identity, he was excluded without a hearing for confidential reasons which were never disclosed. In habeas corpus proceedings (*In re Kamaiko*, No. 29832) in the United States district court in San Francisco he obtained conditional release to enable him to pursue his declaratory-judgment action which had already been begun while he was still in Manila. In this action he was declared to be a citizen.

Now, however, section 360 (a) of the act states that no such action may be instituted in any case where the issue of such person's status as a national of the United States arose by reason of or in connection with any exclusion proceeding, or is an issue in any exclusion proceeding. Thus an American citizen arriving at a port of the United States, as to whom any immigration officer may determine that he is an alien and inadmissible to the United States, may be excluded from the United States without any opportunity to obtain any judicial determination of his status.

He may be imprisoned (sec. 233 (a)) and held for examination by a special inquiry officer. At such a hearing the public is not admitted. He may have one friend or relative present, under such conditions as may be prescribed by the Attorney General. Whether he may have an attorney present is not stated. In any event, in order to have an attorney present he must be at liberty to get in

touch with an attorney, and financially able to pay him. When one is imprisoned, his opportunity to communicate with the outside world is governed by his jailers. By the provisions of section 237 (a), any alien who is ordered to be excluded "shall be immediately deported to the country whence he came * * * on the vessel or aircraft bringing him, unless the Attorney General, in an individual case, in his discretion, concludes that immediate deportation is not practicable or proper."

This means that any person, alien or citizen, and regardless of his right to be and remain in the United States, upon arriving at a port of the United States from any place outside the continental United States, may be deported without any opportunity to consult an attorney, to obtain redress in the courts, to prove his American citizenship, or to achieve the rights which the Constitution of the United States guarantee to him.

If it is felt that this is a far-fetched interpretation of the statute, and one of which there is no real danger, the Commission is advised to read further.

Democratic trade-unions operate by means of conferences, caucuses, and conventions. Most trade-union constitutions provide that annual or biannual conventions are the repository of final authority on union matters. Even when not holding such large-scale meetings, unions constantly find it necessary to have officers of the unions traveling from headquarters to the various locals, and for officers of local unions to journey to the headquatrers of the international union. Under the McCarran-Walter Act this may well be impossible or foolhardy to attempt, in the event any delegate or agent is required to enter or reenter the continental limits of the United States. In the case of an alien member of the union, his right to reenter after leaving the United States or one of its possessions is absolutely nonexistent. In the case of a citizen, his right to reenter may be challenged in the manner discussed above, and he may be excluded as effectively as the alien. The experience of certain unions who have locals in Canada immediately comes to mind. Those unions have often been unable to have delegates from their Canadian locals participate in the union congresses.

But now, under the provisions of section 212 (d) (7), the entry of any alien to the continental United States from Alaska, Hawaii, or any other outlying possession of the United States, or the entry of any person leaving those possessions and attempting to enter any place under the jurisdiction of the United States, is governed by the exclusionary provisions of the immigration law, just as if our possessions were foreign countries.

In the case of members of local 37, this provision is likely to prove disastrous. These Filipinos, at least until recently nationals of the United States and possibly nationals of the United States at the present time (see sec. 308), are part of the labor force vital to two major west-coast industries. During the winter and spring seasons they are migratory agricultural workers in the west-coast agricultural empire. In the husbandry and harvesting of some crops they are indispensable, because their skill and experience is unequaled by any other group of workers. This is particularly true in the case of asparagus. Approximately 70 percent of the United States crop of asparagus is grown in California, and about two-thirds of that is grown in the delta of the San Joaquin and Sacramento Rivers, where Filipino members of this union harvest the crops.

At the close of the asparagus season at the end of spring, these workers migrate to Alaska, where they man and operate the herring and salmon canneries. They are taken on vessels or aircraft supplied by the canneries from Seattle to the various Alaskan ports, where they remain for from 2 to 4 months, depending on the location of the port with regard to the arriving of ice, and depending on the length of the fishing season. They work in the canneries long hours, at high speed, processing the fish as fast as it is caught and brought to shore. They live in barracks under conditions which most workers resident in the United States would reject immediately. Upon their return to Seattle at the end of the season they are ready to resume their work in the agricultural fields.

The Alaskan work provides a substantial portion of their yearly income. In particular, it provides a method of getting together a few hundred dollars to tide them over during the fall and winter months, when the demand for agricultural workers is very slack. Without this employment, many of them would doubtless become public charges and subject to deportation under section 241 (a) (8).

Yet, these Filipinos now face an almost insuperable obstacle to pursuing this vital part of their yearly toil. Not only does the act now provide that upon their return to the United States from Alaska they may be excluded, but the

Attorney General's agent in Seattle, District Director John Boyd, has announced that they will be excluded if the Attorney General finds them undesirable. In the cases of cannery workers who leave Alaska by air, they may be excluded while still in Alaska and before they are allowed to embark for the United States. In the cases of those who arrive by vessel, they may be excluded at that point and deported to the country from which they originally came. That this is the program of the Immigration Service has already been announced by District Director Boyd, according to an article appearing in the Seattle Times for September 21, 1952, a photostatic copy of which is attached hereto.

Nor is the program of the Immigration Service restricted to the exclusion of aliens who arrive in the United States from Alaska or Hawaii. The warning which was sounded by the publication of Washington Story, the novel referred to above, has now reached its fulfillment. In that novel the principal character is an American citizen who is excluded from the United States upon her return from abroad because she is unable to establish her American citizenship. She is unable to establish it because she cannot obtain a birth certificate, a condition which applies to thousands of Americans today.

According to the district director of immigration for the Seattle area, it is now the intention of the Immigration Service, beginning on Christmas Eve of 1952, to exclude from the United States not only aliens who attempt to return from Alaska or Hawaii, but also citizens. They will be excluded from the United States if the Attorney General finds that they are subversive, criminals, or otherwise undesirable.

CONCLUSION

The broad purpose of the appointment of this Commission by the President of the United States was to determine what are and what should be the immigration policies and practices of the Government of the United States. Even the most cursory examination of the present policies and of the ones about to become law on December 24 of this year demonstrate that this Nation, the guardian and protagonist of freedom throughout the world, the shining example of democracy as a theory and in practice, has adopted an attitude toward aliens both within and without its borders, and even toward its own citizens, which is completely inconsistent with all of our international professions of virtue. We do not allow to aliens the procedure which we deem necessary, and indeed constitutionally guaranteed, to one who is accused of violating a traffic ordinance regulating parking. We declared in our Declaration of Independence, and we stated in our Constitution, that all men are entitled to be considered as equals and that this applies regarless of race, color, national origin, or previous condition of servitude. In our immigration laws we proceed upon theories which have been denounced by the overwhelming majority of serious scientific students of races and language groups. We have recently concluded a tremendous international war in which our opponents advanced theories which were denounced as so vile that their implementation led us to the completely unprecedented step of setting up an international tribunal which punished the leaders of the nation with which we had been at war. Those war criminals were put to death or imprisoned in many instances because they announced, furthered, or enforced policies based upon such concepts of race. We now embody policies which are based upon the same completely indefensible precepts and premises in our immigration law.

If we believe in our organic law, if this is in fact a Government deriving its powers from the consent of the governed, and a Government of granted and limited powers, then this statute must be removed from the books. This presentation has not mentioned, because it needs no mention, the contribution made to our society by those ultimately derived from stock foreign to American shores. Probably every legislator or administrator who has had or will have any immediate concern with the formation and implementation of American immigration policy is either an immigrant or the descendant of an immigrant. It may be, although there has so far been no effort to so demonstrate, that it is necessary to drastically curtail the influx of oppressed peoples to the United States. If so, there is no difficulty whatever in achieving that result in a way consistent with our fundamental law and with our announced foreign policy. Our failure to do so stands naked, without excuse and inexcusable.

GLADSTEIN, ANDERSEN & LEONARD,
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[The Seattle Times, Sunday, September 21, 1952]

Immigration Agents To Screen Alaska Tourists

Beginning Christmas eve, immigration officers will meet every ship coming to Seattle from Alaska, and anyone on board who can't prove he's an American citizen—and a desirable one, at that—will be refused permission to walk ashore, John P. Boyd, director of the Immigration Service in Seattle, said yesterday.

Boyd has spent the past several weeks planning the procedure that will be followed in administering a new Federal law which sets up the same requirements for travelers coming from Alaska as now exist for those coming in from a foreign country.

"I'm not absolutely sure what procedure will be followed," Boyd said yesterday, "but I believe that anyone coming to the States from Alaska by plane will be examined in Alaska, but those coming by ship will be examined after they arrive."

The difference results from the fact that the Immigration Service has agents at all Alaska airports at which planes take off for the States, but it does not have agents at all the coastal points served by ships.

"Everyone coming in from Alaska must be able to satisfy the examiner that he is an American citizen," Boyd said.

"The procedure will be similar to that now followed at the Canadian border. An American does not have to have a passport, and there are no specified documents which he must carry, but he must be able to satisfy the examiners that he is legally entitled to enter the country."

But American citizenship will not be enough to get an American from Alaska into one of the 48 States. Certain undesirable persons, such as criminals and subversives, will be kept out, even though their citizenship is not disputed.

The same rule applies to persons entering the United States from Hawaii, Puerto Rico, Guam or the Virgin Islands. The rules are established by the new McCarran Act, which goes into effect December 24.

The new rules mean that a person who goes to Alaska to work or for a visit should be sure before he leaves that he will be able to return.

An ex-convict, for example, is free to move around the United States, if he has served his term, and he can go to Alaska without any hindrance. But under the new law he won't be able to come back again until he has a full pardon from his governor, or from the President, if the convict served time in a Federal prison.

Statement of National Union of Marine Cooks and Stewards

INTRODUCTION

The National Union of Marine Cooks and Stewards is the union representing at least 95 percent of the stewards' department employees sailing aboard American-flag vessels from west-coast ports, and the ships of west-coast steamship companies that sail from eastern ports. This constitutes a large portion of the American merchant marine. The stewards' department aboard most vessels, particularly the passenger vessels, is the largest department in the vessel's complement.

This union is a particularly noteworthy example of the successful application of American principles of equal treatment without regard to race, color, or creed. A large percentage of the members of the union are Negro Americans, and there are within the union many seamen of Chinese, Japanese, and Filipino ancestry, including some who are aliens. The union has obtained for its members the most advantageous wages and working conditions available to any seamen anywhere in the world. Under prolonged and repeated jurisdictional raids by other maritime unions, which do not follow the principle of nondiscrimination, it has successfully held the loyalty of its members. At the present time a National Labor Relations Board election is in prospect to determine whether this or another newly formed union shall represent stewards' department personnel on the west coast. Pending the holding of the election, men are being dispatched to seagoing employment from a neutral office, in which the men indicate their union preference. The preference of the seamen has been overwhelmingly in favor of this union despite the attempts of other unions to smear and raid it, so that more than 90 percent of the registrants have designated this

union. This is mentioned because it demonstrates the success which can be achieved by treatment equal to all.

The philosophy of the McCarran-Walter Act and of the immigration provisions of the McCarran Act of 1950 are wholly foreign to the policies and practices of this union. Nevertheless, the racist character of the law and the general philosophy which forms it is not the subject of this statement. Those matters have been eloquently covered by most of the organizations that have condemned the bill, including President Truman and all the presidential candidates. This statement is concerned with the provisions of the McCarran-Walter Act which deal with alien seamen.

The provisions regarding alien seamen cannot be separated from the act as a whole, of course. The overwhelming authority which this act gives to the Attorney General and to the Immigration Service is one of the reasons why its provisions regarding alien crewmen must be regarded with alarm. The experience of this and other unions with the Immigration Service has led it to expect nothing but hostility and interference with union activity from the Service. When the power of the Service is increased, as it is by this statute, it must be anticipated that the attempts of the Service to intimidate members of progressive unions like this one will be increased in scope and power.

Since many members of the union are aliens who desire to obtain American citizenship, the union is interested not only in the sections regarding control of alien crewmen but also in the provisions of the law with regard to naturalization and the residence requirements for seamen. This will be discussed in one section of the statement.

CONTROL OF ALIEN CREWMEN

The principal provisions of the McCarran-Walter Act (hereinafter referred to as the act) to which this union takes vehement exception are contained in chapter 6. There are other sections, however, which need some initial consideration. First is the modification in the definition of "seaman." Under existing law a seaman is referred to as "bona fide seaman serving as such on a vessel arriving in a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman" (8 U. S. C. A. 203). This definition has been in use for many years. There does not appear to be any difficulty in the use of the definition, and it is puzzling to find that the definition has been changed by the act. It now defines in a section analogous to section 203 of title 8, a seaman as "an alien crewman serving in good faith as such in any capacity required for normal operation of service on board a vessel * * * who intends to land temporarily and solely in pursuit of his calling as crewman and to depart from the United States on the vessel or aircraft on which he arrived or some other vessel or aircraft."

These definitions appear in sections setting forth aliens who are not immigrants and not subject to the documentary and other requirements for the entry of immigrants. Two questions arise with respect to this definition. First, why is it now placed within the power of the Immigration Service to determine whether or not a crewman signed on the articles of a vessel arriving in the United States is "serving * * * in any capacity required for normal operation of service * * *"? Immigration officials are certainly not the best qualified persons in the world to determine what is required for the normal operation of the vessel, and it is a subject which would not ordinarily be entrusted to them for determination. When the power to make a determination on that subject is coupled with the power to exclude and deport or to grant, refuse or cancel conditional permits to land temporarily, the possibility exists that seamen who are bona fide seamen serving as such on vessels and seeking to enter the United States in pursuit of their calling alone, may be arbitrarily ruled out, excluded and subjected to harassment on the ground that their capacity aboard the vessel is not necessary to normal operation of the vessel.

Were the Immigration and Naturalization Service an ordinary governmental department administering the laws in accordance with the intention of Congress and in accordance with the Constitution and statutes of the United States generally, perhaps no prejudicial effect should be anticipated from this enormous power. The history of the Immigration Service, as viewed by countless organizations formed to aid aliens and immigrants, by congressional investigating committees and by the Supreme Court of the United States, as well as by this union, demonstrates that it is not such a branch of the Government. Any accretion of its power is therefore to be feared by alien seamen.

The second question that arises in connection with this change in definition is that the classification of an alien seaman as an alien crewman exempt from the requirements of passports, visas, etc., depends upon a determination by an immigration officer of whether or not he intends to land temporarily and solely in pursuit of his calling and to depart on the same vessel or aircraft or some other vessel or aircraft. The determination by an immigration inspector that an alien seaman did not intend to depart would automatically make him subject to all of the documentary and other requirements for the entry of immigrants into the United States. If he is without documents he may be excluded. No court review of any such determination is anywhere available to the alien. Thus at one stroke the power is given to the Immigration Service to immediately and irrevocably remove all the exemptions and special treatment given to alien seamen by an immigrant inspector's determination about the state of mind of an alien seaman.

Putting aside for the moment the question as to who may be held to be an alien crewman within the provisions of chapter 6, there are several provisions in that chapter which require some comment. The first of those is the addition to the law of a criminal penalty for overstaying the leave granted to a seaman. This appeals in section 252 (c). The difficulties that beset seamen, particularly alien seamen, in attempting to ship out after they have been paid off a vessel are immediately apparent when any attention is directed to the problem. In the maritime industry unfortunaely trade disputes are not unknown. When these occur no alien seaman can obtain employment unless he sails as a strikebreaker. Generally speaking, even that employment is not open to him, because under the laws restricting the percentage of the crew who may be aliens, it is impossible for the ship to be manned by aliens, and seamen in general do not ship as strikebreakers.

The Coast Guard's blacklisting program, purportedly conducted under the authority of the Magnuson Act (Public Law 679, 81st Cong., 2d sess.) is another hurdle which many alien seamen find it impossible to overcome. Under that program seamen are listed as poor security risks because of their suspected affiliation with any organization listed by the Attorney General or any other organization which the Coast Guard deems worthy of censure. Such a seaman cannot sail aboard any vessel. He is blacklisted in this manner before, not after, there is any opportunity for him to contest the allegation that he is affiliated with such an organization. He is never given a hearing in the ordinary sense of the word; he is never confronted with witnesses against him; his sole remedy is to appear before a board dominated by a Coast Guard hearing officer to present what he may feel will move the Commandant of the Coast Guard to make a redetermination of his case. A seaman who has been slandered by some personal enemy may therefore find it impossible for him to leave the United States within the time allowed by his conditional permit to land.

The restrictions on the number of alien crewmen who may sail aboard American flag vessels and particularly aboard vessels which receive a subsidy from the Government means that the number of jobs for alien seamen is quite restricted. In times when shipping is slow (that is, whenever international trade is adversely affected, as it undoubtedly will be by the provisions of this act), alien seamen may have to remain on the beach for many days in excess of the number of days allowed. Under former law this ordinarily resulted in no penalty to the seaman. Even if he was picked up and ordered deported for overstaying his leave, it was ordinarily possible for seamen to obtain voluntary departure in lieu of deportation. The practice of the Service was to allow him to choose his own vessel and sail aboard her. Now, however, in cases in which the Service desires to press for a further penalty, as it may do in the case of alien seamen who do not cooperate with the Immigration Service in its various antiunion endeavors, the seaman may find himself convicted of a crime and fined $500 or imprisoned up to 6 months. After he gets out of jail, he then, of course, would be immediately deported and he would be in no position to request any discretionary relief, such as voluntary departure in lieu of deportation.

Another provision of section 252 of the act which is even more prejudicial and for which there is even less excuse is the provision of subsection (b). That provides that any immigration officer may in his discretion, if he determines that an alien is not a bona fide crewman or does not intend to depart on the vessel which brought him, revoke the conditional permit to land which had theretofore been granted him. After the revocation of such a permit, the master of the vessel may be required to take such crewman into custody and to detain

him until he is deported from the United States. In order to make it perfectly clear that this cancellation of a permit and this deportation is to be purely discretionary with the immigration officer, and without the slightest vestige of any hearing or trial whatever, it is specifically provided that nothing in the section shall be construed to require the deportation procedure, as specified in section 242 of the act, deportation procedure to be applied in the case of a seaman whose permit has been revoked.

This places alien seamen who are allowed to land in the United States as seamen completely in the power of immigration officials. When the history of the Immigration Service is recalled, when the use of perjured stoolpigeon witnesses in the various deportation actions against Harry Bridges is recalled, it is apparent that this grant of power to immigration officers is fraught with grave dangers to all seamen. And if there is any prejudice to a nation which permits such departures from its normal modes of operation and its normal legal procedures, then this is dangerous to the United States as a whole.

Of tremendous importance also is the provision in section 256 that it shall be unlawful to pay off or discharge any alien crewman, except an alien lawfully admitted for permanent residence, without first having obtained the consent of the Attorney General. This section purports to be aimed at preventing aliens from coming into the United States as seamen, jumping ship here, and remaining in the United States. See the discussion by Alfred U. Krebs, counsel for the International Federation of American Shipping, Inc., and members of the subcommittees, at pages 161 and 162 of record of joint hearings before the subcommittees of the Committee on the Judiciary, Eighty-second Congress.

The most cursory reading of the provision demonstrates that it cannot possibly prevent this. As Representative Walter remarked during the course of the committee hearings, the immigrant inspector who determines whether aliens may be granted or denied a conditional permit to land temporarily must make his decision on the basis of the intention of the seaman. Administratively when permission is requested of the Attorney General to pay off an alien in the United States, the immigrant inspector who made the determination with regard to the conditional permit to land is going to inform the Attorney General for the purpose of the Attorney General's decision. No other basis for the Attorney General's decision can be supposed. Unless the Immigration Service is endowed with some supernatural power, with which the act does not purport to endow it, the Immigration Service will be no more able to determine whether the alien intends to jump ship and remain in the United States after this act is passed than it was before.

The laws require that seamen arriving in ports be paid within a very few days and be given partial pay in the form of a draw immediately upon arrival, so that this section cannot achieve the objective of excluding aliens who intend to jump ship by rendering them penniless.

The effect that this section of the statute is very likely to have is that it will end forever the ability of alien seamen sailing regularly on American-flag vessels as bona-fide seamen to continue their calling on such ships. Many such alien seamen have been sailing in hopes of obtaining the necessary residence for naturalization by service aboard American vessels. A great majority of them undoubtedly were attracted to American vessels during the war, when their services were urgently needed and sought by the Government of the United States. If such seamen are unable to pay off a vessel in an American port, rest and reship, it is only a matter of time, and a short time at that, before they will be unable to sail on American flags at all. They are subject to fine and imprisonment if they overstay their leaves if they should be paid off; they must envisage a period of continuous sailing without any relief if they are not paid off, because it is ordinarily impossible for them to leave the vessel in a foreign port after signing on in an American port. If they do pay off in a foreign port, they then cannot sign on an American vessel again. These seamen whose service in torpedo-ridden waters during the war contributed a great deal to the victory of American arms are now tossed on the scrap heap.

In addition to the provisions of chapter 6 relating directly to alien crewmen, the provisions of the act regarding exclusion, including exclusion of aliens arriving from Alaska and Hawaii, make it extremely perilous for any alien, or any person of alien birth or who may for any reason appear to be an alien, to sail as seamen aboard American vessels. In view of the political tests that are applied by the United States Coast Guard under the Magnuson Act, it is a near certainty that such attitudes will be reflected by the Immigration Service. It must be

expected that many alien seamen will, after the effective date of this act, be excluded for confidential reasons which are never disclosed to the alien, as provided in section 235 (c). The provisions of that subsection are explicitly made applicable to alien crewmen by a procedure almost without warrant for its summary nature, and its lack of any control by the judiciary. Any alien, and even any citizen, who may appear to an examining officer or a special inquiry officer to be excludable may find his right to enter the United States completely barred. If this occurs, he is without any redress. If he claims to be a citizen of the United States, the courts will have no jurisdiction of any attempt by him to obtain a declaration that he is such a citizen. This is because of revision worked by this act on the Nationality Act of 1940. Section 360 (a) provides that no declaratory judgment action to determine United States nationality may be filed where the issue of any person's status as a national of the United States arose by reason of or in connection with, or is an issue in, any exclusion proceeding.

Another section of the act not specifically directed at seamen but which would by its terms apply to seamen is section 235. This allows an immigration officer to board and search any vehicle, including ships, in which they believe aliens are being brought into the United States, and to take evidence of or from any person touching the privilege of any alien or any person the immigration officer believes to be an alien to enter, pass through, or reside in the United States, and so forth. Then follows a provision that any person coming into the United States may be required to state under oath the purpose for which he comes, how long he intends to stay, whether he intends to remain and, if he is an alien, whether he intends to become a citizen. A further provision is that any immigration officer may have the power to require the attendance and testimony of witnesses and the production of books, papers, and documents concerning the privilege of any person to enter, reenter, reside in, or pass through the United States, or concerning any matter material and relevant to the enforcement of the act or the administration of the Service. These provisions, if applied to merchant seamen, mean that any seaman arriving on a vessel may be required to state under oath his purpose in coming to the United States, and required to state under oath any information he may possess regarding other seamen who may be aliens possibly subject to exclusion or deportation. If the Immigration Service intends to pursue the policy announced by District Director Boyd in Seattle, Wash., in December, as reported in the Seattle Times for September 21, 1952, the Service will be interested in excluding citizens of the United States who are deemed to be subversive, criminal, or undesirable. In that case every seaman arriving aboard a ship may be required to testify under oath against other seamen regardless of citizenship or nationality, and be liable to contempt of court for a refusal to so testify or to the penalty for perjury in the event the truth of his testimony is successfully attacked. Furthermore, since the testimony that is sought may concern any matter material and relevant to the enforcement of the act and the administration of the Service, no limits to the scope of such inquiry can be discerned.

These new provisions of the immigration law may well form the basis for an attempt to delve into the books and records of unions and similar organizations, particularly of maritime unions, for the purpose of conducting illegal investigations under guise of enforcement of the immigration law. In the case of a union or other group or organization which may be in the disfavor of the Immigration Service or of the administration generally, the attacks that may be expected from this direction have no bearing whatever on the lawfulness of the union's activities or of the deportability of its members. The spectacle of congressional committees holding investigations of trade-unions at moments crucial to trade disputes and collective-bargaining sessions is not a new one. The subcommittee of the senatorial Committee on the Judiciary which has been conducting investigations of unions under guise of an investigation of the administration of the Internal Security Act of 1950 is but one example. The activities of the Un-American Activities Committee is another familiar one. There is no reason whatever to expect that the Immigration Service will not be engaged in the same sort of activity and, indeed, the experience of some unions indicates that this is a role which the Service plays regularly.

When it is recalled that maritime unions man vessels which are secondary only to the Navy as a line of defense of the country, and that extraordinary measures outside the scope of any law thus far declared by our courts have been instituted under the purported authority of the McCarran Act, it requires no stretch of the imagination whatever to envision the use of the new power given to the Immigration Service to examine into the conduct of strikes, lock-

outs, stop-work meetings, and other union actions which interfere with the operation of vessels. Such investigations under the guise of seeking aliens who are deportable because subversive, may extend to any member of a maritime union. No reason for these extraordinary provisions of law can be supposed except to implement the purpose outlined above.

No other law-enforcement agency, not even the services concerned with the criminal law, have such sweeping powers of investigation by the use of the subpena power. Not even officers of the Federal Bureau of Investigation are empowered as immigration officers are to, without warrant, stop and search any vessel or other vehicle in which they believe aliens may be concealed; to interrogate any person believed to be an alien or any alien as to his right to be or remain in the United States; to arrest any alien "if he has reason to believe that the alien * * * is in the United States in violation of any * * * law or regulation and is likely to escape before a warrant can be obtained." These powers are given the immigration officers by section 287 (a). When considered in conjunction with the power to subpena and require testimony under oath of any person, as discussed above, this means that the Immigration and Naturalization Service considered as a law-enforcing agency is enabled to inquire into the affairs of any person, requiring him to answer questions under compulsion, without presenting any accusation or indictment and without any warning to the victim of what may be contemplated. In the case of anyone suspected of being in violation of the law all of the safeguards ordinarily granted by our law which enable him to refuse to answer any questions until he is definitely accused, arrested, and arraigned for trial are all swept away. The Immigration Service may become an inquisition.

NATURALIZATION OF SEAMEN

After discussing the provisions of the act which seriously threaten maritime unions and seamen, it is pleasant to be able to commend one section of the act. That is section 330, providing for credit for time served aboard American vessels in computing residence for naturalization. This partially restores the provisions of section 325 (a) of the Nationality Act of 1940 in effect prior to its amendment by the McCarran Act of 1950. Particularly important is section 330 (a) (2), which allows seamen who sailed on American vessels for 5 years or more prior to September 23, 1950, to use such service as satisfying the residence qualifications of the naturalization sections, without establishing lawful admission for permanent residence. This remedies an injustice done to seamen by the McCarran Act of 1950 and gives due credit to those alien seamen who so bravely manned many American vessels during the days of the submarine menace and Kamikazi attack during the last war.

Still lacking, however, is a full restoration of the provisions of the Nationality Act of 1940 as it existed prior to the McCarran Act of 1950. The alien seaman sailing now aboard American vessels is unable to count the time that he serves in that manner for citizenship unless he is admitted for permanent residence. In view of the drastic restrictions of quotas and the fact that seamen particularly are ordinarily in very poor position to obtain quota visas, this means that for all practical purposes seamen who serve aboard American ships today may not become naturalized citizens. The division of quotas into several preference lists by section 203 reduces to practically nothing the quota available for aliens who do not already have some attachment to the United States which would entitle them to a preference position. This is particularly true in the case of aliens from the Asiatic area, among which most of the aliens in this union are numbered.

The closed-door policy which this act imposes on the United States by the quota system has been adequately discussed and condemned by many witnesses before the congressional committees who held hearings on the act and before this Commission. It is not the primary subject of this statement. It should be emphasized, however, that with regard to seamen the quota provision makes it almost impossible for any alien seaman now sailing aboard west coast vessels to obtain citizenship based on his service.

World War II saw the rise of the United States to first rank among maritime powers. Our merchant marine is now far in excess of anything it has ever been before, and is the largest and most powerful merchant marine in the world. The law has already established a policy of having these vessels manned primarily by American citizens. The number of alien seamen allowed to sail on American vessels is small indeed. Whether the law should in addition to these

provisions also bar alien seamen who do sail on American ships from citizenship is another question.

Seamen are recognized as valuable citizens. Their lot is a hard one and our law has consistently accorded them special protection. Thus they are the wards of the admiralty court and are entitled to certain benefits not given to any other group of workers; as for example, the liability of the vessel without fault in cases of injury caused by unseaworthiness, and maintenance and cure. Presumably alien seamen share in the values which the law finds in citizen seamen. What reason there can be therefore for discriminating against alien seamen, who are in most instances in no position to obtain quota visas, has never been explained. It is the position of this union that the provisions of the Nationality Act of 1940 as they existed prior to the McCarran Act of 1950 should be restored and remain as part of our basic immigration law.

GLADSTEIN, ANDERSEN & LEONARD,
LLOYD E. MCMURRAY,
Attorneys for National Union of Marine Cooks and Stewards.

The CHAIRMAN. Mr. Charles Pingham, you are scheduled as the next witness.

STATEMENT OF CHARLES A. PINGHAM, REPRESENTING REV. ABBOTT BOOK, EXECUTIVE DIRECTOR OF THE NORTHERN CALIFORNIA, NEVADA COUNCIL OF CHURCHES

Mr. PINGHAM. I am Charles A. Pingham, 83 McAllister Street, San Francisco.

I am representing Dr. Abbott Book, who is the executive director of the Northern California, Nevada Council of Churches. This is an organization to which belong about 24 of the major Protestant bodies in northern California and Nevada, and in a word is to the church as much as the chamber of commerce would be to business, to put it in the vernacular.

The CHAIRMAN. How many people are represented in the council?

Mr. PINGHAM. That is hard to say. Nationally this is an affiliate of the National Council of Churches, which has recently published it represents about 30,000,000 Protestants, and we would represent a small segment of that membership in this northern part of California and Nevada. I couldn't state with any accuracy what that might be.

The CHAIRMAN. We would be glad to hear anything you might want to state.

Mr. PINGHAM. Well, sir, we do not intend to convey that we are experts in this field at all. I can't in any sense pinpoint any of the objections. I would like to make three or four general statements, if I might. This is based pretty largely on the public pronouncements of the National Council of Churches which was made public sometime ago.

First of all, we believe this system of national origins and its basic principle for quota purposes is wrong, because of the fact that it is too static; it is somewhat archaic. It definitely seems to be slanted against certain portions of the world and, based on Christian principles, the national council and the Northern California Council believes that it is unduly discriminatory, therefore, and does not provide the flexibility—that is, really the principle—which the present-day situation seems to demand.

Secondly, the national council and the Northern California Council believes that it is unduly discriminatory and that the new law should try to eliminate the discrimination against color, race, sex, and so on,

which it did only in part; and finally, they felt that there should be a better system of appeals and hearings on applications for a visa and deportation procedure, and so on.

One area in which we are particularly concerned has to do with the business left over from the Displaced Persons Act, in which the national council and the various churches along with all the sister organizations were very active.

It is felt, and this provision was not taken into account in the new law, although it was proposed, that some legislation should be enacted providing for taking care of unfinished business that was not taken care of when the Displaced Persons Act came to an end last year. That has to do principally with those people who were in the pipeline, so to speak, who were not able to obtain visas by December 30, 1951, with those people who should have had a larger proportion of visas, perhaps, and with those people, at least our fair share, let's say, of those people who came into the western areas from behind the iron curtain after January 1, 1949, which was the cut-off date of the amended Displaced Persons Act which did come to an end.

Finally, a word of personal experience. We were fortunate enough along with many others. We had a small part in receiving some of the White Russian refugees from the island of Samar here in San Francisco. As you know, the ships came directly to this port, and while we must admit that there were some break-down cases, it certainly is true that the vast majority of the people with whom we dealt were the most outstanding people from the standpoint of basic material for citizenship that it has been our pleasure to deal with.

And also, we might say that the national council through its department of church world service has for many years been involved in a material-aid program, both clothing and food sent overseas. It is an arm of the Protestant Church. While they feel that this material aid goes a long way to help democracy, if they have a little food in their stomach and are a little warmer, we do feel, sir, that on Christian principles which our Nation was founded the items we have mentioned here would be important and, therefore, we are glad to express our opinion in that way.

The CHAIRMAN. Will you tell us, Mr. Pingham, what has been your experience in resettling displaced persons in that program and was there room for them?

Mr. PINGHAM. Well, sir, all I can say is this: Of course you understand that we only participated in a small part of this. There were many, many other agencies involved, but from our own standpoint there was certainly room for them. As a matter of fact, my office receives calls daily now of people who would like to have displaced persons and they are not able to get them. They seem, the people we have had, seem to be anxious to please in every respect, and they seem to want to comply with every provision so that they can be real citizens. As a matter of fact, they sometimes make you sit up and take notice and remember some of the things that you may have forgotten.

The CHAIRMAN. In your opinion is there a real need that still exists for the use of displaced persons or expellees or refugees?

Mr. PINGHAM. Yes, I would say that, sir. Of course, I am speaking for one segment of society now. Our work has been almost entirely through the churches and from that standpoint we are con-

tinuously at this moment getting calls from churches and church groups and church people who would like to have displaced persons and would sponsor them if the opportunity were presented.

The CHAIRMAN. Well, what has your experience shown with respect to the kind of people who are wanted? Are they farming people or skilled people, or what?

Mr. PINGHAM. Well, of course, there has always been a problem on the basis of skills, of the professional people. They have definitely been at a disadvantage. The majority of people that have been placed have been in one of three or four categories, sir. Farming people, for example, couples who might go into a farm community on a farm and the man would do work on the farm and the woman would work in the home; domestics in large number, or a combination domestic-janitor-custodial jobs, caretakers, things of that kind have predominated. Custodians and caretakers for churches and church groups, church organizations and church buildings and divinity schools, and so on. There have been some skills, printers to a certain extent. There have been a number who have gone to work for such—well, the airlines out here at the airport, in lesser skilled ways. Those are predominantly the categories in which they have fallen.

The CHAIRMAN. Well, in your experience, the areas that you know about, would you say that the need for labor is greater in rural areas than it is in urban areas?

Mr. PINGHAM. Well, predominantly our call has been from, shall we say rural or semirural areas surrounding this bay area and away from the bay area. They seem to have difficulty in getting people together out into those areas some times, to go to those areas, and the displaced persons for the most part have been quite willing to do that. They have been very adaptable and they work, and have worked out very well; not 100 percent, sir, but as a vast majority.

Commissioner FINUCANE. In your present calls you have been receiving for these DP's, do they fall into the same categories, farmers, et cetera?

Mr. PINGHAM. Roughly, sir, that is correct.

The CHAIRMAN. Thank you very much.

Mr. PINGHAM. Thank you, sir.

The CHAIRMAN. Is Mrs. Druzilla Keibler here?

STATEMENT OF MRS. DRUZILLA KEIBLER, REGIONAL SECRETARY, LUTHERAN WELFARE COUNCIL OF NORTHERN CALIFORNIA

Mrs. KEIBLER. I am Mrs. Druzilla Keibler, 2731 K Street, Sacramento, Calif., regional secretary of the Lutheran Welfare Council of Northern California, which I am representing here.

I have a prepared statement I wish to read on behalf of my organization.

The CHAIRMAN. We shall be pleased to hear it.

Mrs. KEIBLER. In connection with the scheduled hearing before the Commission on October 14, 1952, in San Francisco, I submit the following observations and recommendations:

The files in the Sacramento office of Lutheran Welfare Council of Northern California today revealed that of approximately 90 family units of displaced persons and ethnic Germans approximately 33⅓

percent own automobiles, 10 percent own real estate, and that they are 100 percent employed.

The files further indicate a backlog of unfilled orders for approximately 500 workers from Europe, predominately domestics.

I have analyzed the proposed special immigration legislation designated H. R. 7676 and S. 3109 and respectfully recommend revisions as follows:

1. Special nonquota immigration visas to certain refugees, persons of German extraction expelled from Soviet-dominated countries, natives of all sections of Germany, including Berlin, natives of Italy, Greece, and the Netherlands, and for other humane purposes.

2. Provisions: (*a*) Grant 222,000 visas per year—120,000 to persons of German extraction expelled from Soviet-dominated countries, not limited by dates of entry into western zone; 40,000 to German nationals in Germany, including Berlin; 7,500 to Greek nationals in Greece; 40,000 to Italian nationals in Italy and Free Trieste; 7,500 to nationals of the Netherlands; 7,000 to refugees residing in certain designated areas (Estonians, Poles, Latvians, Lithuanians, Georgians, Slovaks, Ukrainians, Byelorussians, Armenians, Czechs, Hungarians, Croats, Serbs, and Slovenes).

(*b*) Do not require assurances for prospective immigrants to be executed by citizens providing for housing, employment (too difficult to obtain, a source of friction and maladjustment).

(*c*) Require character references, literacy tests, and written report on each person who would be considered for admission under this act. Do not require good faith employment oath before granting visa (often a disadvantage to immigrant).

(*d*) Do not give preference to farm and other workers possessing scarce skills needed in United States. (Democracy allows freedom of occupation.) Do not give preference to blood relatives of people in United States. However, relatives of American citizens might well be sent to same original locality of good advantage—but without obligation to or for either.

(*e*) Provide regulations governing the Commission to be established to administer the act, to include an adequate number of social workers for proper handling and follow-up (possible ratio 1 to 1,000). (Suggest written report on follow-up annually for 4 years, then fifth report to recommend for citizenship or deportation. If deported, allow for reentry after 1 year.)

(*f*) Exclude Communists and subversives.

(*g*) Enable the President to provide facilities for the temporary care, registration, transportation, vocational training, education, and resettlement of all refugees, as needed.

(*h*) Become law for a period of 10 years ending June 30, 1963, immediately upon passage by Congress.

Additional recommendations for both nonquota and quota immigration:

1. More orientation needed before immigrant arrives in United States.

2. A minimum of English schooling should be required, either before or immediately after arrival.

3. Must become citizen at end of 5 years or be deported, exceptions possible under certain circumstances, as outlined beforehand. Reentry possible after 1 year under quota immigration.

4. Raise the quota immigration quota, generally.

5. Do not require affidavits of support for quota immigrants. Send in care of social workers for distribution and placement.

Perhaps we need a permanent Committee on Immigration who regulates immigration on the basis of need, both as to the numbers we can absorb here and the need in the other area, and ask for approval of Congress at each session of the estimated need for any particular year. This could eliminate quotas entirely and create good will among nations. If we set up a definite quota system this year it may be obsolete next year.

The CHAIRMAN. Could you give us an idea of how many are in the organization you represent? The local one?

Mrs. KEIBLER. In the Sacramento office. Well, I would like this to be as a personal observation from work with these people, because our organization will be represented later today.

The CHAIRMAN. I see. That is just your own idea?

Mrs. KEIBLER. Yes, from handling these people. We have in the Sacramento areas, I have the names and addresses of 96 families on this list, which I am going to give to you, half of which are DP's who came before a year ago and I have only been in that office 1 year. The other year represents a group that I personally have found employment and housing for, and I greeted them when they came and I feel like I know them pretty well.

The CHAIRMAN. Thank you.

Mrs. KEIBLER. Thank you.

(The list referred to by Mrs. Druzilla Keibler follows:)

LATVIANS

Balodis, 4851 Eighth Avenue, Sacramento (bought house).
Celle, 1229½ P Street, Sacramento.
Cimdins, 1000 G Street, Sacramento.
Drinkens, Sacramento (bought house).
Grinbergs, 510 Forty-second Street, Sacramento (bought house).
Grundmanis, 1011 F Street, Sacramento.
Krasts, 610 Tenth Street, Sacramento.
Kalpaks, 1011 F Street, Sacramento.
Kreismanis, 2015 D Street, Sacramento.
Kveps, 2731 G Street, Sacramento.
Lamberts, Rio Linda, care of M. E. Malone, Route 1, box 600.
Laursons, 2761 Montgomery Way, Sacramento.
Laxdins, 1721 D Street, Sacramento.
Lusis, 612 Twenty-fifth Street, Sacramento.
Lusis, 1949 Bell Street, Tiny Tots School, Sacramento.
Melbiksis, 325 Twenty-first Street, Sacramento (bought house).
Pulsts, 1820 G Street, apartment 4, Sacramento.
Pampe, 317 Washington Street, Placerville.
Ravejs, 612 Thirteenth Street, Sacramento.
Savelis, 1624 Twenty-first Street, Sacramento.
Schellers, 2227 K Street, Sacramento.
Sils, 1702½ V Street, Sacramento.
Skults, 2426 E Street, Sacramento (bought house).
Skambergs, 3870 Fair Oaks Boulevard, Sacramento.
Sprogis, 1624 Twenty-first Street, Sacramento.
Sprogis, Vilma, 2026 N Street, Sacramento.
Turaids, 2404 G Street, Sacramento (bought house).
Upenieka, post office box 1026, Grass Valley, Calif.
Vilumnsons, 2426½ F Street, Sacramento.
Zeltins, 3611 Del Paso Boulevard, Del Paso Heights.
Leitis, 1716 G Street, Sacramento.

Kalnins, 1926 Q Street, Sacramento.
Kalnins, 1929 Twenty-third Street, Sacramento.
Palis, Helena, Route 1, box 107, Dixon, Calif.
Elderton, care of Turaids, 2404 G Street, Sacramento.

LITHUANIANS

J. Kappas, 4101 Norton Way, Sacramento (bought house).
J. Puiska, 1330½ O Street, Sacramento.
S. Skirmantas, 2675 Portola Way, Sacramento.
A. Survilla, 1330½ O Street, Sacramento (born here).
Dombrowski, 3612 Twentieth Avenue, Sacramento (bought house).
Graditius, Sacramento (bought house).
Rehemagi, Kalju, care of Superintendent Motive Power, Southern Pacific, Sacramento.

HUNGARIANS

Hopp, Jakob, care of Robert Yelland, Sr., Clarksburg, Calif.
Kecskes, 514 Eighth Street, Sacramento.
Nemes, 1625 G Street, Sacramento.

ETHNIC GERMANS

Avemaria, Jakob, Route 1, Box 503, Red Bluff, Calif.
Becker, Daniel, 509½ Oak Street, Roseville, Calif.
Bachner, George, Route 1, Box 1380, Rio Linda, Calif.
Bartoschek, Paul, 505 East Pine Street, Lodi, Calif.
Brakowski, Leo, 412 Pleasant Street, Roseville, Calif.
Dech, Heinrich, Route 1, Box 169, Gridley, Calif.
Eisbrenner, Reinhold, 822 North Hunter Street, Stockton, Calif.
Engel, Christian, 4929 Fifteenth Avenue, Sacramento, Calif.
Engel, Rheinhard, 1715 O Street, care of Martha Dmitruk, Sacramento, Calif.
Folkendt, Stefan, RFD 5, Box 100, Stockton, Calif.
Friese, Hans Walter, 6292 Broadway, Sacramento, Calif.
Gumnor, Guenter, Route 5, Box 271, Stockton, Calif.
Heier, Gottfried, care of Fred M. Sutter Ranch, Rancho Del Encino, Cottonwood, Calif.
Herrlich, Margaret, 604 Twenty-third Street, Oakland, Calif.
Herrmann, Karoline, 216 East Vine Street, Lodi, Calif.
Hintz, Gottleib, Post Office Box 27, Durham, Calif.
Hoffman, Elfriede, RFD, Box 150, Clarksburg, Calif.
Hohenwald, Annamaria, 1720 North San Joaquin Street, Stockton, Calif.
Hopp, Jakob, care of Robert Yelland, Sr., Clarksburg, Calif.
Johnson, Herbert, 612 Twenty-fifth Street, Sacramento, Calif.
Strihk, Olgert, 612 Twenty-fifth Street, Sacramento, Calif.
Jung, Albrecht, Route 1, Box 126–A, Clarksburg, Calif.
Kepp, Gottfried, 1609½ Sixteenth Street, Sacramento, Calif.
Kniesel, Richard, RFD, Folsom, Calif.
Koehler, Erich, 1008 Twenty-eighth Street, Sacramento, Calif.
Krause, Herbert, 2731 K Street, Sacramento, Calif.
Littau, Alexander, 545 North Sutter Street, Stockton, Calif.
Luhs, Pauline, 612 Twenty-fifth Street, Sacramento, Calif.
Maerzluft, Anton, 341 South Stockton Street, Lodi, Calif. (bought house).
Martini, Michael, Post Office Box 387, Williams, Calif.
Muller, Oskar, 575 Lincoln Way, Auburn, Calif.
Orban, Johann, Box 83, Sheridan, Placer Co., Calif.
Pelz, Reinhold, 412 Pleasant Street, Roseville, Calif.
Pletz, Alfred, 2113½ North Street, Sacramento, Calif.
Pryskalla, Paul, 1431 East Street, Sacramento, Calif.
Rath, Alfred, Route 5, Box 271, Stockton, Calif.
Reffle, Philip, 537 West Flora, Stockton, Calif.
Ries, Josef, 1317 Twentieth Street, Sacramento, Calif.
Scheller, Otto, 2227 K Street, Sacramento, Calif. (listed under DP's).
Schendzielorz, Engelhard, Route 4, Box 455, Lodi, Calif.
Schlegel, Alexander, 233 South Church Street, Lodi, Calif.
Schmidt, Emil, Moring Road, Stockton, Calif., care of Warren Atherton.
Schreiber, Ella, 821 Forty-second Street, Sacramento, Calif.

Schuster, Michael, 618 South East Street, Santa Rosa, Calif.
Siebert, Otto, 529 North Sutter Street, Stockton, Calif.
Slasports, Laimdota, care of James J. Brennan, Loomis, Calif.
Spitzer, Eduard, 227 West Flora Street, Stockton, Calif.
Tolkmit, Albert, 51 West Ninth Street, Stockton Calif. (bought house).
Treichler, Johann, 1556 Virginia Street, West Sacramento, Calif.

The CHAIRMAN. Is the Reverend Kenneth E. Nelson present?

STATEMENT OF REV. KENNETH E. NELSON, EXECUTIVE SECRETARY, DEPARTMENT OF CHRISTIAN SOCIAL RELATIONS, DIOCESE OF CALIFORNIA, PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES

Reverend NELSON. I am Rev. Kenneth E. Nelson, 1055 Taylor Street, San Francisco.

I am executive secretary of the Department of Christian Social Relations of the Episcopal Diocese of California, which I represent here. That is a local office of the Protestant Episcopal Church in the United States of America, but it comes under the jurisdiction of the Diocese of California, as such.

But our church met in what we term a general convention last month, which meets every 3 years, and they took specific action regarding immigration and naturalization, and I want to present this both as my personal opinion and those of the Episcopal Church, but bearing primarily on the fact that we here on the west coast are interested in the problems of the Asians, the orientals, as well as the Latins.

I would like to read the statement.

The CHAIRMAN. We will be pleased to hear it.

Reverend NELSON. This statement presents my personal opinions and those of the Episcopal Church.

Fortunately, our church met in Boston within the past month and passed special legislation regarding immigration policy. This action calls for, "A generous immigration policy to help deal with the problems of refugees and overpopulation in many sections of the world." It further states that "a policy can be developed which will help to deal with these problems in a just and equitable way, at the same time preserving the social and economic well-being of the United States." The statement says further that "The McCarran Act of 1952 does not represent an adequate revision. It is discriminatory, geographically and ethnically; it is cumbersome in execution; and its regulations regarding denaturalization and deportation are unjust and difficult to administer. Our major effort will be toward revision of this basic law by the next Congress."

Those are some of the statements by the church. Now I would like to make these four observations and in all probability they are in line with the policy that Mr. Pingham mentioned earlier because they are in line with the National Council of Churches in the United States of America.

1. Congress should make the quota system more flexible. For various reasons the quotas assigned to many countries are not really being filled. A pooling of these, or an adjustment of unused quotas in order to facilitate family reunion, to offer asylum to persecuted

victims of totalitarian regimes, and to provide skills which our country needs, seems to be a reasonable asking.

2. It would seem fair that Congress remove provisions regarding immigration and naturalization laws which are based upon considerations of color, race, or sex.

3. A system of fair hearings and appeals which is so characteristic of American democracy should be established by Congress relative to the issuance of visas and deportation proceedings. Certainly, precautionary measures may be required to protect our Nation against undesirable persons but this should not hinder or violate the American conception of justice.

4. I believe our church would welcome the establishment of a national commission to study the problem of population pressures throughout the world and the possible bearing of these pressures upon our immigration policies.

May I thank all of your for the privilege of being heard.

The CHAIRMAN. Thank you.

Mr. Swen M. Saroyan is the next witness.

STATEMENT OF SWEN M. SAROYAN, VICE PRESIDENT, AMERICAN NATIONAL COMMITTEE TO AID HOMELESS ARMENIANS

Mr. SAROYAN. I am Swen M. Saroyan, 300 Montgomery Street, San Francisco.

By occupation I am a lawyer and I am the vice president and one of the coorganizers with Mr. George Mardikian of the American National Committee To Aid Homeless Armenians, commonly known as ANCHA.

This national committee, may it please the Commission, was organized in San Francisco in 1945 after we had been advised of the presence of approximately 4,500 persons of Armenian descent in the Stuttgart area of Germany and Bavaria and Italy. Before the passage of the DP law this active committee organized local committees in New York, Buffalo, Jersey, New Britain, Boston, Detroit, Pontiac, Chicago, Los Angeles, San Francisco, and Fresno, for the purpose of executing assurances, finding jobs and housing, and the organization was succesful in resettling approximately 3,900 of the 4,500 DP's.

Even though I represent ANCHA, an Armenian organization, generally speaking the terms to which I refer are applicable to all immigrants and immigration.

Will the record please show that I do not purport to be an expert in the field of immigration and nationality law for the purposes of this presentation. The Armenian immigrants' problem and his general aspiration to emigrate to the United States are about the same as that of all aliens, even though taken as a separate group the Armenian group may have a unique characteristic.

I also wish to make it clear to this Commission that the premises upon which I base my presentation has in mind all the interests of the United States and not of any one nationality group or combination of groups. I also have in mind the positive contribution that immigrants have made and are making now for the safety, welfare, and interests of this country.

I make this as a basic premise which I do not believe requires any argument, though perhaps there may be those who in their ignorance

of American history may think the point is arguable. The substantive proposals which I wish to make are these:

First, I could not believe that we should have a numerical limitation upon immigration. The present qualitative safeguards in my opinion are sufficient so as to secure for our country only those immigrants who will continue to contribute to the national interest, and who are not likely to become public charges and who are neither criminals nor subversives.

Our commission will recall that our country flourished on and was greatly enriched by alien immigration without quota limitations prior to the 1920's. Before the quota concept was dreamed of we got along fine as far as quality immigration was concerned.

As an example, take our immigration from the Western Hemisphere, that is, Canada, Mexico, and South America. Immigration from these countries has never been limited by quota restrictions. It just goes to prove that the presently existing qualitative standards as far as the Western Hemisphere immigration is concerned fully protects our national interests. Even though immigrants from the Western Hemisphere have been and are now nonquota immigrants, each immigrant has to meet our qualitative standards, such as medical requirements, securing individual affidavits of support, establishing that he is not likely to become a public charge and that he is not a criminal nor a subversive.

I believe that the success of this nonquota system for the Western Hemisphere immigrants warrants its application to the whole world so that this red tape of nationality restrictions, quota waiting lists, supervision and administration by two or three bureaus and all the red tape can all be eliminated.

Secondly, in my opinion, with the exception of visas secured by fraud, the deportation process should be eliminated. Most of the various grounds for deportation are adequately covered by our criminal statutes, so why should the double jeopardy of deportation apply on aliens admitted for permanent residence?

When an American citizen commits a crime he is charged, tried, convicted and sent to jail. Why shouldn't an alien be given the same treatment, that is, jail, if he is convicted of a crime, and not be subjected to a double jeopardly or deportation?

Thirdly, in my opinion one and only one Federal agency should handle immigration. There should be no overlapping. The present system of check by the consular officers and double-check by INS, Immigration and Naturalization Service, is inefficient, and works a hardship and has its anomalies. One good check should be better than two or three bad ones. It is bad when different interpretations and instructions are given by two or more agencies in the case of immigrants, where one agency clears the immigrant and the other agency bars the immigrant.

A minority group organization, as the organization I represent, even though it is originally set up for displaced persons immigration work, cannot escape the hundreds of immigration complaints that it receives from all parts of the world. We have on innumerable occasions been advised of the gross underhanded irregularities on the part of minor consular officers in, say, Turkey; also Beirut, Lebanon, the last city having the largest congregation of my people.

Having in mind the administrative provisions of the 1952 act whereby minor immigration and consular officers are empowered to act as prosecutor, judge, and jury, I am wondering what further adverse effect the law is going to have at the most important lower level where the prospective immigrant for the first time comes into direct contact with what he has always dreamed of as American freedom, equality, and justice.

In my further opinion, fourthly, there should be one quasi-independent body set up to handle all appeals in immigration and naturalization and visa and passport cases. Of course I admit a forward step has been taken in the establishment of the Board of Immigration Appeals 20 or 25 years ago, even though its jurisdiction is limited and its results or rules are subject to reversal by the Attorney General of the United States.

The jurisdiction and independence of the court I propose should be clearly defined and established. It should have final authority in all the security type of cases, so that no longer can the investigative services exercise paramount judicial functions and aliens no longer be denied admissions without hearings, solely on the basis of anonymous letters which the security officers have chosen to call classified detention information and thereby refuse to disclose the basis for their rulings.

I wish to make a few passing remarks in respect to my national group, which I believe is also true with several of the minority national groups. Even though there are approximately 250,000 to 300,000 Armenians in the United States today, under our antiquated immigration law of 1924 which has been perpetuated by the 1952 act, the Armenian people do not have a nationality quota but must come in under their country-of-birth quota, being either Turkey, Greece, Rumania, Bulgaria, or Russia or some of the other minority countries. Now even though today Turkish people are allies of this country under the North Atlantic Treaty and have joined us in protecting the world against communism, we allow only 225 Turks into the United States each year, 308 Greeks, and 289 Rumanians and approximately the same number of Bulgarians. Therefore, under ordinary circumstances, under the present law it would have taken ANCHA, our organization, between 30 to 50 years for as many Turkish, Greek, or Rumanian or Lebanese-born Armenians, to have entered under the quotas, as it did under the displaced-persons law.

This is due to the inequitable provisions of the quota law which allows so few southern and eastern Europeans. We have in so many words said to these southern and eastern Europeans that, in our opinion, they are not as good people for immigration purposes as the English and the Irish and the Germans, and when there is no reason for that theory and especially when the real need for immigration actually exists in these central and eastern groups and not in the north.

In closing, a few remarks in respect to the amazing inequities under the act that have been perpetuated under the 1952 act. Under the 1924 act 150,000 immigrants are admissible, one-seventh of 1 percent. The increase in our population has changed that to one-tenth of 1 percent, and since the English, Irish, and German quotas are unused, it makes it one-fifteenth of 1 percent of the population per year. Of the 138,000 exiled Poles in Europe the quota under the act is 6,500; of the 23,000

subjugated Balkans or Baltics the quota is 700 a year; of the 30,000 Rumanian escapees, 289 a year.

I wish to take this opportunity to thank this Commission for allowing us to give this presentation.

Commissioner GULLIXSON. As I understand, your thought would be that the gates to American citizenship should be controlled by the qualitative test?

Mr. SAROYAN. That is correct. That is so in the 1920's, and is also true as far as the South American——

Commissioner GULLIXSON. Among those qualitative tests you would not eliminate the illiteracy test; you didn't mean that?

Mr. SAROYAN. Some consideration should be given to literacy tests. I believe I would insert that. I don't think that is very important in its aspect.

Commissioner GULLIXSON. Would you base—that is, make the literacy test in the English language or in the applicants' language?

Mr. SAROYAN. No; in their own nationality. Anyone who is literate in his own nationality can certainly make himself literate in a very short time. We are proposing that today down in the valley. They have congregated there and all going to English school at night.

Commissioner GULLIXSON. Then it is not your thought that the literacy test be eliminated?

Mr. SAROYAN. No; it was not.

The CHAIRMAN. Let me ask you this: You tell us about the situation with the Armenians who have no nationality status or no relation to the quota, and in that respect they are in the same position as, for instance, the Ukrainians.

Mr. SAROYAN. That is correct.

The CHAIRMAN. Their country has been divided up between other more powerful nations.

Mr. SAROYAN. That is right.

The CHAIRMAN. So that when they come here or have been coming they have been assigned to the quota of the country of birth, irrespective of what their true nationality was. What proposal would you make to change that?

Mr. SAROYAN. Well, I assume it requires a bit of analysis, but it can be placed on a basis of nationality, I believe, rather than the country of their birth. Now, you take Armenians; today they come from Russia and Greece and Turkey. Well, there is no use of me repeating the history of Armenian people—as far as the Turks are concerned, but we have to be allowed to remain in that 225 figure and if the consular offices in Turkey think the Armenians who apply there are for immigration, they go; and if not, they don't. But you can imagine how many Armenians are allowed under the Turkish quota. How are you going to remedy that situation? The only way I know of is placing them on the basis of nationality, with Turkey, China, Russia, or Greece, because they have their own quotas.

The CHAIRMAN. Were you not arguing against the quota system earlier?

Mr. SAROYAN. I am arguing against the quota system, but I can't just argue for heaven at one time. I am just wondering if Congress will ever set aside the quota system, and if they didn't there is always a happy medium. I am 100 percent for nonquota and that is Utopia at the moment, I think.

The CHAIRMAN. Do you think that is a happy medium to go along with?

Mr. SAROYAN. Yes; I think so. To increase the quotas substantially and then change the method on which different nationalities come in and base it possibly on nationality.

The CHAIRMAN. If you are going to try to introduce nationalities that have nothing to do with the country itself, and assuming that an over-all number be admitted each year, how are you going to distribute under your theory?

Mr. SAROYAN. This is just one suggestion I have. Just assume for the sake of argument that you are to increase the present-day quota substantially. You can by a subdivision quota provision take care of the Estonians, Armenians, or Latvians.

The CHAIRMAN. Just how are you going to take care of them?

Mr. SAROYAN. Proof has to be shown that the person applying for immigration to the United States is of Armenian descent or of Latvian or Estonian descent. Aside from your quota, assuming a quota of Turkish people of 1,500, you also have a quota——

The CHAIRMAN. How are you going to arrive at that?

Mr. SAROYAN. I don't know how you are going to do it. That has been analyzed and worked out.

The CHAIRMAN. You seem to be in favor of some kind of quota system, but it is not clear to me what kind.

Mr. SAROYAN. I am in favor of nonquota system, but if there has to be——

The CHAIRMAN. Nonquota, but that is a Utopia you said you don't expect to reach, and then you are in favor of quota systems that would let the Armenians in, but it does not seem to me you have explained how.

Mr. SAROYAN. I think I know how.

The CHAIRMAN. I want to know how you would do it.

Mr. SAROYAN. Today there is no Armenian quota at all. I assume I would make an exception to the act to provide for those nationality groups over and above the quota, say 250 or 500 a year.

The CHAIRMAN. How are you going to reach 250 or 500; what is that going to be based on?

Mr. SAROYAN. Say Armenians from Lebanon, 100; in Greece, in Shanghai——

The CHAIRMAN. Do you just pull them out of the air?

Mr. SAROYAN. Out of the air at the moment.

The CHAIRMAN. Yes.

Mr. SAROYAN. Mr. Chairman, you don't expect me to tell you in 15 minutes of testifying before this Commission?

The CHAIRMAN. But this bill was passed last June, I think, and those who voice criticism of it have had some time to think about what they would substitute for it if they don't like it.

Mr. SAROYAN. Well, I am not trying to be facetious. I don't think you could expect any lay witness to know. I told you in my preliminary that I am not an expert, but I know there is something wrong, and it has been done, and that is something that requires hours and hours of work in many conferences.

As fas as I am concerned, my opinion would be no quota, and if that utopia cannot be reached then I think the quota system should be made more equitable than before.

The CHAIRMAN. Thank you very much, Mr. Saroyan.

Is Rev. Bernard C. Cronin here?

STATEMENT OF REV. BERNARD C. CRONIN, DIRECTOR OF THE CATHOLIC RESETTLEMENT COMMITTEE OF THE ARCHDIOCESE OF SAN FRANCISCO

Reverend CRONIN. I am Rev. Bernard C. Cronin, director of the Catholic Resettlement Committee of the Archdiocese of San Francisco, 1825 Mission Street, San Francisco, which is the organization I am representing here.

I have a statement I wish to read.

The CHAIRMAN. We will be glad to hear it.

Reverend CRONIN. Mr. Chairman, members of the committee, the Catholic Resettlement Committee of the Archdiocese of San Francisco appreciates this opportunity to air its views on the immigration policy of the United States of America.

The committee which I represent views the immigration policy of our country as highly significant in the discharge of our national responsibility in the matter of charity and justice, national development, and world leadership.

In the interest of charity: A warm welcome to the oppressed from abroad is one means whereby a nation can fulfill the God-given command, "Thou shalt love thy neighbor as thyself." Never before have we of this Nation been possessed of so great an opportunity to fulfill this injunction than today—both by reason of the bounty we possess and the need of the dispossessed.

In the interest of justice: Distributive justice on a world plane is no less imperative for universal peace than the equitable distribution of natural resources on the domestic scene. The inequitable distribution of human resources today proves a boon to Communist forces just as masses of dispossessed peoples have always appealed to the demagog bent on disruption.

In the interest of national development: From the 38,000,000 immigrants to this country between the years 1820–1930 was distilled the great American character which made this Nation the strongest and freest nation in the world. The admission into this country of peoples who know what it is to lose independence and freedom should help to sustain the American character.

In the interest of world leadership: An indispensable responsibility of leadership is example. Granted that the surplus population and refugee problems threaten world security, more is required than mere sympathy over their plight. Resettlement consistent with our national interest would be consistent with our promises of new life under democracy.

In short, the times demand that our immigration policy be geared to charity and justice, national development, and world leadership if we as a nation are to fulfill our mission of peace on earth.

We regret to say that, in our opinion, the immigration policy of the United States of America as embodied in Public Law 414, the McCarran-Walter Act, is not timely. In our considered opinion: It sustains the philosophy of exclusion; it perpetuates self-interest to the exclusion of legitimate claims to a just share of God's bounty; it ignores the immigrant contribution to the development of this country: it marks the United States as another hostile part of a hostile world.

Specifically, by maintaining the national-origins formula, this law will admit only a small proportion of the 150,000 total population on which the quota list was predicated. Moreover, it thereby rejects as worthy material for United States citizenship the kin of thousands of immigrants from eastern and southern Europe who have contributed so splendidly to the development of the West and especially to the fame of the city of San Francisco. By continuing the principle of freezing all quotas originally included in the Displaced Persons Act, some of the most courageous, most daring and freedom-loving people who have escaped the iron curtain will be barred from the land of the free and the home of the brave.

In conclusion, let me say that we do appreciate the tremendous amount of work that went into Public Law 414. May we suggest, however, a change in the national-origins philosophy, the pooling of quotas, and the liquidation of mortgaged quotas under the Displaced Persons Act. Such amendments, we do believe, would be consistent with democratic ideals and would further the interests of world peace.

Commissioner O'GRADY. Father Cronin, do I understand correctly, that you are opposed to the national-origins formula and that you are expressing pretty much the official view of the church as a whole in San Francisco?

Reverend CRONIN. That's correct.

Commissioner O'GRADY. Then does this pretty much represent the point of view of the Archbishop of San Francisco?

Reverend CRONIN. That's correct.

Commissioner O'GRADY. Father, would you tell us how many persons were resettled in your program of displaced persons?

Reverend CRONIN. Approximately 1,300.

Commissioner O'GRADY. Approximately 1,300.

Reverend CRONIN. That is within a radius of 90 miles of San Francisco.

The CHAIRMAN. And did you have any difficulty in finding places for them?

Reverend CRONIN. Oh, yes; but they are all working now.

The CHAIRMAN. They are all working now?

Reverend CRONIN. Yes; they are doing very well by and large.

The CHAIRMAN. Is there any existing demand for that type of person?

Reverend CRONIN. Yes. Now the relatives who are here want to bring their relatives who are escaping now from behind the iron curtain, every day we get such requests.

The CHAIRMAN. I am thinking though of the Americans who are here—is there any need for the kind of services that they can perform, either in the city or in the country?

Reverend CRONIN. Oh, definitely, especially in the domestic, and farm, and agricultural fields.

The CHAIRMAN. Thank you very much.
Is Mr. Samuel A. Ladar here?

STATEMENT OF SAMUEL A. LADAR, REPRESENTING THE JEWISH COMMUNITY RELATIONS COUNCIL OF SAN FRANCISCO AND 7 OTHER ASSOCIATED ORGANIZATIONS

Mr. LADAR. I am Samuel A. Ladar, attorney, 111 Sutter, San Francisco. I wish to present a statement on behalf of the Jewish Community Relations Council of San Francisco and 7 other associated organizations, and then I would like to make a few remarks.

The CHAIRMAN. Your statement will be inserted in the record, and we will be pleased to hear what you have to say.

(The prepared statement submitted by Mr. S. A. Ladar follows:)

Gentlemen, the undersigned, in availing himself of the privilege of presenting to you this statement of views on immigration and naturalization, does so in behalf of the following organizations and agencies in this area.

Jewish Community Relations Council of San Francisco
Jewish Welfare Federation of Oakland, embracing the Oakland Community Relations Council and the Oakland Welfare Fund
Hebrew Immigrant Aid Society (HIAS), S. F. Branch
San Francisco Committee for Service to Emigres
Jewish Welfare Fund of San Francisco
Regional Office Anti-Defamation League of B'nai B'rith
San Francisco Chapter, American Jewish Committee
Federation of Jewish Charities of San Francisco

To point out, within limited space and time, all of the evils and shortcomings of our present immigration and naturalization legislation in the United States is not an easy matter. In a word, we hold that existing policies are in contradiction to our Declaration of Independence which affirms that "All men are created equal."

Thus is expressed the cardinal belief that all persons are to be regarded as equally capable of intelligence, freedom, and social usefulness. Each individual is entitled to the right to be judged on his own merits.

But these principles, we hold, are repudiated by certain phases of our present immigration legislation which, in effect, assert that persons seeking residence in this country are to be judged according to breed like cattle and not on the basis of character or fitness.

We contend that the national origins quota system and the concept of penal deportation must be abolished; also, that the internal administration of our immigration processes must be improved.

Let us consider first the national-origin quota system which we believe to be discriminatory, un-American, and racist in character. It was adopted in 1924 and has been in use ever since. It permits the admission of approximately 150,000 people a year and, except for nations of the Western Hemisphere, fixes quotas for each country.

Through the years, study of this system has disclosed repeatedly that the authors of the quota plan deliberately contrived to encourage immigration of the English, French, Irish, Germans, and other Western Europeans and to discourage all other immigration. Relying on a theory born of bigotry and prejudice, supporters of the system have contended that persons of other national origins represented inferior biological stocks and possessed ethnic qualities making them unassimilable.

Asserting again our contention that people should be judged as individuals rather than as members of whole groups, we contend that the national-origins quota system should be eliminated and superseded by a policy making it possible to establish an administrative or executive commission to fix annual quotas taking into account numerous factors such as individual and national need, mental and physical ability, family status, or special skills. Determination of this commission would be based on the absorptive capacity of our economic and social system and would allow periodic readjustment of the total be admitted each year.

Naturally, we are cognizant of the problem of refugees and surplus populations. We believe that these dislocated peoples present a continuing emergency which will face the free world for years to come. We believe that this problem should not be approached on the basis of piecemeal emergency legislation but rather should be considered in our permanent immigration laws so as to give special attention to distressed areas by increasing the total number of immigrants to be admitted annually and by reserving a substantial priority within that number for persecutees or refugees.

In the matter of deportation as provided for in our present legislation, it is our belief that existing laws are in direct opposition to the principle that once a person is admitted to the United States for permanent residence he should have the privilege of remaining here unless his entry was made fraudulently or illegally. Deportation as a penalty is unjust and frequently punishes innocent people.

Again, distinctions between native-born and naturalized citizens in our immigration laws must be eliminated as contrary to the spirit of the Constitution.

Let me point out, too, that the core of the American system of justice is that every person is entitled to a fair hearing. Public Law 414 fails to afford to immigrants or aliens the necessary judicial protection which accompanies the concept of fair hearing by omitting any provision for a board of immigration appeals and a visa review board.

Referring now specifically to the McCarran-Walter Act already enacted in the law and soon to become effective, we present for your consideration the following facts which we believe to be harmful and contrary to the best interest of the country:

1. Does not pool unused quotas. Thus thousands of visas that might be used by freedom-seeking individuals are wasted.

2. Adds many grounds for exclusion, thus making our laws more restrictive without furthering the national welfare. For instance, by barring any alien convicted of two or more offenses involving prison terms of 5 years or more in his native land, it would bind our laws to the standards of other nations, some of them totalitarian.

3. Adds many arbitrary grounds for deportation, such as (*a*) committing even a minor offense, no matter how long the alien has lived in the United States; (*b*) becoming a public charge, no matter how long the alien has lived here; (*c*) violating any technicality on entering the United States, no matter how innocently the alien did this or how many years have elapsed since the offense; (*d*) engaging in any proscribed political activity in the United States, even if the alien sincerely repudiated this activity long ago.

4. Curtails the Attorney General's discretion to suspend deportation in certain deserving cases.

5. Allows deportation of an alien to any country willing to accept him, even if this might subject him to harsh conditions of life.

6. Continues those provisions of the Internal Security Act of 1950 which have embarrassed our international relations by excluding world-famous scientists.

7. Makes it more difficult for deserving aliens here on temporary visas to obtain permanent status.

To us who advocate an elimination of the inequalities and injustices of our immigration and naturalization law, it may well be asked how it is that, in the approximately 25 years that the national-origins quota system has been on our statute books, there have been no public complaints against the formula nor any concerted movement for its recall. Also, it may be asked whether, in view of the fact that the Eighty-second Congress reenacted the formula as a part of the Immigration and Naturalization Act of 1952, despite Presidential veto, does it not seem as if the American public is satisfied.

To me the answer is twofold. First, the McCarran Immigration Act of 1952 was not adopted without the strongest and bitterest opposition by all major religions, racial, nationality, labor, and civic organizations throughout the country. Secondly, if the Senate vote overriding the President's veto had been taken at a time when opponents of the measure could be present to cast their votes, the bill would have been defeated. To name only a few, Senators Kefauver, Langer, and Lodge, who were committed to vote against the bill and to sustain the President's veto, were physically unable to return to Washington in time to cast their votes.

We have been asked from time to time to clarify our position in regard to deportation. Let me repeat that our position is that, except in cases of fraud or illegal entry, permanent resident aliens should not be subjected to the penalty

of deportation, although naturally they remain subject to all of the penalties for violation of our American criminal law.

Unless we are to provide that all aliens must become citizens within a certain time after they enter this country, we must recognize that our permanent resident aliens take on the status of adopted children who, although they should be punished whenever they deserve punishment, cannot be ejected from the national home.

No one, of course, would suggest that aliens should be required to become citizens, for the simple reason that we would not welcome such action by other countries in the case of American citizens in these lands. It should also be remembered that not only the aliens benefit by their residence in the United States. Once they are here, these aliens contribute to the wealth of our Nation through the payment of their Federal, State, and local taxes; by giving employment; or in other ways contributing to the strengthening of our Nation.

Criminal adults would not qualify under the moral-turpitude laws for admission to the United States. The present crop of gangsters to which Attorney General McGranery is addressing himself now through deportation channels probably came to this country as youngsters; and their subsequent depredations, as reprehensible as they may be, cannot in any way be attributed to the fact that they were aliens or naturalized citizens.

Mr. LADAR. I have a few words that I would like to present. Mr. Chairman and members of the Commission, I have already stated to you in my statement the organizations for whom I appear. I am cognizant of the fact, of course, that the B'nai B'rith, being a national organization, and the American Jewish Committee, being a national organization, that they have either directly or indirectly had statements made to your Commission in other cities. We have followed locally the contents of those statements, and we are very much aware of the criticisms which have been made of the McCarran-Walter bill, which is about to go into effect. On the basis of what we know has already been said to you, we thought it best if we refrained from what would necessarily be a rather monotonous repetition of the criticisms based upon the national-origins quota system, on the matter of the use of deportation as a penalty, on the matter of the breaking down of statutes of limitations, and the other points which have been so fully and, we believe, so ably presented to you.

However, it so happens that here in San Francisco we have had an unusual quantity of experience with immigrants under the displaced-persons law, and in our opinion the displaced-persons law represents in a way a placing into operation of the type of immigration system which we, I believe, would like to see put into effect on a permanent basis. There was a breaking down of the national-origins quota system under the displaced-persons law. For example, there was a liberal and a more human treatment of immigrants than would be the fact under the proposed McCarran-Walter immigration law. So we thought that an elaboration of the statement which we have filed would give you these few brief facts, these few bits of evidence, as it were, for the record, which might be helpful in your work.

Now I personally have been a member for a number of years of Governor Warren's visa commission on displaced persons here in California. I personally have worked in close cooperation in California with the department of employment in the course of my work on the visa commission on displaced persons. I have been chairman for approximately 10 years of the employment committee of the San Francisco Committee for Service to Emigrés. In that capacity I think that I have had approximately 10 years of close cooperation with the social-service organizations of the various religious groups

that have worked in and around San Francisco, and I happen also to be a member of the community relations council of the city of San Francisco.

Now I therefore bring some practical experience to the record here. In the last 5 or 6 years, gentlemen, we have met and worked in this community with approximately 1,250 heads of immigrant families. Most of these immigrants were, so far as their national origin was concerned, from Poland, Rumania, Czechoslovakia, Lithuania, Greece, and other so-called eastern and southern European countries—countries which have not had very favorable treatment under the national-origins quota system.

Mr. ROSENFIELD. Excuse me, Mr. Ladar, will you identify whom you are speaking for of the groups you represent?

Mr. LADAR. The organizations I represent are set forth in my prepared statement—I am not representing the State visa commission here; I would like the record to be clear on that, but I have had a great deal of experience with that commission; I have been treasurer of that commission for a number of years.

Commissioner O'GRADY. Has there been much discussion in local groups of this matter?

Mr. LADAR. No; we have not had—at least I have not participated in any such gatherings, but I have had a great deal of actual detailed operation and contact in connection with immigrants. Now I can say to you, gentlemen, that 95 percent of these immigrants have become, and for a number of years now have been, self-supporting. As you probably know, they are not eligible for public assistance for a number of years after they come here. We know for certain that we would hear from them if any assistance were needed during the period of their first 5 years in San Francisco.

Now, in the matter of citizenship, which is an important one, we know that less than 1 percent of them have failed to immediately apply for citizenship and thereafter to follow through as quickly as possible to attaining full naturalization. We know that through the contacts we maintain through our social-service workers and our cooperation with the law-enforcement agencies in this community—that not a single instance has occurred of the commission of a felony with respect to the immigrants that have come into this community whom we have serviced, and they run, I think I mentioned, approximately 1,250 heads of families. We know that no refugee delinquency case has resulted with respect to the children of these families that I am talking about.

Now, so far as their Americanization efforts are concerned, we know that they enroll by the hundreds literally in classes for the study of Americanization and English. They spend their after-working hours in taking advantage of special classes that we have made available; and the community has made available for rapid improvement of their English, their knowledge of American history, and their knowledge of American business methods.

We know their record with respect to employment, which we consider quite important. They have been quick to accept and to act upon the principle that their economic adjustment must begin from the bottom of the ladder. They have accepted employment in the positions where there was a need for manpower and womanpower, and instances of that are that a large number of them have gone into janitorial work, even though they had had much better economic status and employ-

ment in the land from where they came. They have become nurses' aides; they have become practical nurses; they have gone into physiotherapy; and some of them have become nurses, apprentices to tradesmen, and ranch and farm employees.

Now we bring that evidence to your attention to bear out the point that they have gone into the fields where there was a need for manpower. The making of the statement is buttressed by our actual experience in the field. We do not have at the present time a single employable person on our list, and we are constantly under request from various employers and from employment centers throughout the community to furnish them with people in the fields where we have been very helpful in getting them employees in the past.

Now we have had another interesting experience which I think bears upon your work too. The Jewish community has discovered that there was a need for self-employed ventures in many instances, such as the starting of small chicken ranches, the shoe-repair shops, and small places of business in the various neighborhoods of that type. We have gotten up a fund which has aggregated around $40,000 that was available for small loans of $100 to $500. We have had a number of years' experience of that now. I can say to you that we have had less than 5 percent of such loans which have not been repaid—a tribute to the character and the stability of the people whom we have assisted. We take no security on the loans, so that there was no compulsion for repayment in these cases.

Now it has been quite gratifying to us, too, throughout the years, that these newcomers have been quick to contribute to the local charities and to enter upon the work of the social-service organizations in the community as fast as these newcomers have gotten on their feet. Now some of these newcomers have brought children with them. These children have now grown, in many instances, to maturity. Literally several hundred immigrant children have now served in the Armed Forces, children of these newcomers; some have become doctors and dentists and have served in the Armed Forces in that capacity.

Now I want to make it clear that I am not speaking entirely of my experience with the Jewish community. While I don't represent the displaced persons commission here, I know from my experience with that commission that what I am telling you here with respect in particular to the Jewish immigrants is also true of many of the immigrants of other religious beliefs whom I have assisted and worked with in getting into the places where employees were needed, and I have seen the character and the stability of those people.

Now to us this furnishes proof of the wisdom of a liberal immigration policy and of the wisdom of what I like to think of—the inscription on the Statue of Liberty: "Give me your tired, your poor, your huddled masses, yearning to breathe free." It is our belief that these facts are proof of the fact that that inscription is evidence of a worthwhile dividend-paying policy that ought to be written into the law.

Thank you.

Commissioner FINUCANE. Mr. Ladar, the 1,250 family units—was that by the Jewish groups, or was that by the——

Mr. LADAR. That is exclusively the Jewish organization.

Commissioner GULLIXSON. Do I understand you make the general suggestion that the displaced-persons method might be applied to a solution on a larger scale?

Mr. LADAR. As a matter of policy.

Commissioner GULLIXSON. Now might I ask this: Have you given any thought as to how that might be adjusted to the miseries and the world-wide problem confronting us, for instance, across the Pacific?

Mr. LADAR. I don't quite understand your question.

Commissioner GULLIXSON. That is, taking the displaced-persons pattern, how would you apply it to Asia?

Mr. LADAR. Well, I think an over-all quota or number of persons admissible to the country ought to be set up and that persons ought to be admitted under that figure on the basis of the needs of the country and the needs of the person. That is the policy that I have in mind.

Commissioner O'GRADY. Do you mean the need abroad?

Mr. LADAR. That the needs of the United States as well as the needs of the people who are in distress—I believe that that was the policy generally that was followed under the Displaced Persons Act.

Commissioner O'GRADY. And did you say that the immigrants your organization helped under the DP Act have adjusted well and have begun at the bottom of the ladder, no matter what their previous training?

Mr. LADAR. I can tell you that that is true in San Francisco.

Commissioner O'GRADY. And do you think that is true of those that have been brought in by other organizations too?

Mr. LADAR. I think it is true. I know that I have had a certain amount of experience, as I told you, in working with the displaced persons commission. We found that there was need for agricultural workers in certain areas, and under that act we set out and obtained these people and brought them in here, and they went to work in those jobs, and they have grown up on those jobs.

The CHAIRMAN. Thank you very much.

Rabbi Alvin I. Fine, you are the next witness.

STATEMENT OF RABBI ALVIN I. FINE, REPRESENTING THE BOARD OF RABBIS OF NORTHERN CALIFORNIA

Rabbi FINE. I am Rabbi Alvin I. Fine, and I represent the Board of Rabbis of Northern California.

I have a prepared statement I would like to read.

The CHAIRMAN. You may do so.

Rabbi FINE. The question of our country's immigration policy and the laws enacted to carry out those policies is not a simple matter. On the contrary, it is a matter of great complexity involving many factors closely related to the economic, social, political, and international issues of American life. To attempt any oversimplification would only lead to compounding the complexity and would also lead to a failure to arrive at any useful and constructive conclusions.

Fundamentally, there are really two questions involved. First, what should be our general attitude or policy toward immigration? Second, what kind of legislative and administrative structure would be best suited to carry out this general policy? The former, of course, is a matter of principle; the latter, of course, is a matter of method.

With respect to the principles reflected in our immigration policy, it appears to me to be necessary to understand and appreciate, first

of all, both the history of the birth and growth of our Nation and the motivating ideals and values of its philosophy and aspirations. The strength of a nation resides in the nature of its people as well as its institutions. Historically the American population is an immigrant population. Our Nation was founded by immigrants, and it has grown in strength and in spiritual as well as material prosperity with each successive wave of immigration that sought the opportunities of a free life in America. Moreover, I think that it may be said that the rise of the American Republic has been, and its future continues to be, not just the creation of another state but, rather, the collective endeavor of many peoples to create a truly free society based on certain fundamental moral concepts of human dignity. In this respect the nature of the American population is perhaps unique in the world. The immigration policy of such a Nation with such a history should reflect the nature of the growth of its population and should certainly be consistent with the underlying principles derived from its history. One might, therefore, conclude that, generally speaking, the American attitude and policy with respect to immigration should be liberal in nature and scope. Since the First World War, however, the contrary has been true. Our immigration policy has been restrictive and exceedingly narrow in its fundamental attitude and scope. The present law, recently enacted, in my opinion, speaking for the board of rabbis of northern California, deviates even to a greater degree than previous legislation from the kind of policy that would be consistent with American history and principles.

So much for the basic policy of immigration. With respect to the second matter concerning legislation, I think it is important to recognize that no law, no matter how conscientiously conceived and skillfully devised, will be ideal. However, I think it is reasonable to expect that, even if a law falls short of attaining the ideal, it should strive in the direction of the ideal, whereas our present law reflects an attitude that seems to contradict American ideals at almost every point.

Although the American philosophy rests upon the concept of the worth and the rights of the individual, our immigration policy and law are fashioned on a discriminatory concept of race, nationality, and so forth.

I should like to repeat that the problems involved in this question, particularly with respect to legislation, are exceedingly complex. Even in seeking to conform more closely to the ideals and principles of our national life and history, no law can ignore the many problems and changing conditions of domestic and international affairs. However, to be realistic about these problems and to recognize the need for certain practical limitations and controls in administering a liberal immigration policy is certainly entirely different from a policy which is restrictive and based fundamentally on fear and suspicion. The former—namely, a liberal immigration policy consistent with American ideals and principles—recognizes immigration as a constructive factor in our national life and seeks to keep the doors open as much as possible. The latter essentially regards immigration as evil and seeks to close the doors as much as possible.

I think, furthermore, that the conflict between these two attitudes toward immigration is closely correlated with the conflict between other opposing points of view in the interpretation of American

democracy. One who does not interpret the American Constitution as guaranteeing equal rights to all of its citizens, regardless of race, color, and creed, is not likely to have a very liberal attitude toward immigration. An organization which is restrictive and practices discrimination is not likely to favor a liberal immigration law.

I should like to make a few concrete suggestions with respect to immigration legislation.

1. An American immigration law, consistent with American history and principles, should indicate a favorable rather than a negative attitude toward immigration. Whatever limitations or controls that it might be necessary to embody in the law should be devised to make the law fair, orderly, and constructive rather than restrictive. In brief, I believe our immigration law should be humane rather than hostile.

2. Insofar as it is possible within the limits of orderly immigration, the law should strive toward the elimination rather than the tightening of preferences or discriminations against any group.

3. One of the most important aspects of an American immigration law should provide for a haven of refuge, when the necessity arises, as it frequently has in our time. In my experience in the armed services during World War II, I saw some of the vast and needless human tragedy that resulted from both the restrictive nature of our immigration policy and the even more restrictive administration of the law by consular and immigration authorities.

4. From an ideal point of view, it would be better to eliminate the quota system. However, in the face of practical problems, quotas might be necessary, certainly these quotas should not be based on any discriminatory principle. Further, it should be possible for any unused quotas to be filled by others in any given year. The purpose of a quota should be the necessity of providing for orderly immigration rather than as a principle of discrimination.

5. It seems to me that it is in our own best interests that our immigration law should be most careful to preserve family units and the integrity of family life. Under the quota system, as it operates presently, and has operated in the past, based on national origin, many individuals have been faced with a tragic choice, and many families have been destroyed as a consequence.

6. It seems to be apparent to many that some provisions of the present law, ostensibly motivated to protect American security against subversives, are strangely silent with respect to Fascists, Nazis, and other totalitarian agents.

7. This statement has said nothing with regard to the question of naturalization. I think only this much need be said at the moment: No law of any kind can be regarded as consistent with American principles or the American Constitution, if it establishes, in effect, gradations of citizenship. Our laws should establish and protect the equality of the naturalized citizen, making no distinction between him and the native-born citizen, with respect to privileges, obligations, and penalties.

In conclusion, I should like to say that it is the opinion of the Board of Rabbis of Northern California that on all of these points, as well as many others unmentioned, both in spirit and in nature, the present law scores in the negative. It is a bad law, both technically and in the light of American principles.

Thank you.

The CHAIRMAN. Thank you.

Is Mr. Edward H. Heims here?

STATEMENT OF EDWARD H. HEIMS, INVERNESS, CALIF., AN INDIVIDUAL

Mr. HEIMS. I am Edward H. Heims of Inverness, Calif.

I do not represent anybody at the moment. I have been the chairman of a committee on immigration of the immigration section of the Commonwealth Club of California in 1950, but I have no right to talk in behalf of any other members of the club. I only can refer to the report published at that time, which has been accepted by a majority of the section.

I have no prepared statement and am willing to answer your questions. I, personally, am interested, I would say, in the following questions: Limitation of numbers of immigrants, in which limitation if at all; secondly how the selection of immigrants should be done—these are the two main questions. I may say that all that I would have to say—the first as to the long-term immigration policy of the United States—does not refer to the problem of displaced persons and refugees, which might have to be treated, I would say, much more liberally according to very special considerations. Neither would I be competent to talk about any matters from the security point of view. But the two other questions—if I first may talk about the limitation of numbers: You always hear the argument from others, from the people who do not want immigration, but I think it can very clearly be proven today that productivity in this country increases much faster than any population ever can increase. It is strange to say that productivity, the production of goods increases in a geometric measure by the simple reason that every invention breeds new inventions; so, you have the picture of geometrical increase. If you take any statistics—you can start in any year you want—I think the fiscal production in the United States has doubled since 1939 or so. Certainly, the population has not doubled. But, whichever period you take, you always find the same picture. So, for the United States, the problem of the population would increase so fast that goods cannot be produced fast enough should be out. It is not even right for agricultural production.

I have been a farmer the last 12 years, and I know how much it is possible just by using the accepted measures which the Department of Agriculture, or every college, or every country farm adviser, would teach to multiply the present production within the United States. Without any difficulty on my place now, which is 40 miles from San Francisco, in 1 month more milk is produced than when I took it over during a full year, and that can be done just by using the ordinary methods—bringing it up together, and feeding it properly, and so on.

The CHAIRMAN. What is your regular business?

Mr. HEIMS. Formerly I have been a jurist. I have been a banker. I was managing director of the National Mortgage & Investment Corp. for more than 10 years. I have been formerly, in my younger years, a German Government official for 4 years in the German Foreign Office. I have published a few books on criminology, delinquency, and

now, after I have retired more or less, for the last 12 years I live 40 miles from here on this farm.

Commissioner O'GRADY. Is it a dairy farm?

Mr. HEIMS. It is a dairy farm.

The CHAIRMAN. How long have you been in this country?

Mr. HEIMS. Since the spring of 1937 I immigrated permanently, but I knew this country very well before. I was first here as delegate to an International Prison Congress in 1910 in Washington, and toured the whole country with this Penitentiary Congress, and afterward was managing director of this American company—I had to be back and forth. I left Germany in 1933 for Amsterdam—London first—and in the beginning of 1937 I came over for good, acquired American citizenship in due course, and never have been back to Europe since.

The CHAIRMAN. You were chairman of the immigration committee of the Commonwealth Club?

Mr. HEIMS. The Commonwealth Club had an immigration section, and the section had two committees, and both committees drew up the report. I was the chairman of the so-called committee B, but the report of this committee became the majority report. The main recommendations of this report—which I don't want to read here because I will just give it for your files—was, first: that they wanted to limit immigration to an amount of the population—that means 300,000. I, personally, would be more liberal, but I just have to report the point of view of this committee.

Mr. ROSENFIELD. 300,000 a year?

Mr. HEIMS. 300,000 a year. Secondly, that the main point was that the selection should be independent of any quota; that the selection should be independent of quota, race, religion, nationality——

Commissioner O'GRADY. Did you develop any measures of selection?

Mr. HEIMS. Yes. We tried to find a measure of selection, and we thought that nowadays the sciences of psychology, sociology, and anthropology are far enough advanced to work out objective tests, which should be independent of the personal view of, say, the consular officer. Also, I tried to find out from competent sources about it. For instance, I talked about it with the man who has worked out the present Army tests, and he wrote me a letter. It is Mr. Henry Chauncey, president of the Educational Testing Service in Princeton, and he writes:

> I was naturally especially interested in your recommendation that tests be used in the selective-immigration program that is recommended. There is no question in my mind that tests effective for this purpose can be devised. The research necessary to develop suitable tests could be merely the application of the knowledge and experience that has been acquired in the field of testing over the past 15 or 20 years and should yield satisfactory results.

Now, to avoid misunderstandings, the idea was not just to make an intelligence test, because it is not intelligence alone which should be the deciding factor, but that with all the equipment of modern scientists tests can be worked out measuring intelligence and all the other factors of the total personality.

Commissioner O'GRADY. What if you get peoples that have no skills—as would be common to many from the Middle East?

Mr. HEIMS. I don't think it would be a question of skills.

Commissioner O'GRADY. Some of the places don't have even the most elementary skills. They have a problem repairing their wagon

wheels, and they haven't become accustomed to the use of tools. How would you apply it to such people?

Mr. HEIMS. Say, our tests, for instance, now which are worked out were so-called nonvariable tests, and it is possible to test little children, little babies, or little children of 3 or 4 years can be tested for certain qualities anyway, so, that can be overcome. Mostly, these people wouldn't want to immigrate anyway. If they want to, and there should be found amongst them, certainly, some very outstanding person, according to all measures we have, why shouldn't we let him immigrate? He would learn his skills here. It is not the skills he brings. I, personally, am of the opinion we should not select so much according to the skills a man has acquired, according to the temporary labor requirements he can fill in this country—that is a very temporary thing. I think in the past the large immigration of Chinese, of Negroes, and so on, which gives anyway now occasion to frictions and makes so much of our problems, has been caused because one wanted to fill temporary needs, and we have now the task to adapt these people to our way of life, and we seem to succeed, but we all know how hard this problem has become.

So, I think we should select not because we need just people who are able—I don't know to what kind of mechanical skill better than at the moment the supply of labor can do it here—but people who have the real innate constitutional abilities to develop into desirable personalities.

Now, in this report, all the different occupations which are possible to consider against this point of view we have tried to consider. Certainly, we don't want to have one part of a family immigrate. We always have to consider the family as a whole. And there are similar problems which come up, and which have to be solved in a reasonable and practical way.

But as I see section 203 in the McCarran Act, where it says that the first 50 percent of the quota area should be reserved for immigrants whose services are determined by the Attorney General to be needed urgently in the United States, because of the high education, technical training, specialized experience, or exceptional ability of such immigrants, and to be substantially beneficial prospectively to the national economic, cultural interest, or welfare of the United States, I would have several objections against this wording. First, it is clearly within the quota, and according to our conception it should replace the quota. Secondly, the judgment is completely left to administrative agencies, to the consular agent very much, and there is no objective way to arrive at this result, and we don't know how that in the future may be subject to politics, to the influence of, say, Congressmen and so on, and it should just be the purpose to make the immigration policy independent of influences which should not have anything to do with it.

Commissioner O'GRADY. Is that your basic objective to the process of selectivity?

Mr. HEIMS. In that way it can be abused; as it is worded here it can be abused very much. The selectivity here is based on the fact that the immigrants right away can render highly valuable services to this country. I think it is more important to have personalities which are desirable for this country, which, in the long run, if you would have

immigration of especially good people, would be beneficial to the development of the American population in itself. Partly, we were moved by the fact that in our population there is the differential birth rate. That means that it seems that those people who are able to render the most valuable services, or have proven to be here, a good part of the population of that type have the least number of children, and that thereby the population in this country would be bound within generations to decrease in quality. Some immigration can be used to offset that trend, for instance, by saying that those people who are admitted should be at least the average of the American population. If you only give that as a standard, then the average of this immigration, of course, would be already above the minimum standard and you would have reached quite a bit.

But, if, what is likely, Congress would decide anyway on a numerical limit of immigration, you just would have to fight for those kinds of requirements which fill this figure, which can be done by testing experts; the Army does that all the time. If they just say, for instance, in these colleges that only the upward 30 percent or 50 percent or 70 percent are left out from the draft—it is a very easy procedure.

I would like to give you these reports. I would like to give you the copy of this letter of Mr. Chauncey, and, if I may, I would like to give you a copy of some notes I made in preparation of the report about the implementation of this testing, which I could not put into the report because we did not have enough space.

Mr. ROSENFIELD. Mr. Heims, would it be possible for you to let us have a copy of this report[1] for each member of the Commission—that would be seven copies?

Mr. HEIMS. Very gladly.

Mr. ROSENFIELD. If you can send it to our offices in Washington the Commission will be very happy to have a copy of the report from as distinguished a body as the Commonwealth Club.

The CHAIRMAN. Thank you, Mr. Heims.

Mr. Walter Zuger, you are the next witness.

STATEMENT OF WALTER ZUGER, REPRESENTING E. V. ELLINGTON, DIRECTOR OF THE AGRICULTURAL EXTENSION SERVICE, STATE COLLEGE OF WASHINGTON, AND ALSO A. A. SMICK, CHAIRMAN OF THE WASHINGTON STATE DISPLACED PERSONS COMMISSION

Mr. ZUGER. I am Walter Zuger, and I represent E. V. Ellington, director of the agricultural extension service, State College of Washington, of which I am also a member; I also have with me a letter written by Prof. A. A. Smick, a member of the agricultural extension service at State College of Washington and chairman of the Washington State Displaced Persons Commission. He asked me to submit it for the record, and I would like to present it.

The CHAIRMAN. Professor Smick's paper will be inserted in the record.

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[1] The Commonwealth, pt. 2, United States Immigration and Population Growth, vol. XXVI, No. 46, San Francisco 19, Calif., November 13, 1950.

(The letter of Prof. A. A. Smick, chairman, Washington State Displaced Persons Commission, is as follows:)

PULLMAN, WASH., *October 9, 1952.*

Mr. HARRY ROSENFIELD,
Executive Director, Immigration and Naturalization Commission,
San Francisco, Calif.

DEAR MR. ROSENFIELD: It is my understanding that you are conducting a hearing in San Francisco on October 14 in an attempt to get the thinking of a cross section of citizens regarding our present immigration laws. Since I will not be able to be present at the hearing, I am taking the liberty of sending this letter to you at San Francisco with the request that it be included as a part of the testimony that you have been able to secure from citizens in the Pacific coast area. As you know, I have been chairman of the Governor's Committee on Displaced Persons in the State of Washington for the past 2 years. Although I am speaking as an individual citizen, I do want to make it clear that I sincerely believe that I am expressing the point of view of every single member of our committee in the testimony that I am submitting. I make this statement on the basis of the rather lengthy discussions that we have had on the matter of the present immigration legislation.

In my estimation the present legislation on the statute books does not express the basic philosophies and beliefs of the majority of our American citizens. I am firmly convinced that the present legislation violates the American tradition in a number of ways. To be more specific, I believe, the violations are as follows:

1. The present law placed certain individuals and groups of individuals in a very unfavorable position. The law provides for deportation of individuals who have committed any number of acts either willfully or without being aware of the implications of their act. It is my belief that every person should have the right accorded to all individuals in America and should be given the full protection of our judicial system and not be put in a position of second-class citizenship. I agree that full power should be given to the Immigration and Naturalization Service to keep out or to deport undesirable aliens or others who are a threat to our way of life. At the same time, however, I feel that the rights of individuals must be protected if we are to preserve the heritage that has been handed down to us by our forefathers. Traditionally in America we should hold to the philosophy that a man is innocent until proven guilty. The provisions of the present law almost completely reversed that procedure and placed the burden of proof on the person involved. That is, assuming that he is guilty unless he can prove his innocence.

2. It is my feeling that under the provisions of the present law we are setting up a procedure without any consideration for the actual facts in the case. A very tight quota is set up for immigration from various countries to America without any regard to the basic demands for certain types of labor in industry, agriculture, lumbering, fishing, etc. It is my feeling that it would be very wise to make an analysis of our labor needs in the various fields of endeavor and then attempt to adapt our immigration laws to meet the needs of our various groups for labor more adequately.

3. The retention of the quota system in my estimation was very unfortunate. This quota system discriminates against certain national groups, particularly those from southern Europe. In so doing, there is also put into effect discrimination against certain religious groups. Such a provision is definitely not in line with the American tradition, and I am unalterably opposed to such legislation. By keeping it in effect, we are discriminating against many of the refugees who have been forced to leave these countries and are now behind the iron curtain. They represent a potential resource that could be advantageously used in the battle against communism. At the same time, by allowing the migration of such groups to this country, we would be helping to solve a problem in Europe that if allowed to continue might create a situation that will result in a major social unheaval and be at least partially responsible for their world war III or the extension of the iron curtain.

4. I know that, under the stress and strain of a national emergency, emotions play too large a part in the decisions made by our legislators. I sincerely hope that it will be possible to have a reconsideration of some of the provisions now in the present law. Even the most ardent supporters of the present bill that has been placed on the statute books agree that there were some weaknesses in the

legislation. I hope that it will be possible to secure the support of those individuals as well as the ones who originally were opposed to the principles involved in some sections of the McCarran-Walter bill.

I want to take advantage of this opportunity of testifying publicly that by far the largest majority of all the persons resettled in the State of Washington under the Displaced Persons Act have become model citizens and an asset to our community. I hope that our legislation can be changed so that more of these potential citizens can be allowed to come to this country to live useful lives instead of being forced to "rot" in some foreign land where there is no future for them.

Sincerely yours,

A. A. SMICK,
Chairman, Washington State,
Displaced Persons Committee.

The CHAIRMAN. And you represent?

Mr. ZUGER. I represent E. V. Ellington, director of the agricultural extension service, State College of Washington.

The CHAIRMAN. And you are connected with the State college yourself in what capacity?

Mr. ZUGER. That's correct. I am finance officer at present. My background and training is in agriculture in the Pacific Northwest. I was with the emergency farm labor program 5 years during World War II. My background is having been raised on a farm in southwestern Washington.

Commissioner O'GRADY. You are an agriculturalist?

Mr. ZUGER. Yes.

Commissioner O'GRADY. You are not a rural sociologist?

Mr. ZUGER. No; I am not.

The CHAIRMAN. Fine, you may proceed.

Mr. ZUGER. I have given the first part of my talk here already. What I would like to do is to bring out primarily a few of the pertinent factors pertaining to agriculture. That is my background. I no not pretend to speak for the industry nor the professions, but agriculture, particularly in the State of Washington.

The CHAIRMAN. Does the record show where the college is?

Mr. ZUGER. It is at Pullman, Wash.

Commissioner O'GRADY. Is that in eastern Washington?

Mr. ZUGER. That's correct, Pullman, Wash. We are about 80 miles south of Spokane.

Commissioner O'GRADY. Are you going to speak about agriculture both in eastern and in western Washington?

Mr. ZUGER. Yes; that's right.

What I would like to say is that agriculture has some peculiar problems that probably are somewhat in variance with the information that has been given this morning. We have 160,000,000 people right now. We are increasing at the rate of about 2½ million a year; since 1940, agricultural production has increased by some 40 percent. Right now, the United States Department of Agriculture is telling us that our farms must produce 40 percent per acre more food, and fiber by 1975 than is now being produced. In other words, 40 percent increase from 1940 to 1950, and from 1950 to 1975 an additional 40 percent per acre.

They are putting it this way, and I am sure that you gentlemen have heard it: That by 1975 for every four plates we have on the table here in the United States now, we must add a fifth plate.

In the past three decades our farming methods have changed from horse and mule power to an almost complete mechanization. There are less people engaged in farming today than at any time in our history. Agriculture has made tremendous strides in increasing production of all kinds through the use of improved varieties of crops, the adoption of better farming and management practices, and increased use of machinery—all with less and less labor. There appears to be no reason for a change in this trend in the near future. I know of one hop farm in Washington which used 2,000 workers in 1940 to harvest the crop. Through mechanization this labor need was reduced to 400 workers in 1952. I could name you many, many similar instances of this in our State of Washington.

From the time of our earliest settlers, new lands were available for settlement almost for the asking. This is no longer true. Agriculture is presently engaged upon a trenmedous program called grasslands farming—it is a part of a world-wide program—in an effort to attain better use of available agricultural lands. Some new land is being brought under cultivation through drainage and irrigation projects. However, the acres of new land being brought under cultivation does not offset the loss in acres of some of our best land being taken for urban expansion, development of industrial plants, defense needs, and many other nonagricultural uses. Many parts of our country are already facing problems of water supply both for domestic and irrigation purposes. This is a further limiting factor on our expansion toward increased agricultural production.

Agriculture is, in fact, being told that in the very near future we must change from an economy of surpluses and production controls to an economy of scarcity of essential food and fiber to feed and clothe our rapidly increasing population.

Considering these factors from the standpoint of agriculture, should we not at this point take the necessary time to study carefully our current and our long-range labor needs? Should we not attempt to determine now what our future problem may be, before proposing to increase the flow of immigration into the United States through the changes in our present immigration and naturalization laws?

I have not touched on other phases of the present laws since they have been covered by Dr. Smick, whose training in sociology covered those.

I would just like to raise these questions so that I can personally be sure that the Commission is aware that there is another side. My background is one in which I am a second generation of immigrants. My grandfather came from Switzerland. I think some of these things I have attempted to bring out are in the minds of a lot of our people.

I find myself on both sides of the table. I can recognize the humanitarian aspects of the deal, and yet I think we have some more serious problems to consider. I think now is the time to consider them.

That is my presentation.

The CHAIRMAN. What did you mean when you said you are "on both sides of the table"?

Mr. ZUGER. I am saying that we have agricultural production problems, how to feed and clothe these people. That is one side of the thing. Agriculture in the United States, or in particular what I am familiar with in the Northwest, has already increased 40 percent, and

we are told it must increase another 40 percent. There is a limitation on what we can do in agriculture or what we can or cannot do in production.

Commissioner O'Grady. Take the picture in New England regarding immigration. They have made a living for themselves of fairly up-to-date agriculture. They have their fruit and vegetable farming. They are farming to a large degree. That is standard to all New England areas. Do you consider that a possibility and an outlet for some more peoples?

Mr. Zuger. Well, for my thinking, that is an alternative that we can do: yes. If you want to break up the lands—the big producing facilities into small units on a subsistency basis—yes; that could be done.

Commissioner O'Grady. Aren't you doing it in western Washington?

Mr. Zuger. That is what we are saying. We are taking lands out of western Washington faster than we are bringing them in.

Commissioner O'Grady. What about the timberland where people are now in increasing numbers? I have seen these folks go out there and clean out the stumps and make a pretty good living on rather small farms with diversified agriculture, vegetables, and some dairying.

Mr. Zuger. I think you will find, Father, that most of those people are depending for a good portion of their living from income working off the land.

Commissioner O'Grady. I think those I have talked to in western Washington are thinking basically about farming as a way of life. It seems to me you are thinking in terms of big farmers and that we are going to become bigger and bigger. But isn't there another development here that is going on in the South and other sections of the country where the tendency is to have smaller farmers?

Mr. Zuger. What you say is very true about the small farms in western Washington. The agriculture extension service is the county agent program. Are you familiar with the county agent program?

Commissioner O'Grady. Yes; I think I know about that.

Mr. Zuger. The western Washington area is getting more and more requests from people on those submarginal areas, which we think should never have been taken out of timber and should go back into timber, for "How in the world am I going to make a living on this place? I just cannot raise enough to raise my family and send the children to school and pay taxes and eat." That is the kind of questions we are getting.

Commissioner O'Grady. But how much direction have they had in setting up their farms? You are familiar with the operations of the Farmers Home Administration in Washington, I assume.

Mr. Zuger. Yes.

Commissioner O'Grady. And you know the demands all over the country for expansion of that program in building up these small farms so they just don't go in there indorsed. They have guidance so that they have an economic holding and have practical guidance in dealing with that soil and building it up so they can make it up into subsistence. I think that is something your extension service hasn't been able to do very well with that sort of farming.

Mr. ZUGER. But the Farmers Home Administration in our State has not gone into that submarginal area. They have made sure there has been enough land before they will loan a new man starting out anything. They are making sure he has a unit in which he can produce.

Commissioner O'GRADY. But I have observed that they help him to build that up.

The CHAIRMAN. Let me ask you: Is the burden of what you are saying about being on one side of the table or the other that you are recommending we don't have any more immigration to the United States?

Mr. ZUGER. No. What I am trying to say is this: That I think we should take the necessary time now, rather make our changes in the law based on the type of hearing or material that is being presented today. If it takes us 5 years or if it takes 10 years, let's see where we are going and what the future is. Can we support all of these people? Let's do it now.

The CHAIRMAN. Now, under the existing legislation there is provision for some 154,000 every year——

Mr. ZUGER. Yes.

The CHAIRMAN. So that that is what may happen if we don't do anything in 1 year or 5 years.

Mr. ZUGER. That is right.

The CHAIRMAN. And so we could within that number of some 154,000, which under existing law would come in anyhow except maybe from those countries which don't use the quotas assigned to them, consider such changes as would not affect the total picture that you are thinking about but might affect the method we employed to determine who should come in in that number. Is that your thought?

Mr. ZUGER. Yes.

The CHAIRMAN. You would be in favor of that?

Mr. ZUGER. Yes.

The CHAIRMAN. But you don't think, as I understand it, that there should be any increases until we are sure that what we are doing is in the interest of the United States over a long-range period?

Mr. ZUGER. That is what I would like to see.

Commissioner GULLIXSON. Might I ask, what is the size of a typical southeastern Washington wheat farm?

Mr. ZUGER. Oh, about a half section would be the average size. They will range from 100 acres—I am talking of the wheat land—to 200 acres in a farm.

Commissioner GULLIXSON. What would be the chance of an immigrant getting his feet on the ground and in a lifetime possessing one of those farms with his equipment too?

Mr. ZUGER. I wish I knew. I do know this: That on my father's farm it takes about $35,000 worth of equipment to get started farming. The land there is right now selling from $175 to $225 an acre. I think you would have to have at least a half section to start. You can't support $35,000 worth of equipment on a half section or even a small portion of that.

Commissioner GULLIXSON. How large would the typical irrigation farm be in the Columbia Valley?

Mr. ZUGER. In the Columbia Basin, about 68 to 72 acres is what it will run. There your equipment investment to get started on a

farm, I think, would be $15,000 or $16,000, and to get started with your buildings and things. You have a rather substantial indebtedness for irrigation construction and water charges immediately. It is not easy.

Commissioner GULLIXSON. Is there priority as to rights to go into these 70-acre farms?

Mr. ZUGER. Just in certain sections, in those owned by the Government of the United States where there are some drawings for veterans. There are considerable private lands there.

The CHAIRMAN. Thank you very much.

Is Mr. Jack Wong Sing here?

STATEMENT OF JACK WONG SING, ACCOMPANIED BY SAMUEL YEE, REPRESENTING THE CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION AND CHINESE CHAMBER OF COMMERCE OF SAN FRANCISCO

Mr. SING. I am Jack Wong Sing, an attorney, 550 Montgomery Street, San Francisco. I am accompanied by Mr. Samuel Yee, and we are appearing in behalf of the Chinese Consolidated Benevolent Association and the Chinese Chamber of Commerce of San Francisco.

We have a prepared statement for the record, which I wish to supplement with a little talk.

The CHAIRMAN. We will insert your prepared statement in the record and you may proceed with your talk.

(There follows the prepared statement submitted by Jack Wong Sing in behalf of the Chinese Consolidated Benevolent Association:)

STATEMENT OF VIEWS OF THE CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION

This written memorandum is offered to supplement the oral presentation to be made before the President's Commission on Immigration and Naturalization expressing the views of the Chinese Consolidated Benevolent Association relative to the objectionable and inequitable features of Public Law 414 of the Eighty-second Congress which revises the laws relating to immigration, naturalization, and nationality to take effect on December 24, 1952. This organization represents the Chinese people in western America.

The features of the new law for which we hope that your honorable body will see fit to recommend corrections and amendments are as follows:

I. LACK OF JUDICIAL REVIEW AND DETERMINATION OF NATIONALITY AND CITIZENSHIP

Under present existing laws, the pertinent provisions of section 503 of the Nationality Act of 1940, as amended (8 U. S. C. 903) reads as follows:

"If any person who claims a right or privilege as a national of the United States is denied such right or privilege by any department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States * * *."

This section of the law was originally written by the then Senator Warren Austin on the theory that "a citizen of the United States, wheresoever located, shall have the right to have his status as such determined judicially and to come to the United States for that purpose." The filing of a suit under this section of the law is the only recourse in which a person, in the United States or abroad,

after a denial of his right or claim of citizenship by an administrative agency, may institute an action to judicially determine his citizenship status.

Section 360 of the new immigration law specifically abolishes the relief afforded to a person covered by said section 503 of the present Nationality Act.

This new act abolishes court action to those individuals abroad whose claim of nationality and citizenship may be denied by arbitrary and capricious action of an American consular officer and the safeguard of judiical procedure is eliminated. In the case of a denial of a person's claim to citizenship by the Immigration Service and the Attorney General on an application for admission to the United States, the new act likewise deprives such a person of a judicial determination of his citizenship whereby all the rules of evidence and procedure would be strictly adhered and the fundamental rights of a person are protected.

For the past several years, American consular officials abroad have been authorized to issue travel affidavits in lieu of United States passports to permit a subject to come to the United States to present his claim of citizenship for investigation and determination by the immigration authorities, who are in possession of files and records covering the entire family history, and who are in a better position to examine the witnesses in the United States. Upon the refusal of the American consul to allow the subject to proceed to the United States for this purpose, the subject has a remedy of resorting to the United States district courts for a judicial determination by the filing of an action under section 503 of the Nationality Act of 1940, as amended (8 U. S. C. 903). Section 104 (a) (3) of the new act gives the Secretary of State complete control over all questions relating to the manner in which the powers, duties, and functions of consular and diplomatic officers are to be administered and gives the Secretary of State the sole power of determination of nationality and citizenship of a person not in the United States and such action is not reviewable either by the Attorney General or the courts. It would seem also, that this determination of a person's claim of citizenship is being taken out of the hands of the Immigration Service and the Department of Justice into the hands of the Secretary of State, leaving it solely to the discretion of the consular service and the Department of State to determine such vital and important issues such as nationality and citizenship. Thus, the fate and destiny of an American citizen abroad rests solely in the hands of officials who could abuse their discretionary power and be arbitrary and unfair in their actions without any recourse therefrom.

In the case of *Kwock Jan Fat, petitioner, v. White* (253 U. S. 455), the court states:

"The acts of Congress give great power to the Secretary of Labor over Chinese immigrants and persons of Chinese descent. It is a power to be administered not arbitrarily and secretly, but fairly and openly, under the restraints of the traditions and principles of free government applicable where the fundamental rights of men are involved, regardless of their origin or race. It is the province of the courts, in proceedings of review, within the limits amply defined in the cases cited, to prevent abuse of this extraordinary power."

This is particularly so when the proceedings before the consulate are taken ex parte, without benefit of representation or counsel, and without the control and regulations of rules of procedure and evidence. It can readily be seen that a mere exercise of arbitrariness and bias would affect the entire destiny of the individual and such deprivation of citizenship is without due process. But what recourse under the new immigration act has an individual in this predicament? None whatever.

It has always been the fundamental principle of our democratic Government to provide for an inherent right to judicial remedies for citizens whose status and claim are challenged by such an administrative body. Citizens have always been entitled to their day in court.

We do not believe that it was the intention of the advocates of this new legislation to foster and countenance such an undemocratic situation. Thus, it can be seen the need and necessity to reinstitute and continue the provisions of section 503 of the Nationality Act of 1940, as amended (8 U. S. C. 903) as a safeguard and protection of the fundamental rights of a citizen and to prevent the "loss of both property and life, or of all that makes life worth living," *Ng Fung Ho* v. *White* (259 U. S. 276, 42 S. Ct. 492, 66 L. ed. 938).

II. CHILDREN BORN SUBSEQUENT TO MAY 24, 1934, ABROAD REACHING AGE 16 BY DECEMBER 24, 1952

Section 201 (g) of the Nationality Act of 1940, as amended, provides the conditions for the retention of citizenship of persons born abroad subsequent to May 24, 1934, of one citizen parent and one alien parent as follows:

"That, if the child has not taken up a residence in the United States or its outlying possessions by the time he reaches the age of 16 years, or if he resides abroad for such a time that it becomes impossible for him to complete the 5 years' residence in the United States or its outlying possessions before the age of 21 years, his American citizenship shall thereupon cease."

Section 301 (b) of the new act of 1952 carries forward substantially those same provisions of section 201 (g) of the Nationality Act of 1940 except the time limit of the foreign-born citizen born subsequent to May 24, 1934, to commence residence in the United States is extended to his twenty-third birthday.

"Any person who is a national and citizen of the United States at birth under paragraph (7) and subsection (a), shall lose his nationality and citizenship unless he shall come to the United States prior to attaining the age of 23 years and shall, immediately following such coming, be continuously physically present in the United States for at least 5 years * * *."

This act has given an opportunity to those citizens of the United States who would have lost their citizenship on becoming 16 years of age by failing to take up their residence in the United States to have until the twenty-third birthday in order to arrive in the United States to retain their citizenship. However, a problem is created to those citizens who were born subsequent to May 24, 1934, and have already reached their sixteenth birthday sometime between May 24, 1950, until the effective date of this new act on December 24, 1952, and who have failed to arrive in the United States due to circumstances beyond their control. Although the new act gives the fortunate ones that are under 16 years of age an additional 7 years in which to retain their status as citizens, the act does not clarify or mention the status of those already past their sixteenth birthday in that the language of the savings clause 405 (c) of the new act states that it would not restore citizenship to those who have heretofore lost same under any laws of the United States.

We do not believe that it was the intention of the drafters of the law and of Congress to create such an anomalous situation and it is respectfully urged that a clarification thereof be made.

III. THE INEQUITIES OF THE QUOTA SYSTEM TO THE CHINESE PEOPLE

One of the purposes of the new law on immigration, nationality, and naturalization purports to break down all racial barriers to immigration. This act as it now stands, continues without change in the national quota origin that was enacted for the 1924 law, and the feature that still exists is the retention of the method of computing the annual quota based on the foreign-born ratio of population existing in the United States according to the census reports of 1920. This quota system has long since been out of date and still discriminates against many of the people of the world. The original purpose of the quota system was to control and reduce immigration to the United States, but from the present day governmental viewpoint of a restrictive and regulatory device, it has shown numerous limitations and is now outmoded. The quota system has ignored the realities of immigration problems in granting too large quotas to countries which do not need and use them, and in granting too small quotas to countries that do use and need them. Statistics from the National Committee on Immigration Policy shows that between the fiscal years of 1930 to 1946, instead of 2,616,000 immigrants being admitted to the United States as provided by the quota system, only 569,000 persons actually arrived. This is less than 30 percent of the total possible quotas utilized.

In 1919 and 1921 when the principle of allotting quotas on the proportion of people represented by the various nationalities were introduced by the congressional committee hearings, the plan did not include quotas for Asiatics and those people ineligible for citizenship, and consequently these people were banned. It was only subsequently under President Roosevelt's Proclamation No. 2603 that the arbitrary figure of 105 persons per annum was set up as the quota basis for the Chinese. This quota for the Chinese people who comprise one-fifth of the population of the world, is inequitable and discriminatory, particularly to a people who have always been traditionally democratic and friendly to the United

States. The quota of 185 for Japan with a much smaller population is over 75 percent greater than that of China, and the Chinese quota of 105 is only 5 more than the minimum granted for any country regardless of how small such country is. An exception also to the method of computing quotas based on the 1920 census reports is the computation of the quotas for the areas covered within the Asia-Pacific triangle. When you consider that the Asiatic population comprises one-third of the population of the world, it would seem that some more equitable method can be devised in the determination of annual quotas for immigrants that would not be at variance with the American ideals of fair play and based more on the needs of human beings.

Another objectionable feature of the quota system is that all persons are charged to the quotas of the countries of their birth with the exception of the oriental people. With the Chinese people it does not matter wherever they were born, or how long their ancestors have moved away from the land of their origin, they are still charged only to the Chinese quota. For example, a Chinese person or even one with 50 percent Chinese blood, whether born in France, Britain, Germany, or anywhere else, would still always be chargeable to the Chinese quota of 105 persons, but a non-Chinese person born in China, irrespective of the parents' nationality, is chargeable to the quota of China being in the area covered by the Asia-Pacific triangle. It is only to the Asians that this discrimination applies, and as stated by President Truman in his veto message, "this discrimination is without justification."

With recommendations that will lead to a removal of such inequities in the quota system, we will have succeeded in another step toward eliminating racial barriers from our immigration laws. William S. Bernard, in his book, American Immigration Policy, published under the sponsorship of the National Committee on Immigration, states as follows:

"It certainly must be viewed as a matter of utmost immediate importance that no legislation should be left on our statute books which bars any individual from the rights of citizenship or admission to the United States, as an immigrant on racial grounds."

We are attempting to present in a brief and succinct form our views of the leading features of the new Immigration and Nationality Act of 1952, which we sincerely believe are inequitable, unfair, and undemocratic and which we fervently hope will be recommended by your honorable body for revision, correction, or amendment.

Mr. SING. Mr. Chairman, members of the President's Commission on Immigration and Naturalization, Mr. Yee and myself have been asked to represent the Chinese Consolidated Benevolent Association to present their views to your Commission on the inequitable parts about the McCarran Act.

The organization represents all the Chinese people in the western part of the United States. They cover both the aliens and the citizens. We are primarily interested in three phases of the McCarran bill which deal with both the citizens and the aliens abroad still in China now.

The first one we are concerned with is the lack of judicial relief and determination of nationality and citizenship upon a denial by an administrative body. Under the present laws today, as Senator Warren Austin originally wrote it—he wrote section 503 of the Nationality Act on the theory that a citizen of the United States, whether he is abroad or whether he is in the United States, whose status as a citizen is denied by an administrative body should be entitled to a judicial hearing on his citizenship status, and by filing an action under section 503 of the Nationality Act of 1940, as amended, the person is allowed to come to the United States for the purpose of judicially determining his citizenship. Section 360 of this new immigration act abolishes this right from all those citizens who are now living abroad.

In the case of a denial of a citizenship right by the American consul, under the new act there is no recourse of the courts. It has been the

policy for the past several years for the American citizens abroad to apply to the American consuls for permission to come to the United States, and after they get to the United States it is then that the Immigration Service takes over and examines them and examines the witnesses for their status as an American citizen. The Immigration Service is the proper person to take this task since it has all the family history files and all the records. Under present existing law if the American consulate should refuse this right to an American citizen to proceed, we have our remedy to file an action in the United States district courts and in such a suit that is filed we have a judicial examination. Under the McCarran Act, section 104 (a), this act gives the sole power to the Secretary of State to determine issues such as nationality and citizenship.

It would seem that under this section a person's claim of citizenship is taken out of the hands of the Immigration Service into the hands completely of the American consuls abroad and the State Department. Under section 104 it provides that the actions of the State Department cannot be reviewed by either the Attorney General's office or the United States courts. So we concede that in a situation as this a citizen's status abroad goes completely in the hands of an administrative body. This is particularly so because the hearings before the American consulate abroad are taken ex parte. They are taken without the benefit of representation and counsel being present and there is no control of the rules of evidence and procedure.

The CHAIRMAN. We have been told that by other witnesses we have heard, but what do you propose be done about it?

Mr. SING. Fine. It has always been the fundamental principle of our democracy to give all citizens their day in court.

The CHAIRMAN. We know that.

Mr. SING. So to give them their day in court we should reinstitute section 503 of the Nationality Act back into the McCarran Act. This will give the persons and citizens abroad the right of judicial determination of his rights. That is the first phase that we are interested in.

The second phase that we are interested in is for a clarification of citizens abroad who were born after May 24, 1924. Section 201 (g) of the Nationality Act of 1940 provides that for an American citizen who has one alien parent and one citizen parent to retain his citizenship must be in the United States by his sixteenth birthday. The new section, section 301 (b) of the McCarran Act, carries forward the same provisions, practically the same provisions, as the old bill with one difference. It extends the period from 16 to 23 in which a citizen abroad may arrive in the United States and not lose his citizenship. This act then has given an opportunity to those who have not reached their sixteenth birthday to have seven additional years, but a problem is created to those who have already reached their sixteenth birthday now or up to December 24, 1952.

On one hand, the McCarran Act says it applies to all persons born after May 24, 1934, and on the other hand, it says that the new act will not restore citizenship to those citizens who have heretofore lost the same. We don't believe that it was the intention of the writers to discriminate against the citizens that belong to the same class of persons that are born after May 24, 1934, and we would like to have a

clarification of the law so as to cover all persons born after May 24, 1934.

The third phase the Chinese people are interested in are the inequities of the quota system, especially of the Chinese people. Much has already been said not only this morning but probably all over the Nation too as to the inequities of this system, so it would be unnecessary to reiterate all the same arguments over again. However, I just might add that the retention of the national quota system that was enacted for this 1924 law is now out of date. The original purpose of the quota system was a regulation device or for purposes of reducing immigration. From a present-day governmental viewpoint, I mean, it is outmoded and it has shown many limitations. The quota system gives too large quotas to those countries who don't use them and don't need them. It gives too small quotas to those who use them and need them. Statistics will show that for the fiscal years from 1930 to 1946 only 30 percent of the possible quotas were utilized. This was because the countries that had too large quotas weren't able to use them all up. When they computed the principle of computing the quota system based on the ratio of population of people in the United States during the years of 1919 and 1921 when they had these Congressional hearings, this plan did not include any quotas for the Asiatics or for the people who were ineligible to citizenship, so these people were back.

It was under President Roosevelt's administration that the figure of 105 persons per annum was given to the Chinese people as their quota. The quota for the Chinese people is inequitable and discriminatory. The Chinese people comprise one-fifth of the population for the world and they have always been traditionally democratic and friendly toward the United States. The Japanese quota of 105 persons with a much smaller population is 75 percent greater than that of China. The Chinese quota too of 105 persons is only five more than the bare minimum that is given to any country regardless of how small that country is.

Another exception to the computation of the quota system based on the racial population is the manner of determining the quotas for the people who are in the Asia-Pacific triangle. Even then, when you consider that the population of this group is one-third of the population of the world it would seem that a more equitable method can be set up for the quota system which would meet more of the human needs.

The final objectionable feature we have of the quota system is that all persons are charged to the quotas of the country of their birth with the exception of the oriental people. With the Chinese people it doesn't matter where they are born and it doesn't matter how long their ancestors have moved from China, they are still charged not only to the country of their birth but to this Chinese quota of 105 persons. A Chinese person born in France, a Chinese person born in England and being a French subject or an English subject is not charged to the French or British quota, he is charged to the Chinese quota. But a non-Chinese person born in China, irrespective of his parent's nationality, is still charged to the Chinese quota that is in the Asia-Pacific triangle.

So, it is only to the Asians that this discrimination applies and, as President Truman says in his veto message, this discrimination is without justification.

We have just attempted in a very brief manner to present a few of the views of this McCarran bill and the San Francisco Chamber of Commerce of Chinatown has also asked that they go on record as supporting the views that I have presented today.

The CHAIRMAN. All right. Thank you very much.

Is Mr. Lim P. Lee here?

STATEMENT OF LIM P. LEE, JUDGE ADVOCATE, CATHAY POST 384, AMERICAN LEGION OF CALIFORNIA

Mr. LEE. I am Lim P. Lee, 1524 Powell Street, San Francisco, judge advocate of Cathay Post 384, American Legion, of California. I am also past commander of that post.

On behalf of Cathay Post 384, I wish to read a prepared statement.

The CHAIRMAN. You may do so.

Mr. LEE. Mr. Chairman, honorable commissioners, Cathay Post, 284, American Legion, of California, is the largest body of Chinese-American veterans of World Wars I and II in the United States, heartily endorse the views of Attorneys Jack W. Sing and Samuel E. Yee, the previous speakers, and official representatives of the Chinese Consolidated Benevolent Association of America. However, we are particularly interested in an amendment to Public Law No. 414 as they affect a group of war veterans of Chinese ancestry in the United States.

Although Cathay Post has maintained a general interest in the McCarran bill, we are particularly interested in section 329 (b) (2) of the Humphrey-Lehman substitute bill, known as S. 2842, which is not in Public Law No. 414. This is the particular section we are interested in:

> A person filing a petition (of naturalization) may be naturalized regardless of the existence of an outstanding finding of deportability, if such finding is not based upon the charge of crime, subversion, or immorality;

because a number of the veterans cannot be naturalized due to an outstanding order of deportability issued by the United States Immigration Service.

I was in Washington, D. C., on May 19, 1952, when the McCarran bill was being debated on the Senate floor, and I made representation to California Senator, Senator Nixon, trying to get section 329 (b) (2) in the McCarran bill. I explained to the Senator and the administrative assistant of the Senator that we have quite a few World War II veterans with fraudulent birth certificates, and, due to misguided advice, they should not be penalized and be ordered deported. This order of deportability is a bar to their naturalization.

As a veterans' organization, we have not taken partisan side on this McCarran-Walter bill other than to try to secure the best possible "break" for some of our comrades who have been ordered to be deported by the Immigration Service, and hence a bar to their right to be naturalized as bona-fide citizens of the United States. Due to poor advice this group of veterans secured fraudulent birth certificates instead of petitioning the court for naturalization, took out an American pass-

port, and upon their return to the United States they are deportable, due to fraud and perjury.

If section 329 (b) (2) of the Humphrey-Lehman bill is amended to Public Law No. 414 it would go a long way to restore a right taken away from a group of World War II veterans. These GI's are loyal to the United States; they fought for their adopted country, and many wear combat decorations. All they ask is the right to submit a petition for naturalization through the proper court, and let the court decide whether they can be citizens of the United States or not. Under the present law, because of an outstanding order of deportability, they are denied the right to submit any petition.

The CHAIRMAN. Thank you very much.

Our next witness is Mr. Louis Ferrari.

STATEMENT OF LOUIS FERRARI, REPRESENTING AMERICAN COMMITTEE ON ITALIAN MIGRATION, CALIFORNIA CHAPTER

Mr. FERRARI. I am Louis Ferrari, attorney, 151 Upper Terrace, San Francisco, Calif., representing the American Committee on Italian Migration, California Chapter.

The CHAIRMAN. You may proceed.

Mr. FERRARI. I am here to speak to you gentlemen on this problem as I view it from the standpoint of California, and I think I know a little about it after having lived here some 72 years.

I believe that the naturalization laws at the time they were passed undoubtedly must have had some reason behind them, and for the purpose of my discussion I am willing to assume that way back in 1924 or 1926, when this agitation for restricted immigration took place, the people who passed them had some reason to do it.

With that belief, I believe that certain things have happened since then that shows that their judgment either was faulty or that things that happened afterward didn't go according to the way they thought they would go.

First of all, the law as it was passed was intended to be an allocation, a reallocation of the immigration. As I understand it, it wasn't intended to limit the immigration but to reallocate it. As a matter of fact, what has happened is that the law has turned out to be practically an abolition of immigration, and that is particularly so with regard to Italy.

The new act practically follows the old act. So, I say that any legislation that doesn't take into consideration the facts that have occurred and the fact that the legislation hasn't met the needs for which it is passed is erroneous and it ought to be corrected.

Now take, for instance, Italy. It now has a quota of 5,800, I think. Well, by technicalities and this man can't come and this man can come, as I understand it, the actual number that come are practically 50 percent of that. Now, then, you have the other quotas of nations that don't use them. Therefore, the law practically prohibits and says we don't want any more immigration.

Another change has taken place that I think ought to be considered, nd that is the change in this Nation of ours. At the time the act was originally passed we were a Nation minding our own business and trying to solve our own internal problems, problems of agricul-

ture and our problems of this, that, and the other. We weren't too much concerned in what was going on in Europe or any other place. Fate has put its hand upon us and said, "You are now the leader, the No. 1 Nation of the democratic nations that are opposing the totalitarian form of government." We have accepted that leadership, and it seems to me, having done so, we have to do something about it.

Now, what is the problem? Here is Italy, with a population of 47 million people and an acreage of land smaller than that of California any by no means having the resources or the facilities to support that population. We have poured money into Italy through the plans that have been devised. In my humble opinion, that money is not going to have the effect that it ought to have if the present restriction on immigration is kept. The purpose, I assume, of making those expenditures is to have an ally, to have a friend, to have somebody allied with us who can either challenge the aggressor to keep away or, if he does come, can help us take care of it. Italy is an ally with a present overpopulated condition and is absolutely useless to us. Her own internal problems are such that that population condition exists on that acreage, and if we want an ally that can fight and can be of any use to us we have got to put Italy on a basis where this terrific problem of overpopulation won't make her efforts annulative.

Moreover, she is right on the threshold there between the two contending forces. We all know that communism thrives on poverty. To keep that overpopulated condition, I think, is simply making it almost certain that Italy will have to go maybe the other way. Now, I don't think the Italian people want that. They are liberty-loving people, and if left alone they would be wholeheartedly with the democratic nations, but you can't have a man who is starving—you can't have a family where the man is working 12 or 14 hours a day and can't make a living—and still have a successful ally.

Now, what is the condition in California? I have a few statistics here which to me were astounding. I dug them up the other day. I didn't know that the facts were as these statistics show. First of all, at the last count the population of California is 10,586,225. The rural farm population is 546,000 and the percentage of the rural farm population to the entire population of California is 5.2 percent. Compare that to the United States. The United States at the census that I had available to me showed a population of 150,967,000, with a rural population of 23,577,000, or 22 percent. In Italy, with a population of 46,000,000, there are 45 percent working on the farms. These will appear in my statement when I prepare it. We also have in California under irrigation 6,189,944 acres. In the next few months, when the water is available in some of the projects that we have already been completed, it will be more than 1,000,000 more acres under water available for farming.

Now, I don't know whether you gentlemen are familiar with California, but all you have to do is go up and down California and everywhere you will find a crying demand for skilled farmers. The fact is that the farms are absolutely crying for labor and people to work them, but I am not so much concerned on that. I believe that we should have a good wholesome immigration in this State of people who work their own farms instead of having farms of 10,000 and 15,000 acres. Let's get them down to reasonable proportions, to something

like 150 or 160 acres, and have people working the farms. We can thereby immeasurably increase the productivity of this State. We can do a service to the world, and certainly if you are going to win as a leader it is by means of production; and California, in my opinion, hasn't started to produce yet in the farming industry and the cattle-raising industry. The ground hasn't been scratched. We are just in our infancy.

I believe my recommendation would be that we experiment with these immigration laws for a period so that this overpopulated situation can be relieved so that the demand for farm labor and other skilled pursuits can be met; and then, when that is done, if we think maybe it ought to have another look taken at it, let's do it. But there is a demand, in my opinion, that something be done to liberalize the immigration laws so that these countries, these southern European countries, can be relieved of overpopulation so that we can obtain the necessary labor and that we will have prosperous and friendly areas in the great work that we are trying to accomplish.

I thank you.

The CHAIRMAN. Thank you very much.

We will now recess until 1:30 p. m. this afternoon.

(Whereupon, at 12:40 p. m., the Commission recessed until 1:30 p. m. of the same day.)

HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

TUESDAY, OCTOBER 14, 1952

San Francisco, Calif.

TWENTIETH SESSION

The President's Commission on Immigration and Naturalization met at 1:30 p. m., pursuant to recess, in Civic Center Building, San Francisco, Calif., Hon. Philip B. Perlman, Chairman, presiding.

Present: Chairman Philip B. Perlman, and the following Commissioners: Msgr. John O'Grady, Mr. Thomas G. Finucane, Rev. Thaddeus F. Gullixson.

Also present: Mr. Harry N. Rosenfield, executive director.

The Chairman. The Commission will now come to order. This afternoon we will hear first from Mr. Harry D. Durkee, who is accompanied by Dr. George C. Guins and Col. L. W. Meinzen.

STATEMENT OF HARRY D. DURKEE, REPRESENTING THE LUTHERAN RESETTLEMENT SERVICE IN SAN FRANCISCO; L. W. MEINZEN, PRESIDENT OF THE BOARD, LUTHERAN RESETTLEMENT SERVICE IN SAN FRANCISCO; AND GEORGE C. GUINS, PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF CALIFORNIA

Mr. Durkee. I am Harry D. Durkee, 6715 Canyon Trail, El Cerrito, Calif., representing the Lutheran Resettlement Service in San Francisco. I am accompanied by Col. L. W. Meinzen, 3707 Atlas Avenue, Oakland, Calif., president of our board, and Dr. George C. Guins, a political scientist of the University of California, where he teaches a course in the legal order of the Communist states.

It is a real privilege to appear before the President's Commission. Our representation from the Lutheran Resettlement Service will be broken up into three parts. One is a discussion of the guiding principles for immigration legislation, which Colonel Meinzen will take, and, secondly, a discussion briefly of some of the issues involved, and, thirdly, a personal testimony from the view of a political scientist here, Dr. Guins.

Colonel Meinzen. Mr. Chairman and members of the Commission, our work here is made very much easier by our presence here this morning and having heard the testimony of quite a few other people.

As most of them, so do we believe that our immigration laws now being studied should receive a very careful study with the view toward a new approach to the whole question. We believe that our immigration laws should be an enlightened and a liberal approach to the problem of immigration from two different levels: the problem as it affects us, the United States of America and its citizens, and also peoples of other worlds and other nations; in other words, the homeless and surplus population of Europe and other countries.

We believe, under section I, paragraph 2 of Executive Order 10392, here, that a priority in immigration should be set up giving first priority to those people who have cleared or been cleared through immigration processes under the DP Act—yes, I think we called it the DP Immigration Act of 1948—and have been found qualified in every respect except the one, that our own Government ran out of quota numbers on them. We believe they should have the first priority.

We believe also that consideration should be given to those persons who were not classed as DP's and refugees under the DP Immigration Act but who have since become DP's and refugees by their escaping from the iron-curtain countries.

We believe, finally, that we should and we can establish, after careful thought and with proper limitations, a long-range permanent immigration law which will be free of the many objections that have been voiced before this Commission this morning. We are particularly interested in this idea of pooling unused quotas. If one nation does not use its full quota, we believe that it is only fair and proper that the unused portion of its quota be assigned to another country which hasn't a sufficiently large quota but which is able to produce the type of immigrant we want. Of course, that is always considering the fact that any immigrant, regardless of his origin, must meet our immigration requirements.

I think that should complete my remarks, unless you wish to ask some questions.

Mr. DURKEE. Mr. Chairman and members of the President's Commission, we are also aware too that we need to be practical in outlining some general principles; that there are some issues to be dealt with before additional legislation. We have tried to take up a couple of them from the point of view of our own local office here in California.

No. 1, there is room in this country for more immigrants. In our northern California office from our experience alone we have on hand now some 500 employment opportunities which we have had to reject because of no people to place them with. Forty-five percent of these are for farm laborers; 40 percent for domestics, and 15 percent for others.

Secondly——

Commissioner O'GRADY. What type of farm opportunities are you getting? Are they on small farms? Are they for migratory workers?

Mr. DURKEE. Most of them are listed as farm laborers. They are permanent employees though, which would discount the migrant opportunities.

Commissioner O'GRADY. But, are they rather small farmers?

Mr. DURKEE. Large farmers are using them and keeping them on a permanent basis. They are repairing fences and so forth. They are

holding them on that way to keep them for the summer. By and large, they are for smaller farms.

Commissioner GULLIXSON. Are they living with families or——

Mr. DURKEE. Yes.

Colonel MEINZEN. Many of the people are trying to replace migrant labor with this type of labor. Migrant labor is very unsatisfactory.

Commissioner O'GRADY. Isn't migrant labor for specific things, for crops that ripen at a particular point?

Colonel MEINZEN. For instance, in the fruit instance over in Sacramento and San Joaquin Valleys. They want a small number of people to spend the year there. People now must rely on more migrant labor, which is unsatisfactory. I don't mean to say that migrant labor is not satisfactory altogether, but for these specific purposes like the care of machinery, care of the ground, repair of buildings, guarding properties and supplies and crops in the field and various things like that. We have demands for some very large farms around Bakersfield to some very small ones in the Sacramento Valley.

Mr. DURKEE. And then, to get at the problem of whether or not these immigrants will be good citizens and can they adapt themselves to American society. One of the means we have tried to see the picture as a whole was the sending out of a survey in the form of a questionnaire to some 800 families which we have here and of approximately 400 replies we have the following interesting facts: All have applied for citizenship; 80 percent expressed great joy and deep gratitude for their jobs and for this new homeland; 95 percent have expressed keen interest in the prepolitical campaign, many having definite ideas about the candidates, and I think that is healthy; 40 percent have purchased automobiles and nearly 10 percent are buying their own homes; and not one family is without employment.

A third issue that we tried to throw some light on as sociologically and psychologically sound is to have a flow of continuous immigration to this country. One, we will be relieving the economy and suffering in Europe. We will be creating an atmosphere of hope. The world looks to us, of course, in leadership and we are the most able ones to provide it, and leaving them in Europe they become easy marks for communism while here they become stanch resisters of the same.

Then, for the criticisms of our present laws, which I know has been ably coped with by other agencies. But we certainly want to emphasize these things: The present law is discriminatory, as it is against Chinese and southern Europeans. It does not reveal to the free world our democratic ideology.

For our concluding statement we would like to refer to the report made by Mrs. Kiebler earlier as supplemental to this one. She testified this morning.

Then, we would like to offer the testimony of Dr. Guins, of the University of California, with his insights of it from a point of view of the political scientist.

Dr. GUINS. Let me emphasize my main point. Revision of a law is always a very complex procedure, and I am afraid that in the first case this revision will require months and months. All Congressmen and Senators who supported the provisions of the existing law will object to any kind of amendments, I am sure, because they are convinced that certain points of view are correct. The difference of

opinion between some Congressmen and Senators will be subject for discussions.

In the meantime we must pay attention to the crying needs that exist at the present. We cannot turn our back to the thousands of people whom I know, for example, in China are doomed to disaster and who are waiting for a helping hand. Therefore, it is not correct to speak about the need in immigrants. We must speak about the right of our prosperous country to turn its back to these misfortunate people. If we are discussing this problem from this point of view, then I think I have the right to say that there must be adjustments to the current needs of the world. For this purpose it is necessary not only to revise the existing law but to issue a temporary law which can open widely the doors to this country to the refugees from behind the iron curtain who cannot find the means for existence in China and who cannot find any sources of existence if they will not have visas in order to leave these countries where they are living at present.

So, from my point of view, legal provisions must be so flexible as only it is possible to issue a law concerning immigration with flexible provisions. And, concretely, from my point of view, it is necessary to repeat the principle which was already accepted in this country: To establish a certain number of visas for 2, 3 years according to which people who are waiting for the possibility to arrive in this country could get his visa as quickly as possible. Besides this certain number of visas for several years, it is necessary to change some provisions of the existing legislation from the point of view of the procedure for the distribution of these visas. Distribution is too bureaucratic, and because of this bureaucratic system, which certainly have some reasons for normal period of time but are not reasonable at present because of the deficiencies of this provision, mainly people become objects of speculation.

For example, in order to arrive in this country and get a visa a man has to get a visa to Ecuador or Brazil or some other country where he cannot leave because otherwise he cannot receive admission in Hong Kong. Arriving in Hong Kong he must leave the city and the country where here he gets visas. To get visa he must pay $300 or $500. Sometimes that means parting with his whole fortune to go to country where he has no friends, no relatives and wait again for time when he will get a visa in the United States.

We can give a visa which is based on some precaution which is not to let people who are undesirable to come into this country, but if these people are in our country who are reliable and can assure and and give guaranty for political rehabilitation, some potential immigrants who are asking for visas, then send visas directly to consul in Hong Kong and let them arrive directly to this country.

The Presidential Commission, in front of which I sit, can continue its function not only for the revision of law but also for the distribution of visas for some years in the next future with the aid of church organizations and national organizations in order to meet the current needs of the moment. We are living under conditions which are very precarious. We cannot foresee what will happen in 2, 3 years and we must think more about the present than about the distant future.

That is my main point of view. Let me give you my prepared memorandum in which I give you some more details on my views.

The CHAIRMAN. It will be inserted in the record.

(The memorandum submitted by Prof. George C. Guins follows:)

1. Are more immigrants needed? Is there room in this country for more immigrants?

Under the existing conditions some other questions have to be put forward: Is it a moral duty of a prosperous nation to have a great number of people doomed to disaster and desperately waiting for a helping hand? Is there a possibility to secure shelter for some part of those people without a damage to our own country?

2. Is it sound to have a continuous flow of immigration to this country?

It is hardly possible to solve such a problem for an indefinite time, especially under the present conditions. It would be expedient to invest the President of the United States with a right to suspend for a certain period the admission of immigrants or to limit it and to present his reasons to the Congress for a final decision.

3. Does the United States have a continuing responsibility to admit a fair proportion of refugees and other immigrants to this country?

As far as the United States are engaged into the world politics they have to support their moral prestige and to give a good example to other nations as well as to encourage people which remain anti-Communists and potential allies in the struggle for freedom and justice.

4. Are would-be immigrants facing unnecessary difficulties in gaining entrance to this country?

Admission of peoples who belong to the category of refugees must be simplified. In case of reliable sponsors in this country a special screening is hardly necessary at the place of the refugees' residence or, still worse, at the next consulate of the United States. The existing regulations force people in China to get visas to various countries of South America and to waste their last means for getting these visas and useless travelings.

5. Do present laws and procedures safeguard the immigration of families as units?

No. They are often disunited. Parents, for example, arrive in this country leaving their son or daughter with whose support they had existed.

6. Are the possibilities of deportation serious threats to the security and well-being of immigrants?

Probably not. But deportation of the naturalized people is incompatible with their rights as citizens.

It is necessary to secure immigrants against arbitrariness or misinterpretation of their former conduct and in case of denunciation. It is necessary to pay attention to the difference of legal systems in the world of democratic states and in the world of Communist-controlled states, where such acts as production of goods of a low quality, nonfulfillment of contract agreements, tardiness, loitering on the job, even refusal to accept appointment are considered as crimes against the socialist fatherland.

7. Should the quota system be revised?

Yes. The existing quota system can be justified as far as it opens a possibility to get a visa for people of all nationalities and at the same time protects the interests of this country against a potential overpopulation. It is, however, not a flexible system and does not correspond to the needs of our turmoil age. If a certain number of visas for every year of the next 3 years had been established, the distribution of visas could be assigned to the special immigration committee with the participation of the church and refugee organizations. The distribution had to be adjusted to the factual data of the Department of State as regards political events and number of aspirants.

8. How do we feel and think about immigration laws?

We think that a revision of the existing immigration laws is not an urgent problem. It is more necessary to issue a temporary and transient law in order to meet the needs of the present situation: political and religious persecutions, economic difficulties of the overpopulated countries, revolutions and wars, racial conflicts, etc. Such kind of law is urgent. Later it could be included, if necessary, into an ordinary legislation in the form of some possible exemptions.

Mr. DURKEE. Thank you very much. If there are any questions I would be glad to try and answer them.

Mr. ROSENFIELD. Mr. Durkee, the Commission has heard a diversity of views, best exemplified by views given it this morning. On the

one hand, the Commission hears of the dire need for agricultural employment and other kinds of employment, and, on the other hand, the Commission hears that in the long-range picture there is no need, or at least there may be no need, for agricultural employment in the future. What is your view on this question?

Mr. DURKEE. The reason we made the statement in the first place is that since the slowing down of the program we have had requests in our office by telephone, letter, and in person for various kinds of labor. We have tried to estimate the contacts that have been made and the inquiries that have been made, and it seems to us that we have some 500 requests that we have had to reject in just the past months. That would indicate to us that there would be need for that many workers, about half in agriculture.

Mr. ROSENFIELD. Do you know if that same pattern prevails in other religious groups?

Mr. DURKEE. I would guess it would approximate it, surely.

Mr. ROSENFIELD. Do you think that the kinds of problems that northern California meets are different from those that Washington meets, which were discussed this morning, and therefore the diversity is due to the difference in agricultural development?

Mr. DURKEE. Perhaps there might be some difference there. I can speak only from a northern California point of view.

Colonel MEINZEN. Mr. Durkee was not here to hear the statement of the gentleman from Washington. I would say that the difference lies in this: I am somewhat acquainted with Oregon and Washington, not in the last few years, but I was there quite awhile before the war. I think that western Oregon and western Washington, where they have these little farms of specialized produce, would probably have the same trouble California would, whereas eastern Washington would be compared with wheatlands in North Dakota and Minnesota, where they have large farms. I believe he said about a half section is average, whereas here that isn't the case.

I think that answers your question on that.

Mr. ROSENFIELD. Are you saying that in large agricultural centers of the wheat type that is likely to be the kind of situation that Mr. Zuger from Pullman, Wash., told us about this morning but that in the smaller type of farms there is and will continue to be a need for farm labor?

Colonel MEINZEN. That is my personal experience; yes, sir. Of course, I have no experience in the great wheat-growing countries.

The CHAIRMAN. All right. Thank you very much.

Is Miss Watson here?

STATEMENT OF ANNIE CLO WATSON, EXECUTIVE DIRECTOR, INTERNATIONAL INSTITUTE OF SAN FRANCISCO

Miss WATSON. I am Annie Clo Watson, executive director, International Institute of San Francisco, 1860 Washington Street, San Francisco.

I have a prepared statement I wish to read.

The CHAIRMAN. The Commission will be glad to hear it.

Miss WATSON. Since Public Law 414 will not become legally effective until December 24 and since the regulations for its interpretation

and administration have not yet been released, the International Institute is not in a position to judge the act in operation. At the outset, therefore, we are strongly recommending that this preliminary study now being made by the Commission should be followed by a continued and comprehensive Nation-wide examination of the act including both its basic assumptions and the operational aspects of its provisions with reference to their effect upon (1) immigrants and their families who are already in the United States, (2) prospective immigrants who may be subsequently admitted or excluded, and (3) the status of naturalized citizens.

That the immigration and naturalization laws of this country have profound bearing upon the well-being of our total population as well as our relations with other countries goes without saying. However, this statement of the International Institute will refer primarily to concerns which have grown out of our 30 years of experience in social service to immigrants of San Francisco on their problems of resettlement and social integration.

We recognize in the new laws some advantageous provisions of which the removal of race discrimination from naturalization requirements is one; brevity of time permits our enlargement only upon those aspects of the law, the inequities of which are clearly evident now before it goes into effect; some, in fact, have actually stemmed from the old laws. We would like to mention five of these:

(1) Public Law 414 has been highly publicized as eliminating discrimination based on race and national origin. This it has done, as we have said, in naturalization, a step partially offset by the denial to Asian peoples of equal treatment in the field of immigration. All immigrants from Europe and other countries under the quota regulations are charged to the quota of the country of their birth, but persons with oriental ancestry are charged to the quotas of the countries of Asia, wherever they may have been born, or however long their ancestors may have made their homes outside of the country of their origin. Under the new law all the countries of Asia are given small quotas for their nationals—a step in the right direction if it were not that, as we have pointed out, natives of other countries, whose ancestry is as much as 50 percent Asian, shall be charged to these small quotas.

The creation of an Asia-Pacific triangle of nations and Asia-Pacific quotas is thus a perpetuation of the old pattern of designating certain peoples as undesirable or ineligible. The unfortunate international aspects of such restrictions tend to give inferiority of status to native Americans of Asian ancestry and thus to retard their successful community integration. When we take a look at the fine contributions being made to our country by Americans of oriental origin we have to conclude that such provisions serve no constructive ends and are unworthy of us as a Nation.

(2) We make a special plea for the Filipinos who since the independence of the Philippines have had equality with Europeans under the old quota system but are pushed backward into the Asia-Pacific triangle by Public Law 414. This means that after December 24 a person of Filipino ancestry, no matter where born, and regardless of his citizenship, is always charged to the quota of the country of ethnic origin (Philippines), and not, as are all the European people, to the country of his birth.

The unfavorable consequences, both at home and abroad, of this change seem hardly justified since even under the old law the maximum annual quota for the Philippines barely exceeded 100. This is a regrettable gesture made by our country toward a people, the Filipinos, who have paid in blood and sacrifice for their attachment to our democracy and our flag and especially toward Americans of Filipino origin of whom there is an increasing number in the United States.

(3) Mexicans, Central Americans, Cubans, and Canadians—people of "contiguous territory"—are adversely affected by section 244 (5) (b) which denies to them what is granted to other aliens, the full privileges under certain circumstances of suspension of deportation.

The theory back of this provision is that it is easy for them to return to their countries and to reenter legally. The facts are that (*a*) such trips are expensive, taking money from American-born families who need it, (*b*) there may be long delays in consular processing at the borders causing jeopardy to jobs being held in this country, (*c*) there is much anxiety in families so affected, and (*d*) there is no absolute guarantee that the person will return. This provision is by administrative directive already in effect as evidenced in the instances in which the local offices of the Immigration and Naturalization Service have recently denied the privilege of suspension of deportation to Mexican persons living in the United States and supporting American-born families. Such denial, inspired by the provision (1) is causing hardship in families known to us, (2) is not conducive to their better assimilation, (3) will probably affect most numerously those people whose only "crime" was that they crossed the border to find work. It is also out of line with our "good neighbor" policy.

(4) The new law grants first quota preference (the first 50 percent of the quota) to alien workers whose skills are needed in the United States. We think that the old, fundamental principle of our immigration legislation which was inspired by the criterion of uniting the "family" should be maintained; we believe that the skills of a prospective new immigrant should be considered but not to the point of sacrificing the first, basic need of keeping the family together especially when some members of it, who may even be United States citizens, are residing permanently in this country. We know families, from countries with small quotas already heavily mortgaged to admit displaced persons, who by this provision will be permanently separated. Although the principle of uniting the family has been recognized in the new law, it is in reality a mere gesture since it will not help the quotas of the small countries which need it most.

(5) The passage of this law with new measures relating to revocation of naturalization has already had the effect of creating uneasiness among naturalized citizens and those approaching naturalization. As a social agency we are especially concerned over the effect which these new policies may have on the immigrant family with American-born children. One of our big unsolved social problems in this country is the high degree of maladjustment among "second generation" youth who are prone to throw off parental authority, to disrespect parents because they are different and old-fashioned. To detract further from the status of foreign-born parents by legal strictures will add to the feelings of insecurity and tend to weaken family ties which need

to be strengthened in every possible way. Also the general effect of making all of our naturalized citizens feel like and become "second-class citizens" will in no way serve the best interests of the American people.

We recommend, in conclusion, that the sections of the law applicable to new citizens, to people of the Asia-Pacific triangle, to people of contiguous territory, to the possible separation of families, be studied with a view of amending them without undue delay.

Thank you for the opportunity granted us to present this report.

The CHAIRMAN. Thank you very much.

Is Mrs. Margaret Cruz here?

STATEMENT OF MARGARET CRUZ, REPRESENTING THE ADVISORY COMMITTEE ON EMPLOYMENT PROBLEMS OF LATIN AMERICANS

Mrs. CRUZ. I am Mrs. Margaret Cruz, 425 Franklin Street, San Francisco, Calif., representing the Advisory Committee on Employment Problems of Latin Americans. I have a prepared statement I wish to read, and I have dealt particularly with section 224 of the act.

The CHAIRMAN. We will be pleased to hear you.

Mrs. CRUZ. Since the United States is a Nation which has been built by immigrants from every country in the world, it is of the greatest importance that our immigration and naturalization laws and regulations be based on principles of respect and justice for all people. The comments and recommendations which follow are respectfully submitted in the interest of eliminating discrimination and improving the new law (Public Law 414) in its application especially to naturalized citizens:

(1) Since the present law preserves the quota system based on a national origins plan, we think it should apply to all nations alike. The creation of an Asia-Pacific triangle of nations and the establishing of a different quota plan for those nations is discriminatory. If this plan is continued, it will undoubtedly lose friends for us in Asia where we need them and in addition will tend to give feelings of inferiority to native Americans of oriental origin. Such a situation will be of no advantage to anyone and we recommend the removal from the law of all discrimination based on race or nationality.

(2) We are strongly opposed to all provisions of the law which weaken the position or detract from the security of naturalized citizens. The welfare and strength of our country depend largely upon the loyalty and devotion of the naturalized citizen as well as the native. We cannot build unity among new Americans unless they can have feelings of being firmly rooted and of really belonging. We recommend that the provisions of the law applying to naturalization be carefully studied with a view of strengthening rather than weakening the place of the new citizen in American life.

(3) We consider particularly regrettable those provisions of the law which adversely affect people from "contiguous territory"—Mexicans, Canadians, Cubans, and Central Americans. Section 244 (5) (b) denies to them what is granted to all other aliens, the privilege under certain circumstances of suspension of deportation. This inequality is probably based on the idea that it is easy for them to

return to their countries and to reenter locally. The facts are (*a*) that such trips are expensive, taking money from families who need it, (*b*) that there may be long delays in consular processing at the borders causing jeopardy to jobs being held in this country, (*c*) that there is much anxiety in families so affected and (*d*) that there is no absolute guaranty that the person will return. This provision will create particular and widespread hardship among Mexicans who have crossed the border in such large numbers to meet demands for a labor supply. We can ill afford thus to offend our nearest neighbors, and to impose harsher restrictions on their nationals than on others seems particularly unjust.

We appreciate this opportunity of appearing before the Commission and in closing we are glad to call attention to two good features of the law: (1) the provision for extending the privilege of naturalization to all persons regardless of race, age, or nationality, and (2) the provision liberalizing the requirements of naturalization for older immigrants of long residence here. These are in keeping, we believe, with the best traditions of our country.

The CHAIRMAN. Thank you very much.

Is Prof. Varden Fuller here?

STATEMENT OF VARDEN FULLER, ASSOCIATE PROFESSOR OF AGRICULTURAL ECONOMICS, UNIVERSITY OF CALIFORNIA, AND FORMER EXECUTIVE SECRETARY TO THE PRESIDENT'S COMMISSION ON MIGRATORY LABOR

Professor FULLER. I am Varden Fuller, associate professor of agricultural economics, University of California, formerly executive secretary to the President's Commission on Migratory Labor, 2–7 Giannini Hall, University of California, Berkeley, Calif.

The CHAIRMAN. You may proceed.

Professor FULLER. I do not represent any particular groups or organizations. I am speaking for myself at your invitation. I understand the reason or basis for my invitation to come and testify is to bring to your attention some of the portions of the report of the President's Commission on Migratory Labor which may seem to be particularly applicable to the questions you have under consideration now.

Obviously, a Presidential commission on migratory labor is not primarily concerned with questions of immigration, but there were questions touching into immigration law and administration which the Commission was obligated to report upon after having surveyed the facts relative to those, and primarily these questions pertained to the administration and enforcement of the immigration law, particularly on the Mexican border. The other aspect was concerned with the temporary admission of the otherwise inadmissible aliens as temporary workers in agriculture.

I call your attention to two chapters in the report of the President's Commission on Migratory Labor, Migratory Labor in American Agriculture (U. S. Government Printing Office: 1951), of which I have provided your staff director with copies. Those are the sections of the report of the President's Commission on Migratory Labor which may be of particular interest to you: chapter 3, beginning on page 37,

about alien contract labor; and chapter 4, beginning on page 69, about the wetback invasion or the flood of illegal aliens across the Mexican border. Those are the two topics that I understand you would be particularly interested in—some discussion of the question of admission of otherwise inadmissible aliens for temporary work, and it is on that subject I will direct my remarks.

We commenced our practice of admitting inadmissible aliens not pursuant to the regular provisions of the immigration law, but rather to the section of the ninth proviso. We commenced that in World War I, but not on a large scale. The more important history in that respect were actions taken as emergency measures during World War II, in which under the ninth proviso waiver we have begun again to bring rather large numbers of people from Mexico, from the Caribbean area, and some from Canada also into the United States for temporary employment in agriculture and railroads, primarily; that is, primarily those two rather than other occupations.

Now, these admissions were handled under the terms of intergovernmental agreements, negotiated between the Government of the United States and the respective foreign republics. Those intergovernmental agreements provided for general standards and conditions under which the importation would take place. Also as a part of the war emergency measures the people who were brought in were handled administratively by the United States Government agencies. That is to say, the United States continued to represent these people and to administer the minimum terms of the agreement. Now, the numbers of people who were brought in were under the wartime emergency measure, you will find summarized up to the conclusion of the war program in chapter 3 of the report, which you have and I won't mention them. They were in the low thousands, as far as the British West Indies is concerned and fifty to one hundred thousand as far as Mexico is concerned.

We have continued, since the termination of World War II, this program of temporary admissions under the ninth proviso. The wartime phase of the program is substantially different in may respects from that during the war. First of all, as far as the Mexican aliens are concerned, they were admitted for both agricultural employment and railroad employment, and immediately following the termination of the war the railroad phase was discontinued and the admissions have continued only with respect to agricultural employment.

In the postwar phase of the importation program we have not had intergovernmental agreements with any of the republics of the British West Indies. We have with Mexico, and incidentally at the insistence of Mexico and not at the insistence of the United States Government. This intergovernmental agreement with Mexico has provided for the minimum standards and conditions under which the importation would take place, providing for minimum standards of housing, of employment, minimum employment guaranties, guaranties of being paid prevailing wages, and similar guaranties. We have not continued the practice of intergovernmental agreements with the countries of the British West Indies, primarily because those republics have not insisted that we do have the intergovernmental agreements. Agreements do exist covering those importations from the British

West Indies, which are Bahamians and Jamaicans and whose employment is confined primarily on the eastern coast. Agreements do exist, but they are agreements which are negotiated between private groups of United States farm employers and Governments of the Bahamas and Jamaica.

There is a rather substantial difference, which I am sure you will appreciate, between an agreement negotiated government to government, as in the case of Mexico, as against an agreement between government agencies and private employers on the other side. Understandably, the British West Indies' agreements are substantially more lax and less rigorous than the agreement with Mexico.

Those are two of the differences in wartime emergency phases and postwar phases, and another of considerable importance is that whereas during the war period the United States Government did guarantee the performance of agreements and did maintain very substantial facilities for transportation and for seeing to it that all of the terms of the agreement were observed—in the postwar phase of it that has not been true. The United States Government is an active agent in the employment process of these temporarily admitted aliens and has served only a very nominal role. Most of the enforcement has been left up to very few agents and Government hasn't taken a very active hand in that.

Still another characteristic of the postwar phase is that actually in the postwar years the volume of admissions has been substantially larger than it ever was during the war. That is not true in every year, but it is true of approximately 2 of the 4 years. The last 2 years have been the largest of all. We have had something in the vicinity of 200,000 Mexicans only.

Mr. ROSENFIELD. Still on the basis of intergovernmental employment?

Professor FULLER. With Mexico it is intergovernmental, but with the Bahamas and Jamaica it is not.

Mr. ROSENFIELD. That is legal immigration?

Professor FULLER. That is so far as the Attorney General makes it that under the ninth proviso. The ninth proviso leaves a lot of discretionary power in the hands of the Attorney General. It is legal as long as the Attorney General says it is.

This sums up the main difference which characterizes the use of contract migratory labor since the wartime phase. I think you will appreciate the differences in conditions and in the size and in the role of the Federal Government that are substantially different than they were in the war phase of it when it was originally conceived.

I am sure that this Commission will be more interested in policy questions than in the many facts in the situation, so I will turn to what perhaps may interest you more. That is, what policy conclusions might one find in this process of importing otherwise inadmissible people for temporary work. First of all, I am sure that, particularly in view of some of the remarks which have been incorporated in previous testimony, you wish to know whether the contracted alien labor fills a labor shortage or a labor need which could not be filled in any other way. In other words, do we have a genuine labor shortage? That, incidentally, was one of the questions which our Commission was asked to try to answer. Unfortunately, that is one of the kinds of

questions, of which we have many these days, to which there is no certain answer.

I think it is a very unsophisticated person who will come out and say, except in very local and temporary situations, there is an absolute labor shortage which is absolute in some certain magnitude of so many people. In general, that question cannot be answered in that way, in my humble opinion, because the determinates of what makes a supply of labor, what makes the demand and the size of them—they are matters which are relative magnitudes and relative conditions and not absolute magnitudes. Both labor supply and labor demand are elastic matters which may change and can be changed. Hence, it is very hard to say that we have so many people available or that we need so many and that there is a difference and that here is a shortage. It is very difficult to do that.

There are some aspects of the question of labor demand, particularly with reference to this group, that I think need to be taken into consideration. One of the most important of these is this: That we frequently hear references to the need of Mexican aliens and other types of aliens for agriculture, just as though American agriculture in total, all the almost 6 million farms in the United States, were dependent on this particular type of labor. Now, that is a long way from being true. Actually, the employment of this type of labor is concentrated on substantially less than 100,000 of the Nation's farms. In other words, you are talking about farms representing no more than 2 percent at the most, of all the farms in the United States being interested in this particular type of labor.

Commissioner O'Grady. You are talking about Mexican labor, are you now?

Professor Fuller. I am talking about Mexican and Jamaican and Bahamian.

Mr. Rosenfield. Let's make is clear that you are still talking about the permitted and regulated ones and not the so-called illegal ones.

Professor Fuller. I am having nothing to say about wetbacks. We have no illegal immigration except the Mexicans across the river.

It is a false premise that United States agriculture is dependent on this particular group of people; that is, the people who are demanded for the purpose these are. It is a very small group. It was no particular connection with the vast majority of the farms in the United States. It has no connection with the livestock type farm, or the dairies or the poultry farms, and so on, because they don't use them. It is substantially limited to a relatively small number of fairly large farms that are concerned with growing cotton, sugar beets and the sugar beet farms aren't all large, but they come together.

Commissioner O'Grady. Aren't they very small for the most part?

Professor Fuller. But they have associated together and become large by association, and that is also true in the fruits and vegetables. So that is one of the things that is of some importance, perhaps, the role these particular folks play.

Now, another point to be considered in the long look at this particular thing, as far as its policy aspects are concerned, is that it seems to me one needs to draw a distinction between wanting to have people for a particular temporary purpose and not wanting them to be citizens, as against wanting more population basically in an industry such as, in this case, agriculture. It is definitely so that agricultural

interests and community interest too don't particularly think of the Mexican alien or the Jamaican or Bahamian as a person who should come and stay and be citizens and be members of the community. That is not intended, so in effect the demand for this type of labor is to have a person to come and do the particular type of work which is mostly stoop labor, very hard labor in the fields, and then when through with it to be gone and out of the way.

Now, I am not drawing that necessarily as my own conclusion. Our Commission, in the testimony it took, was told time after time that that was one of the principal advantages of the alien labor: That you had him when you wanted him and when you didn't want him any more you didn't have to have him around nor his family either. That is very closely paraphrased to testimony that we had many times from agricultural employers and from other people representing agricultural communities and these particular product and commodity groups.

Well, those are some of the aspects of labor demand which makes it very hard to answer the question: Do they fill a real need? They fill a real need conceived in a particular way. Whether there are other ways of filling that need is a question that is still wide open as far as I am concerned, that is, some of the questions of labor supply which relate to this matter of "Do the imported aliens fill a real need?" It returns, for one thing, to the demand question which I have discussed already. Another is the supply question, how many, and do we have sufficient citizens here already? There again, it is a very relative question and very hard to come to a definite concrete conclusion about it and hard to understand.

We do know that migratory and residential seasonal labor are not fully employed. For a good many of them unemployment is their principal occupation. They don't get but 70 to 100 days, and most favorably 150 days a year. Some of this is inherent in the very seasonal process of agriculture and can't be avoided. After all, certain things don't go on all year long. However, there is quite a bit of evidence to indicate that if we really wanted to as a nation we could get a good deal more out of our domestic labor supply than we do, and perhaps enough to cover the vacuum that is filled by bringing in the aliens. We don't know because we don't experiment with those things. We have the sort of society where we use the other course rather than experiment with using our own people more effectively.

Another aspect of this same question is that—I think someone may have discussed it this morning when I wasn't here—we have a large number of farmers, a large population of farm families in the United States who constitute what is often referred to as the "low income segment." Those are the people who don't produce much and have very small farms. There aren't very many of them who contribute to the commercial production of the country. They are located primarily in the South here in the United States along the Atlantic seaboard.

During the Second World War we did make temporarily an attempt to use some of that population, of which there are 2 or 3 million. We don't really know how many there are of them who might be there. We tried to use some of those people in some of the emergency farm labor programs, but an amendment was put into the legislation very

early in the game—I think probably in 1943—which prevented the Government from doing anything to try to move or solicit any of those folks to come out and work elsewhere.

The CHAIRMAN. Why was that?

Professor FULLER. Well, sir, that I think probably represents the position of the southern employer interests in wishing to hold their population at home regardless of whether they might be more advantageously used elsewhere.

Commissioner FINUCANE. And regardless of whether they are employed as much as they could be during the season?

Professor FULLER. I think the question of how well employed was quite irrespective to putting in that amendment to the law. I think the southern people just wanted to hang on to their population and not let it go.

So, there is a large resource there that we haven't really tapped. We don't know really what is there, and we haven't experimented with it. A lot of people say there is a lot of labor there, and the people wouldn't move anyway. The most honest answer to contentions on both sides is that we don't know and we haven't tried to find out. Still, we have gone the other way and relied on Mexico and the Caribbean to make up our manpower deficits in this particular field.

Another aspect of this same sort of question is that we do have a rather large available population of workers who are citizens in Puerto Rico. In the postwar years Puerto Ricans have begun to come to the mainland in the low thousands, 4,000. I think the highest it ever got to was around 9,000 to 10,000 a year. They come over and go back and they, incidentally, too are covered by agreement even though they are citizens and are free to move. Their own territorial government in San Juan negotiates an agreement under which the Puerto Rican people come here to work. The Government representatives in Puerto Rico have testified and urged repeatedly that more of their labor is available and should be used. We didn't use it during World War II. There were several excuses, but I think it comes down to this: There were a lot of interests in the United States which simply did not want Puerto Ricans here because they could not be returned. The Commission uncovered correspondence and memoranda which supported that particular conclusion.

Well, I think perhaps I have brought into perspective some of the things you can answer and would have to have the answer to before you could answer the question of whether the temporarily imported aliens under contract are filling a real gap or not. As I said earlier, this temporary admission of inadmissible aliens was undertaken as an emergency matter. That was 10 years ago. We have had it with us every year since in one form or the other.

So, the question naturally emerges: Is this the kind of emergency that is going to get permanent. That is not quite an academic question either, because the farm employer interests have expressed themselves before Congress and before the executive branch of the Government already to the effect that there ought to be a permanent farm labor program of this sort. So then, that brings up the question: Is this the type of problem and type of solution that one wants to solve permanently in this way?

There are a lot of people in the United States who argue this is a perfect solution; that this is fine, because our little brothers from the

south can come in and then go back and we will get our work done, and it is a favor to them because they earn more here in an hour or day than they do otherwise in a week. And so on the argument goes.

Some of the more moderate of the employers think that this should be recognized as still an emergency measure and that there needs to be a different and more constructive long-run solution of it.

Offsetting what seemed to be a solution, as far as the employers' interest is concerned, in getting this work done in this particular way, are some considerations which I would like to bring to your attention. One is that this is a labor supply, and even though we say to bring in 200,000 doesn't cost more than about 1 percent of all the agricultural employees and about 15 percent of migratory and seasonal ones—regardless of its smallness and relative insignificance in the total picture, there is the fact that it is a labor supply which is somewhat hazardous in this respect, that its availability has to be negotiated for every year and sometimes oftener. That is to say, there is a long and extended and complicated process—particularly where Mexicans are involved with the intergovernmental agreement—of negotiating this agreement under which immigration must take place.

The second point is that it is expensive. We have a substantial portion of the State Department and very substantial proportions of staff of the Immigration and Naturalization Service and a large proportion of the staff of the Department of Labor, both in Washington and in the State offices, working on some aspect of the program, primarily, of course, in terms of the administration to see to it that prevailing wages and so on are paid. I have offered to wager people in Washington in the State Department that the total governmental cost, the outlays by the Government, that are incurred in procuring this labor supply are at least equal to the total payroll brought in. I don't know how they ever answered that question. So far I haven't had any takers on that offer. The total cost of obtaining this labor supply is as large as the wages paid the people when they get here. That is my personal opinion. I haven't had any takers yet.

Commissioner FINUCANE. On that, do you think it would be fair to let the users of this labor bear that?

Professor FULLER. I doubt if my ideas of equity should come into this hearing. That particular suggestion has been made to farm groups and they say "No."

Commissioner FINUCANE. If it were done, do you think it would reduce the number of requests to import Mexican labor?

Professor FULLER. I think it automatically works that way. If the price of something is double or triple you buy smaller quantities of that than you used to.

Commissioner FINUCANE. If the labor is absolutely essential to that farmer, would he still not have to buy it, the same as we are buying bread?

Professor FULLER. If instead of $20 the cost would be $250, I should think transporting of Mexicans would——

Commissioner FINUCANE. Would leave the Mexican labor less?

Professor FULLER. I should think so.

Mr. ROSENFIELD. Or would it be more illegal?

Professor FULLER. Yes. Well, the border patrol would need sufficient men to guard the border.

I think probably the last aspect that ought to be considered in taking the long-range view of whether this is the kind of emergency that we ought to allow to become a permanent emergency is to raise the question of what are the present and potential effects of this sort of labor program, not only on the domestic labor but also on the type of agriculture which we say that we want in the United States. As far as the effects on domestic labor are concerned, the effects tend to run in two directions. One is that with the Mexicans in particular, where we have an agreement which establishes minimum conditions and employment guaranty and a provision that prevailing wages will be paid. Since that occurs with respect to the alien labor primarily from Mexico, I say again on account of the intergovernmental agreement, and not any place else in the entire employment in the United States with respect to migratory and seasonal labor, the very negotiation of that agreement can't help but in a way influence standards upward. Some people can argue that this has the effect of perhaps improving prevailing standards for American workers who are citizens. On the other hand, I feel that whatever tendency there is in that direction on the part of or through the negotiations with Mexico that there is a contrary tendency to hold down wages by virtue of this type of importation and to delay the improvement of working conditions. It is almost inescapable that that should be done because after all if you bring in people to take over work that somebody else might, if conditions were sufficiently favorable, be induced to take, then there is a replacement. You have created an addition to the labor supply, and it doesn't take a very fancy economist to know, or businessman either, that when you increase the supply of any particular commodity or service the price is pushed down or held when it otherwise might rise.

Now, there are some statistical facts to verify that. We know that wages in agriculture have tended to get wider and wider over the years from the wages that are paid in industry. Before World War I wages and conditions of agricultural employment were not too far away from the generally prevailing standards in industry. Since then there has been a widening gap. There is a picture of it on page 131 of the Migratory Labor Commission's report. There has been a widening gap in the prevailing standards of wages in industry and in agriculture, so that as a result agriculture is attempting to acquire a labor supply on more and more unfavorable and less competitive terms. So that in an environment where already the domestic portion of our population who are doing this sort of work are not fully utilized, they obviously are in need of some kind of improvement in their working circumstances. In this kind of environment we have introduced the importation of the alien laborer.

As far as the other side of the picture is concerned, the interests of the farmers' testimony to the President's Commission on Migratory Labor tended to imply that all farmers, big and little alike, were interested in this sort of thing, but I regret to say that we did not hear very much directly from the small farmers. Their position was given to us vicariously by people who represented on the whole larger employment interests, either because they were operators of larger farms or because they were representatives of associations of small farmers. But the evidence seems to point that this kind of importation program cannot but be in the long run somewhat hazardous to the interest of

family farmers. The process is simply this, and we observed it in the Great Lakes States, where over a period of many, many years, several decades, the canning companies there had acquired their vegetables primarily from independent small farms. The farmers had raised the stuff and the canner bought it and sold it. In recent years of this labor importation something new has happened. The canning companies have gone out and rented or bought land and they are able to buy or rent because they can pay better prices than are prevailing or can be paid by other farmers either in terms of rent or in terms of price of the land. Then these very same canning companies go to the Department of Labor and say, "Let's go to the Bahamas and Jamaica." And there you can see what could happen. It is over a fairly large range. It is not now, but it might very well be. To have this labor imported, not to become citizens but to perform a particular kind of service, to me seems very doubtful if it is in our long-term interest.

Mr. ROSENFIELD. I just want to inquire whether the difficulties you have expressed to the Commission in terms of an over-all policy basis are or are not complicated or accentuated by the illegal migration which you said you are not discussing?

Professor FULLER. Your question is, "Are these policy questions with respect to the legal portion of it? Are they prompted by the migration of the illegal movement?

Mr. ROSENFIELD. That is right.

Professor FULLER. Certainly, I didn't leave the illegal end out by reason of thinking it unimportant or that it had no effects. On the contrary, the volume of illegal movement is several times more than the legal. Whereas we have had a quarter of a million, at most, of legally contracted people, no one knows for sure but we may have as many as a million Mexican wetbacks, and getting up into the Great Lakes States. The volume of illegal immigrants makes the administration of the legal ones much more difficult than it would be otherwise.

The CHAIRMAN. Thank you very much, Professor. We appreciate your coming down here and discussing that problem with the Commission.

Professor FULLER. I do want to say and to make sure it is understood that what I have had to say about the admission of aliens under these terms has nothing to do with what I consider to be the basic immigration problem.

The CHAIRMAN. Yes. Thank you.

Is Mr. Donald Vial here?

STATEMENT OF DONALD VIAL, REPRESENTING THE CALIFORNIA STATE FEDERATION OF LABOR, AFL

Mr. VIAL. I am Donald Vial, and I represent the California State Federation of Labor—California branch of the A. F. of L.—995 Market Street, San Francisco.

In submitting a prepared statement for the California State Federation of Labor I want to point out that the federation is not indifferent to the national immigration laws. In selecting this topic of the entrance and employment of illegal aliens from Mexico we did so because we feel it is a particular problem in the West. We feel that it is an immigration law enforcement problem and we feel it is the

greatest problem in the West at present. I don't want to go into it at any length in this oral statement.

The CHAIRMAN. We really don't expect to be going into that at any length. The President's Commission on Migratory Labor was created to study that especially, and we are not going to do it all over again.

Mr. VIAL. We thought we would submit the statement to you. We realize the President's Commission on Migratory Labor has fully covered the labor end, but we do feel that there is a need for some legal enactment to properly enforce immigration laws in addition to the recent law that was passed in Congress, Public Law 283, dealing with illegal aliens entering this country, making it a felony to harbor and conceal illegal entrants.

The CHAIRMAN. I am afraid that will not be of any particular value to what we are doing. However, your statement will be inserted in the record. Thank you for appearing.

(The statement submitted by Mr. Donald Vial in behalf of the California State Federation of Labor follows:)

STATEMENT OF THE CALIFORNIA STATE FEDERATION OF LABOR ON ENTRANCE AND EMPLOYMENT OF ILLEGAL ALIENS FROM MEXICO

The American Federation of Labor in California is seriously aware of the potentials for good or evil which attend the immigration policies of our Federal Government.

While the attached brief pertains almost exclusively to a sectional phase of immigration, it does not indicate an indifference to broad national policy. However, since the purpose of the current hearings is to probe local applications of Federal law, the California State Federation of Labor has chosen to develop a survey of immigration as it relates to the public welfare of the West.

The brutal exploitation of illegal entrants from Mexico, the so-called wetbacks, calls for immediate and effective remedies. The commodity interests of corporate farm powers should not be permitted to endanger the good-neighbor philosophy which has so long prevailed between the people of the United States and the people of Mexico.

It is to this critical subject that the American Federation of Labor in California directs the attention of responsible authorities.

VOLUME OF WETBACK TRAFFIC

In recent years the volume of wetback traffic has reached staggering proportions. Although it is impossible to determine the exact number of these illegal entrants that steal across the border annually, it is an accepted fact that it has achieved the force of an invasion.

One indication of the growth and magnitude of this traffic is the large number of apprehensions made by immigration officers. Reviewing the figures of the Immigration and Naturalization Service through 1950, the President's Commission on Migratory Labor, in its 1951 report, Migratory Labor in American Agriculture, points out that prior to 1944 apprehensions by immigration officials leading to deportation or voluntary departures were fairly stable—under 10,000 per year. Since 1944, however, the number of deportations has continuously mounted each year, from 20,000 in 1944 to 565,000 in 1950. The Commission conservatively estimates that at least 400,000, or 40 percent of the Nation's migratory labor force of 1,000,000 in 1949, were wetbacks.

The annual rate of apprehensions and deportations continues above the 500,000 mark. The San Francisco office of the Immigration Service reports that during the fiscal year ending June 30, 1952, over 510,000 wetbacks apprehended in the United States were deported. In southern California alone, during the fiscal year 1950–51, the deportation figure was over 295,000; a monthly rate of approximately 25,000. An additional 2,000 deported monthly from the San Francisco district of the Immigration Service makes the total California monthly rate of deportation about 27,000.

These figures, although indicative of the volume of traffic, are, of course, considerably less than the actual number of wetbacks that enter this country. While it is true that some individuals are apprehended twice and are therefore duplicated in the apprehension count, it is also true that a much larger number enter and leave without being apprehended and hence are not counted in the apprehension and deportation figures at all.

Thus, Gladwin Hill, reporting on the wetback problem in the New York Times, March 25, 1951, estimates that the total traffic is about 1 million a year. This estimate is based conservatively on the surmise that for every wetback caught there is one who is not caught. But he is quick to point out that most immigration officers would concede a more likely average of 5 or 10 to 1. For some areas close to the border the estimates go as high as 100 to 1. But it should be pointed out again that in such a reckoning, many of the total would not be different individuals, but repeaters who recross after having been deported.

A still more conservative estimate of the total number of entrants has been made by Willard Kelly, Assistant Commissioner of Immigration and Naturalization. He told the Senate Appropriations Committee on March 21, 1952, that more than 750,000 wetbacks are expected this year, while labeling this breakdown on our border controls a national disgrace. "They are coming in at the rate of one a minute, every minute of the night and day," he pointed out.

There is an obvious lack of agreement on the total number of wetbacks that are entering this country illegally. But in spite of this disparity, the fact remains that our Southwestern States are facing annually a flood of wetback entries.

It should also be pointed out that this invasion is not confined to agriculture or the border States. Recently, it has spread, though with diminishing intensity at greater distances from the border, to virtually every State in the Union, while infiltrating a wide range of nonfarm jobs and occupations. For example, of the 343,700 illegal aliens from Mexico apprehended and deported between July 1, 1951, and March 1, 1952, the Immigration Service reports that 17,300 were arrested while employed in trades, crafts, and industries other than agriculture.

The volume of traffic and the consequences of this traffic, discussed immediately below, are reason enough why the California State Federation of Labor is asking careful consideration of the wetback invasion. The wetback problem must be recognized as equal in importance to the question of admitting displaced persons from Europe. The President's Commission on Migratory Labor made this very clear in its report by contrasting the wetback traffic with the admission of displaced persons: "In 1949, when we admitted 119,600 displaced Europeans, our apprehended wetback traffic was almost 300,000; in 1950, when we admitted 85,600 displaced Europeans, our known wetback traffic was between 500,000 and 600,000.

CONSEQUENCES OF WETBACK TRAFFIC

Inevitable consequences have accompanied the newly developed magnitude of wetback traffic. Foremost among these consequences is the severe depression of wages and the standard of living of American farm workers, especially in areas close to the border, such as Imperial Valley in California. A second consequence of the wetback, and a concomitant to the depression of wages, is competition for employment and large-scale displacement of domestic workers.

There are other developments which, although not directly and entirely related to the wetback invasion, are nevertheless closely associated with it. Included here, and deserving special mention, are the shockingly high rates of disease and deaths in border areas where the wetback problem is greatest.

The inevitability of these consequences is traceable to the nature of the unfortunate wetback. The report of the President's Commission on Migratory Labor makes this clear: "The wetback is a hungry human being. His need of food and clothing is immediate and pressing. He is a fugitive and it is as a fugitive that he lives. Under the constant threat of apprehension and deportation, he cannot protest or appeal no matter how unjustly he is treated. Law operates against him but not for him. Those who capitalize on the legal disability of the wetbacks are numerous and their devices are many and various."

Thus it is that the mass of wetbacks in this country have become the tools of many unscrupulous labor contractors who operate immense labor pools from which the mass production and corporate farmers are able to draw freely. As a fugitive from the law, he takes whatever he is offered—often 25 cents an hour for weeding and harvesting work, 50 cents an hour for truck or tractor driving.

The depressing effect of wetbacks on wages is widely accepted. The Secretary of Labor, Maurice J. Tobin, has stated this on many occasions. On March 28, 1952, before the United States Senate Subcommittee on Labor and Labor-Management Relations of the Committee on Labor and Public Welfare, which was conducting hearings on migratory labor, he said that the wetback "accepts any wages that are offered and often works only for his subsistence. The effect of his employment is to depress drastically the wages and working conditions of domestic agricultural workers."

In a speech before the Kiwanis Club in Fort Worth, Tex., February 14, 1952, he added: "These aliens (wetbacks) have made possible the low wages in some areas that have brought about the degradation of many American farm families. This is not a problem for any one State or any one area or any one group of men. This is a national problem. The living conditions of some of our migratory workers are a national disgrace."

The conclusion of the President's Commission on Migratory Labor on this matter is most emphatic. The report states: "That the wetback traffic has severly depressed farm wages is unquestionable." An abundance of data gathered while holding hearings during the summer and early fall of 1950 is summarized in its report, and offered as conclusive evidence.

The depressing effect on wages in the lower Rio Grande Valley, an area of heavy wetback traffic, is given particular emphasis. In this valley it was learned that, in 1947, when wages for chopping cotton were $2.25, wages in points northward from the border were continuously higher. In the sandy lands of Texas, wages were $3; in Corpus Christi and coast prairie areas, $4; in the Rolling Plains, $5; in the High Plains, still further north, $5.25.

When holding hearings in Texas in August 1950, the Commission found the wage rate for picking short-staple cotton in the lower Rio Grande Valley to be about $1.25 per hundredweight, with a range of 50 cents to $1.75 per hundredweight. By comparison, the United States Department of Agriculture reported the State-wide average rate in Texas for 1950 as $2.45 per hundredweight.

In California's own Imperial Valley in 1950, another area of heavy traffic, the going wage rate for common farm labor was 50 cents. In San Joaquin Valley, where fewer wetbacks are concentrated, the going rate was 85 cents per hour. But this contrast does not reveal the true impact of wetback traffic on wages.

Department of Agriculture figures show that there is a clear tendency for wages to rise as one moves westward from Texas to California, with wages in California being the highest. In 1950 average wages for all farm work in the four border States were as follows:

	Cents per hour
Texas	54
New Mexico	54
Arizona	64
California	88

But the President's Commission found wages for common labor in the Imperial Valley to be 50 cents per hour, thus, reasonably inferring that Imperial Valley farmers pay no more to get their farm work done than do farm employers in southern New Mexico and Texas, and probably less than do Arizona farmers. In other words, so strong is the effect of wetbacks on wages that in the case of Imperial Valley, the differential in wage rates associated with the tendency of wages to rise as one moves westward has been almost completely eliminated.

The incredibly low rates being paid wetbacks in Imperial Valley are fully substantiated in reports received by the federation from the National Agricultural Workers Union, AFL. A field check during the week of April 28, 1952, for example, indicated that wetbacks were picking tomatoes for 20, 30, and 40 cents an hour.

Numerous other examples of how the wetback traffic is depressing the wages of domestic workers is available, but the above data suffices to demonstrate an already indisputable fact.

It should be pointed out, however, that the presence of wetbacks is not the sole factor working toward the depression of American living standards. Wetbacks are but one side of the coin; the other side is the extensive misuse of contract nationals brought in from Mexico to supplement area shortages of domestic workers.

The California State Federation of Labor has no objection to the importation of contract nationals providing that the need for such labor is justified and adequate safeguards are made to protect both domestic and foreign workers.

Public Law 78 and the covering international agreement with Mexico specifically limit the use of contract nationals to areas with a short supply of domestic workers and at prevailing wages so as not to adversely affect the living standards of domestic workers. But the administration and processing of applications for contract nationals has rendered these guaranties ineffective. Too often employers' requests for contract nationals are granted in a perfunctory manner without reasonable effort on the part of employers or employment officers to attract or obtain domestic workers. One a request for importing Mexican nationals is granted, the contracted prevailing wage is frequently allowed to be determined unilaterally by associations of large-scale farmers at rates far below those customarily paid domestic workers. So far no set procedure mutually agreeable to labor and the farmers has been developed to determine prevailing wages.

And in open violation of the international agreement with Mexico, many employers continue to employ contract nationals along with wetbacks. Thus together these Mexican legals and illegals provide the anvil and the hammer on which and by which American farm wages are being flattened.

The resort to a misuse of contract nationals is actually an integral part of the foreign labor problem facing the domestic farm worker who is already struggling to eke out a bare existence. The federation, however, is well aware that the importation of nationals is not the responsibility of the Immigration and Naturalization Service. The responsibility lies with the Department of Labor, and since the Department is presently attempting to work out the abuses of importing Mexican nationals by enlisting the cooperation of organized labor, this statement is confined primarily to wetbacks.

The second consequence of wetback traffic, as mentioned above, is the competition and displacement of domestic workers stemming directly from wetback depression of wage rates. Here again the voluminous testimony received by the President's Commission on Migratory Labor and the report of that Commission offer conclusive evidence. Numerous displaced farm workers in various areas testified before the Commission on how wetback wages were forcing them to withdraw from local labor markets and migrate northward where wetback penetration was nominal and wages higher.

Testimony received from an authority on Mexican-American affairs while the Commission was in southern Texas adequately summarizes this displacement of domestic workers. This is the area with a large Spanish-American and Mexican-American population that serves as a home base for agricultural workers who migrate northward in the summertime with the cultivation and harvesting of crops. Referring to the parallel between increase in wetback traffic and the increasing number of Americans of Spanish and Mexican descent entering the migratory stream, the report quotes this authority as saying:

"The free and easy dipping into the cheap-labor reservoir that is Mexico has made it virtually impossible for the citizens of Mexican descent in this area to make a satisfactory living. They are pushed farther north by the competition of 15 and 20 cents an hour labor, and as they move north they complicate the economic-social situation all up the line * * *

"We have detailed statistics on the migration of the residents of Hidalgo County, in the period of 2 years * * *. Of 16,000 persons included in the survey, 8,000 migrated from Hidalgo County. Those 8,000 migrants went to every single State in the United States in that migration during that period. They went out to do, primarily, agricultural labor, stoop labor, that they were prohibited from doing in their home county because of the competition of contraband labor that can be employed at 15, 20, and 25 cents."

Similar data for California are not available, but the displacement of domestic workers by wetbacks in this State is no less startling. The State federation has numerous letters from field representatives of the National Agricultural Workers Union fully corroborating these findings. The center of displacement, of course, is in the Imperial Valley, where wetbacks, together with large numbers of contract nationals, are the source of cheap labor available to the "industry" farms of the area without regard to the availability of local labor and frequently to the exclusion of domestic workers actively seeking work. Such workers have no alternative but to migrate northward to join the mass exodus from the fields to war production factories.

With respect to health and sanitation, the President's Commission reports that in border areas of heavy wetback traffic, "death and disease assume far more the characteristics of Mexico than of the United States." In Imperial

Valley, the infant mortality rate (number of deaths under 1 year of age per 1,000 live births) is 56.2 while the State-wide rate for California is only 28.6. The living conditions which wetbacks are willing to tolerate and the fact that so many of them stay but a short time makes it unnecessary for farmers to provide adequate shelter and sanitation facilities. Consequently, the presence of wetbacks increases the amount of filth and insanitation which breed diarrhea and dysentery, two of the chief causes of infant deaths. Accordingly, the infant mortality rate from these two diseases in Imperial Valley is 12.9 percent, while the State-wide average is only 1.8 percent.

Similar comparisons of the three counties in the lower Rio Grande Valley with Texas as a whole only substantiate these findings.

The health problems of border areas, it is true, have always demanded attention. But it is also true that wetback traffic inevitably postpones effective remedial measures, thus aggravating the problems. Because of his illegal entrance, there can be no check against bringing in contagious diseases. And as an illegal alien, he cannot seek medical care without risk of apprehension. While thus being effectively denied access to medical service agencies which would ordinarily provide assistance, the wetback, because of his living conditions, only adds to the insanitation that figures so highly in the death and disease rates of border areas.

Related to the wetback problem but actually a direct consequence of the breakdown of our border enforcement system is the threat to our internal security. There is nothing to stop alien Communist agents from filtering across the border into the United States in the guise of farm workers among the thousands of wetbacks who slip across the international boundary every night. Indeed, Willard Kelley made this clear in his testimony before the Senate Appropriations Committee on March 12 of this year when he said: "We consider the wide-open border a definite threat to our internal security. Anyone can enter unchecked, including subversives or even spies. It makes a farce out of our strict controls at the ports."

STRENGTHENING IMMIGRATION LAWS—RECOMMENDATIONS

In order to relieve this unwholesome situation, immediate action must be taken to secure a more effective enforcement of our immigration laws, for the wetback problem is essentially one of immigration law enforcement. More effective enforcement, however, cannot be accomplished without the enactment of additional legislation, which in turn must recognize that the problem of immigration law enforcement includes not only the Mexican national who secures employment and wages through unlawful entry, but also the smuggler who gains from conspiring in the unlawful entry, and the farm employer who gains from the employment of the illegal alien at depressed wages.

Before spelling out the steps necessary for more adequate enforcement, a passing reference should again be made to the general problem of alien agricultural labor in the West, which includes contract nationals from Mexico as well as wetbacks. If Mexican farm workers are actually needed for temporary legal employment in the United States—the federation does not deny that some area shortages exist, but maintains that such shortages are artificially created by the ever-widening disparity between wages paid farm labor and comparable labor in industry—then the first urgent problem faced by the United States is to devise with Mexico a legal farm-labor program that will provide contract labor where needed without displacing or in any way reducing or freezing working conditions of domestic labor. Such a program must effectively ban the employment of wetbacks either separately or in mixed crews with contract nationals.

A legal farm-labor program with Mexico has been in existence for some time, but, as indicated above, it has many shortcomings. These defects must be corrected because the establishment of a sound program is a prerequisite to dealing effectively with the foreign labor problems in American agriculture. Beyond this, a solution to the problems of wetback traffic and its consequences merely requires taking affirmative action against the respective participating parties, while bearing in mind at all times that the wetback is in no sense of the word a criminal but merely an unfortunate victim of a hostile environment and the selfish interests that exploit him.

In this respect, the recommendation of the California State Federation of Labor follow rather closely those of the President's Commission on Migratory Labor.

1. The Immigration and Naturalization Service should be strengthened by (*a*) giving its agents clear authority to enter upon the place of employment to determine if illegal aliens are employed; (*b*) providing clear statutory penalties for harboring, concealing, or transporting illegal aliens; (*c*) providing the Service with increased appropriations for personnel and equipment.

Public Law 283, approved by the President on March 20, 1952, but not yet in effect, carries out part (*b*) of this recommendation. This act, which amends the present immigration law by making it a felony for harboring, concealing, or transporting illegal aliens, will greatly strengthen the Immigration Service in its efforts to prosecute the smuggler who gains from conspiring in the unlawful entry of wetbacks. At present such harboring, concealing, etc., is only a misdemeanor, and the courts have held that conviction of a misdemeanor for concealing or harboring illegal aliens is insufficient to invoke a penalty.

Public Law 283 also partially satisfies the recommendation that immigration officials be given clear authority to enter upon the place of employment to determine whether illegal aliens are employed. This authority is granted for areas within 25 miles of the border, but, with respect to property beyond 25 miles of the border, present laws will continue to apply. Although the Immigration Service maintains otherwise, there is considerable confusion as to whether existing laws allow immigration officials to enter farms without a warrant. This confusion should be dispelled because the requirements of a warrant to enter private lands, apart from dwellings, would make it virtually impossible to apprehend wetbacks. During the time it takes to get a warrant, the wetback may flee or be loaned to a fellow farmer for the time of the warrant.

It is evident, then, that immigration officers must have this clear authority. As the President's Commission on Migratory Labor points out:

> It must be noted that farms employing workers in significant numbers are places of employment and therefore affected with the public interest. Should they not be open to inspection for the enforcement of law? Under safety and accident-prevention laws it was long ago acknowledged that factory inspectors had the right to enter places of employment. Likewise, Government officials inspect places of employment to administer child labor, minimum wage, maximum hours, sanitation and other laws. Perhaps it is time we modernize our concept of the farm employing several workers, recognizing it (apart from the farmer's home) as not a personal castle but rather a place of employment affected with a public interest and on which inspection may be made in the enforcement of law.

The fact nevertheless remains that Public Law 283 makes several important amendments to our immigration laws. When it becomes operative, the Immigration Service will have additional authority necessary to deal more effectively with the wetback problem. But authority of the law is not enough. It must also have additional funds for personnel and equipment in order to use that authority. And it is just this lack of funds that makes a farce of our immigration laws. Congress this year, at the request of the border Congressmen who evidently sympathize with the interests exploiting wetback labor, led by Imperial Valley's John Phillips (Republican, of California), cut the Immigration Service's third supplemental budget by $1,319,000—the exact amount requested for wetback control. While asking the Senate Appropriations Committee on March 22 to restore the funds, Willard Kelly made it clear that without funds the Immigration Service is faced with a collapse of its entire enforcement system. He said: "Ten years ago, when we had no wetback problem, the border patrol had 1,450 men. Now Congress authorizes us only 750 men, and we are swamped. Without the money, we can't begin to handle the problem."

2. As a second recommendation, legislation should be enacted making it unlawful to knowingly employ aliens illegally in the United States. This can be accomplished simply by extending the meaning of harboring and concealing illegal aliens to include employment of such aliens, or by prohibiting the shipment in interstate commerce of any product on which illegal alien labor has worked.

Making the employment of wetbacks illegal is absolutely essential to the solution of the wetback problem. It is rather naive to think that the wetback traffic can be brought under control without taking the profit out of employing wetbacks. Yet Public Law 283 specifically excludes the employment of wetbacks from the meaning of harboring and concealing an illegal alien. In other words, the mass-production and corporate farmers who are largely responsible for the flow of wetbacks are the very people protected from the law.

As long as employers are exempt from the provisions of the immigration laws, there will always be an abundance of jobs to attract the illegals. It might be added that this automatically makes the Immigration Service's policing job very expensive. Since it is not illegal to employ wetbacks, there is no reason other than a moral one for the employers to cooperate with the Immigration Service in apprehending wetbacks.

While the solution of the wetback problem lies primarily in the enactment of adequate immigration legislation and in the provision of sufficient funds to the Immigration Service for the enforcement of the immigration laws, there are also ways in which the State Department can contribute to the solution.

3. As a third recommendation, the State Department should seek the active cooperation of the Government of Mexico in developing a program eliminating the flow of wetbacks in the United States, by (*a*) the strict enforcement of the Mexican emigration laws, (*b*) preventing the concentration of surplus supplies of labor in areas close to the border, and (*c*) developing a long-range agricultural program which will raise the living standards of the Mexican worker and thereby reduce the attractiveness of employment in the United States.

These recommendations, the federation believes, meet the realities of the wetback problem. They are submitted with the conviction that the Commission will recognize their merit and recommend their implementation.

In concluding, however, there is one further point about the employment of wetbacks which should be made. It concerns the denial to farm workers of the economic and social-security gains of the past 15 years, which is at the very bottom of the wetback problem.

The farm worker of today is still without the protection of minimum wage and hour legislation. Without justification he has been singled out with a few other groups and denied the protection of law in his right to organize and the security of old-age, unemployment, and disability insurance. Under these conditions he remains a ready victim for exploitation. If his employer cuts his wages or hires wetbacks at depressed rates, he may protest, but there is little that he can do about it. His insecurity keeps him at his job, and legal denial of his right to organize deprives him of his only effective means of retaliation. It thus becomes clear that, if the benefits of the economic and social-security gains of the past decade were extended to the farm workers, if employers were compelled to maintain a decent standard of minimum wages, irrespective of the nationality of the worker to whom wages are paid, the advantages of wetback employment would soon disappear and wetback traffic would be materially reduced.

Mr. ROSENFIELD. Mr. Chairman, if you will permit me, some people have submitted documents for the record which, with your permission, I would like to have incorporated in the record at this time.

The Pacific American Steamship Association, through Mr. Robert E. Mayer, has written a letter to the Commission requesting it be inserted in the record and stating that the association represents the major American-flag dry-cargo steamship operators on the Pacific coast and would like to present their statement before the Commission in Washington because they don't have the time to do so here.

Next, Dr. Laszlo Valko, representing the American-Hungarian Federation for the State of Washington has submitted a statement from Pullman, Wash., to the Commission, including a letter from Prof. A. A. Smick, extension community organization specialist, who has already been identified to the Commission as the chairman of the Washington State DP Commission. They have asked that that be incorporated into the record.

The CHAIRMAN. Those statements may be inserted in the record.

(The statements follow:)

STATEMENT SUBMITTED BY R. E. MAYER, PRESIDENT, PACIFIC AMERICAN STEAMSHIP ASSOCIATION

PACIFIC AMERICAN STEAMSHIP ASSOCIATION,
San Francisco, Calif., October 7, 1952.

PRESIDENT'S SPECIAL COMMISSION ON IMMIGRATION AND NATURALIZATION,
Care of Mr. Bruce Barber, District Director,
Immigration and Naturalization Service,
San Francisco, Calif.

IMMIGRATION AND NATIONALITY ACT

GENTLEMEN: This association represents the major American-flag dry-cargo steamship operators on the Pacific coast and thus is interested in the hearings of October 14 and 15 which will be conducted by your organization to obtain views concerning the above act.

We are studying the act at this time, and our deliberations will not be completed in time for your hearings here. We therefore ask that you insert this letter in your record. We have made arrangements to have our position presented before hearings in Washington, D. C., on October 27 and 28.

Thank you for your cooperation.

Very truly yours,

R. E. MAYER, *President.*

STATEMENT SUBMITTED BY LASZLO VALKO IN BEHALF OF THE AMERICAN-HUNGARIAN FEDERATION FOR THE STATE OF WASHINGTON

AMERICAN-HUNGARIAN FEDERATION,
Pullman, Wash., October 10, 1952.

Mr. PHILIP B. PERLMAN,
Chairman, President's Commission on Immigration
and Naturalization, San Francisco, Calif.

DEAR SIR: As a representative of the American-Hungarian Federation (chartered in 1907) for the State of Washington, I am taking the liberty of submitting to you herewith our written remarks concerning the immigration and naturalization policy of the United States contained in the recently enacted United States Public Law 414. Since a printed copy of the act was not available to us, our remarks are made in relationship to general information we have and do not pertain to any specific article of the McCarran-Walter immigration law.

1. The new law contains a strict regulation for naturalized citizens, even including the right to exclusion and deportation. This rigid restriction, if applied in practice, will create different classes of citizenship within the United States and will, to all intents and purposes, place the naturalized citizen in a position of second-class citizenship. We fully agree with the action of the Congress of the United States in establishing a legal procedure for excluding or deporting such persons who were admitted into the United States by fraud or through illegal methods. We recognize the importance of dealing with those individuals who as immigrants to this country denied or did not reveal in their application for admission to this country that they had been or still were members of a political party or organization whose policy definitely called for the overthrow or destruction of the constitutional form of government of the United States. However, we believe that these people are definitely in the minority. We are definitely of the opinion that the majority of immigrants that have come to this country are honest, industrious people of integrity who have every desire to assume their full legal responsibility of citizenship and loyalty to their new country. To establish second-class citizenship for this group might even help to eventually change or destroy the traditional American policy as set forth in the Declaration of Independence and the Constitution of the United States.

2. The quota system as set up in law 414 does not take into consideration the present world situation where several hundred thousands of refugees have had to leave their native lands to avoid terroristic persecution. During the last 4 years the United States of America has admitted about 350,000 of these displaced persons under the provisions of the Displaced Persons Act. Under the provisions of the new law there is no possibility of any more of these refugees entering

the United States. During normal times an increase or a decrease of a quota by a few hundred persons is not too significant. Under present world conditions, however, this fact is vitally significant. Under the quota system, eastern European countries are very low in proportion to northern Europe, and yet practically all of the refugees that need to be resettled somewhere else come from the southeastern European area. These low quotas have been committed for several years in advance, while the north and western European countries are not using even a large proportion of their quotas. We sincerely believe that the plight of the displaced persons in Europe should be given serious consideration by the United States and action taken to return to the humanitarian policy developed under the operation of the Displaced Persons Act.

We wish to point out that, according to several authentic reports, the newly admitted displaced persons have in the majority of cases become responsible, honest citizens of their adopted country. They are grateful for the humanitarian policy of the American Nation which has assured for them a secure home after many years of suffering and persecution. The adjustment of displaced persons in their adopted communities has been particularly successful in those States which have established State committees designed to protect the best interests of the displaced persons and the sponsors and also assist the displaced persons in becoming familiar with the American way of life and the customs and traditions of the American people. In the State of Washington this special committee through its county committees helped find homes, secured jobs for displaced persons, helped to protect their rights, and established language classes which assisted in speeding up the process of adjustment and aided these displaced persons in becoming loyal and useful citizens in their adopted country. The committee in the State of Washington performed an excellent service and, through its local committees, was able to keep the problems of adjustment down to a minimum. The chairman of the State committee, Mr. A. A. Smick, believes that the efforts of the committee were well worth while, and his opinion on this matter is expressed in the attached letter. We do hope that the endeavor of the Commission will bring success, and that, upon receiving the report of the Commission, the Congress will reconsider these important points not now included in the present law. We also hope that the wisdom of the legislators will enable them to find the best regulations for the future immigration and naturalization policy of the United States which will conform to the human spirit of the American tradition and the social, political, and economic interests of the Nation.

Thanking you for giving us an opportunity to submit our remarks, we are,

Very truly yours,

LASZLO VALKO, Ph.D., LL.D.,
Representing the American-Hungarian Federation for the State of Washington.

Enclosure: Letter from Mr. A. A. Smick.

OCTOBER 9, 1952.

DR. LASZLO VALKO.

DEAR DR. VALKO: It is my pleasure and privilege to write you this letter giving you my reaction to the traits and characteristics of the displaced persons who have been resettled in the State of Washington. As chairman of the Governor's committee on the resettlement of displaced persons I have had the good fortune of meeting many of these new citizens personally, and I have also had the privilege of sitting in on a number of meetings throughout the State of our county committees for the purpose of resettling these folks more equitably. In addition I have attended many county planning committee meetings that operate under the Extension Service and have heard testimony from many of our rural people who have come in contact with displaced persons. In every single instance the farmers themselves who have been neighbors of our new citizens have said that they are "the salt of the earth."

I want to say to you that practically 100 percent of those folks who have been settled in the State of Washington have adjusted themselves very rapidly to their new environment and have become good, active citizens in the communities in which they live. The moral standards of these folks that have come to us have been very high. The willingness on the part of these new citizens to accept any kind of work which will make it possible for them to live in the United States of America indicates the true spirit behind these people. The new citizens have joined their respective churches; they have become members

of parent-teacher associations; they have joined service clubs and in other ways become very active in the promotion and development of the welfare of the community in which they happen to live. I will be frank in saying that I cannot be too high in my praise of the extent to which these individuals have demonstrated their faith in the American way of life and their appreciation for the opportunity that has been given to them to join us in the building of a truly democratic society.

In the State of Washington we have had displaced persons going into agriculture, industry, lumbering, fishing, and the trades as well as some professional groups. They have given a good account of themselves in each one of these relationships, and I am happy to report that where individuals went into the various trades they were readily accepted and in some cases helped by organized labor groups. I can say that in my own case I have had from these new citizens a good example of real citizenship. From them I have received new courage and a recognition of the fact that sometimes we take too much for granted the things we have enjoyed here within the boundaries of the United States of America.

I will be frank in stating that I was sorry that Congress saw fit to discontinue the Displaced Persons Commission. I sincerely felt that the job was not yet done. I feel, now that the Commission has been discontinued, we must do everything within our power to secure objective consideration regarding the possibility of amending the present immigration legislation to enable a large proportion of those individuals who have been expelled from or who have escaped from behind the iron curtain to come to this country and find new hope in a new way of life. As I told you in my conversation with you, I thoroughly feel that we should have real protection against the possibility of individuals coming to this country who might not be in sympathy with the American way of life. At the same time, however, I am also just as seriously concerned that we must be ever vigilant in protecting the rights of individuals and not allowing our personal fears and insecurities to prompt us to develop a system which might penalize those unfortunates who are unable to protect themselves.

I do also want to take advantage of this opportunity of expressing to you and to the American-Hungarian Federation members my sincere appreciation for your constant efforts in helping those individuals who at the present time are unable to help themselves. If in any other way I can be helpful to you, please feel free to call on me again.

Sincerely yours,

A. A. SMICK,
Extension Community Organization Specialist.

Mr. ROSENFIELD. The third statement is from Miss Kathleen R. Doss, of the Pan-American Co., of Seattle, Wash. This is a research paper prepared by Mr. Trinidad A. Rojo on the question of "Filipino-American immigration quotas.

The CHAIRMAN. It will be inserted in the record.

(The statement follows:)

STATEMENT SUBMITTED BY KATHLEEN D. DOSS IN BEHALF OF PAN-AMERASIAN CO., SEATTLE, WASH.

PAN-AMERASIAN CO.,
Seattle, Wash., October 11, 1952.

The PRESIDENT'S COMMISSION ON NATURALIZATION and IMMIGRATION,
Civic Auditorium, San Francisco, Calif.

GENTLEMEN: In behalf of the peoples of America and the Philippines, I hereby send you a research paper prepared by Mr. Trinidad A. Rojo, who took post-graduate courses in the Universities of Washington, Columbia, and Stanford. He is a member of the Alpha Kappa Delta, American National Honorary Society in sociology. He was a research fellow at Stanford University.

I wish you to include his brief in the record of your hearing.

Very truly yours,

KATHLEEN D. DOSS.

Filipino-American Immigration Quotas

(By Trinidad A. Rojo)

It may seem strange that Hawaii, a Territory, gets a far better deal than anyone or all of the States of the Union out of a legislation passed by the United States Congress. It actually did under the Tydings-McDuffie Act of 1934, which provides an annual quota of 50 for Filipinos for the mainland of the United States. Last year the naturalization law for Filipinos increased their quota to 100. The immigration to Hawaii is to be determined by the Department of the Interior on the basis of the needs of industries in the Territory of Hawaii, as provided by the McDuffie-Tydings Act of 1934. After World War II, when Hawaii found itself short of workers, it imported 6,000 Filipinos. Filipinos in Hawaii, however, cannot migrate into the mainland of the United States, so that the Filipinos' rights differ under the same flag, as if the Stars and Stripes were a chameleon which changes color according to the environment.

NOT FLEXIBLE

The mainland of the United States may need 100,000 Filipino workers in 1960. The Philippines may have surplus labor in that year. According to the law, the employers here cannot get anyone beyond the annual quota of 100 for Filipinos. In other words, the law in its application to Hawaii is more reasonable to the employers, and more adjustable to the situation in the Territory and in the Philippines Republic than to the employers and situation in the United States.

How did such an arrangement come about? The sugar planters of Hawaii were opposed to Philippine sugar but welcomed Filipino labor. The AFL lobbyists on the mainland demanded the exclusion of Filipinos; certain protectionists for American industries here and in Cuba whose products were thought to be menaced by imports from the Philippines lined up with labor behind the McDuffie-Tydings Act of 1934. Of course, they were approved by other groups who were benefited by Filipino labor and Philippine-American trade. While the mainland lobbyists were split into three or more groups, the representatives of the Big Five who control Hawaii were united, and they got exactly what they wanted—Filipino labor that could not move to the United States, even to escape an intolerable condition in Hawaii.

INADEQUATE VIEW

After the depression it was found out by economists that the competition of Philippine goods with American products was not as great and as direct as it was thought to be. It was realized that although the duties waived on Philippine goods was $30,000,000 over the duties waived on American goods entering the Philippines, it was wrong to evaluate foreign commerce solely in terms of the balance of trade. Even granting that America imports $100,000,000 worth of Manila abacá and did not sell any in return, it does not mean that this country is a loser. The abacá satisfies a great need in various industries. If Canada imports $10,000,000 worth of coffee from Brazil, even if there is no exchange of products, it cannot be said that the former lost $10,000,000.

Imports from the Philippines were raw material for which industrial countries compete. These imports were made into finished products in American factories where they increase employment of Americans. Some of them were reexported. Exports to the Philippines were practically all finished products which did not keep any Filipino industry busy in their manufacture. Filipino economists pointed out that their prosperity under the Free Trade Act of 1909 was illusory; that it made their country like a small boat tied to a big boat; if the big boat sinks, the small one follows, but the small boat may sink and the big one may not notice it.

They also pointed out that the situation gave an abnormal encouragement to export industries to the neglect of producing products for home consumption; such as rice, eggs, vegetables, and meat, things that could be profitably produced in the Philippines, with the result that their economy was precarious. They said that in buying American goods they were paying for the high cost of American labor and higher marine charges than they would if they could rearrange their tariffs with other countries and let them compete for American markets. In the words of Dr. Andres Castillo, "Free Trade has raised the objective standard

of the Filipino without raising his subjective standard." He means by this that the increase of Filipino wages did not keep up with the increase of the prices of the goods he bought; and, therefore, his real standard of living was lower, not higher than before.

To those who measure advantages in terms of the balance of trade, it must be mentioned that a sizeable portion of the gold mines, sugar centrals, and other industries in the Philippines are under the control of American exporters. For instance, of the real-estate property used for business in the Philippines, 126,096 hectares were owned by Filipinos, while 106,473 hectares belonged to Americans, according to records on taxes on December 31, 1938. It cannot be denied, however, that only an iota of the American and Filipino population shares in the benefits from such enterprises. The task before us is how to make Filipino-American relationship more beneficial to more people on both sides of the ocean.

Finally in 1939 Congress made some improvements in the McDuffie-Tydings Act.

SCRAMBLE FOR FILIPINOS

But no one represented the interest of the Filipinos in America, and the annual quota of 50 for the Philippines remained as it was until 1946 when it was increased to 100. One of the lobbyists from the AFL mentioned in 1931 that in San Joaquin Valley alone there were 70,000 Filipinos. A Seattle labor leader said the islanders were unhealthy, carriers of meningitis who "died like flies." Estimates of the number of Filipinos in this country varied from 100,000 to 1,000,000. Before the war the highest number of Filipinos in America ever attained was 48,000. That was in 1935, according to a letter I received from the United States Bureau of Immigration. According to the census of 1940, there were only 45,563 Filipinos here as compared to 45,208 in 1930.

When the war broke out the competition for Filipino labor was keen. Everybody wished there were one or two million Filipinos here. The asparagus industry of California, the salmon industry of Alaska, the shipyards, aircraft factories, the construction companies on the Alaska Highway scrambled for Filipino workers and did their best to restrain the Army from drafting them. To a union president who was authorized by Stanley White, a regional war manpower official, to get Filipino cannery workers from the industries which employed them between salmon seasons, a commander of the Vallejo shipyard said, "Please leave your men here. The Filipinos are the most patriotic workers we have. We want to get back to Bataan."

Seattle packers who operated 89 salmon canneries in 1944 declared openly that they preferred Filipinos to any other workers. Bosses met the boys from California at the railroad and bus depots. The Cannery Workers and Farm Laborers' Union Local 7 of Seattle and the salmon industry established recruiting centers in California with headquarters in Stockton and San Francisco, a move which alarmed the agricultural interests. It was clear then that the quota was unwise. It was felt that it should have been adjustable through mutual agreement between the President of the United States and the Philippines, somewhat like the arrangement for Hawaii.

AMEND QUOTAS

One of the greatest benefits rendered to the Filipinos by the United States was the giving of opportunities to intelligent, ambitions, and industrious, but poor, Filipino students to come to the United States to secure a college education. This formed a "matrix" to present-day leadership in the islands. During the Spanish regime, as in South American countries today, college education with rare exceptions was confined to the rich.

It will be shown later that there is no impelling need for a large-scale migration of Filipino settlers to America; for they have empty and rich lands still undeveloped. There is no urgent necessity for Filipino laborers to migrate to this country. Several Filipino leaders on the Pacific coast told me that they would be satisfied if the United States would relax the quota to allow enough Filipinos to migrate here to replace those who perished in the war and former residents who had returned to the Philippines or gone elsewhere so that the number of Philippine-born Filipino residents here will be equal to that of 1940 before the war broke out.

They say that, in view of their abnormal sex-ratio of 1 female to 14 males, according to the 1940 census, they are not allowed to replenish themselves through immigration; they will be "a vanishing race" in this continent, and they will have

fought not for their survival but for their elimination. The suggestion seems reasonable, and it is hard to figure what fair objection a Congressman can raise against it.

To allay the fears of nationalistic labor groups, it could be so provided that at no time shall the total number of Filipino immigrant residents in America exceed 50,000 except when there is an emergency such as war or unusual developments which occasion great shortage of labor, in which case the Presidents of both countries can readjust the quota for the Philippines for their mutual benefit.

I have already shown that America can render an invaluable service to the Philippines, as she has done in the past, by giving concession to intelligent, industrious, ambitious students who cannot afford to study in the colleges in Manila. Each Province may be allowed to send one or two each year selected through competitive examinations among high-school graduates, who shall be allowed to stay here for not more than 5 or 6 years, which could be extended if they want to pursue advance studies. If this concession is not granted, only the children of the rich and Government students can secure their education here as nonquota immigrants.

On the other hand, I believe that the Philippine immigration quota of 500 a year for every nation except the United States is unwise. It is too early for such a young undeveloped country to pass such a sweeping exclusion law. The area of the Philipines is 115,600 square miles as compared with 147,700 for Japan proper. But only 20 percent of the area of Japan can be cultivated, while 55 percent of the lands of the Philippines is arable. This means that the tillable land of the Philippines is 61,500 square miles, while Japan has only 29,400 square miles. Japan, however, has 73,144,308 people; the Philippines has 16,000,301, according to the census of 1939. Only 13.3 percent of the tillable land of the Philippines was under cultivation before the outbreak of the war.

The average density of the population of the Philippines is 53.8 per square kilometer. But Mindanao, the second-largest island can hold 20,000,000 people if fully developed, has only 2,000,000 people, which is slightly more than that of the city of Los Angeles, although its 36,292 square miles is only 14,740 square mile less than that of Java and Madora, which is 51,032 square miles and inhabited by about 51,000,000 people.

From 1918 to 1939 the total migration to Mindanao was 42,598 in spite of the settlement project of the Philippine Government which was capitalized at $10,000,000. Granting an average annual increase of 100,000 people for Mindanao through migration, it will take 200 years for it to attain 20,000,000. Everybody says that 100,000 per year is too optimistic. But allowance must be given for increase due to excess of births over deaths.

Mindanao is regarded to be the future granary and treasure house of the Philippines. The province of Surigao is estimated to have an iron deposit of 500,000,000 metric tons. The island has rubber possibilities that can break the Dutch and British monopolies in Indonesia and Malaya. The standing commercial timber of the Philippines is estimated to be 464,470,000,000 board feet, and about half of this is in Mindanao. Quinine trees, coffee, cacao, pineapple, and citrus grow there. Karl Pelzer, who surveyed Mindanao and Indonesia with the thoroughness of a German scientist, presents an interesting topographical map of the island in his book Pioneer Settlement in Asiatic Tropics, indicating over seven regions of Mindanao whose elevation varies from 1,000 to 5,000 feet above sea level, which have temperate climate and are suitable to white settlement.

Of course, any part of Mindanao is suitable to white settlement provided the settler makes the necessary adjustment in clothing and housing. Many parts of the United States, such as the San Joaquin-Sacramento Valleys and the Imperial Valley of California, are warmer than Manila in summer. Mindanao is cooler than Manila, and is out of the typhoon belt.

The Philippine immigration quota should be revamped in order to speed up the increase of population and the development of Mindanao. Viewed objectively and in the light of history, there is no cause for alarm if 50,000 or 100,000 people are admitted each year. The Philippine population is much more homogeneous than is generally realized.

FILIPINOS HOMOGENEOUS

According to the Philippine Census of 1939, out of a total population of 16,000,303, there were 15,833,649 Filipinos; 117,487 Chinese; 29,057 Japanese; and 8,709 Americans; 4,627 Spaniards; 1,533 other Europeans, and 3,941 other nationalities.

The racial composition of the Filipinos, according to the census is 98.9 percent brown, 0.4 percent half-caste, 0.5 percent yellow, 0.1 percent white; 90.5 percent Christian, 5 percent pagan, over 4 percent Mohammedan; 99.4 percent native-born, and only 0.6 percent were foreign-born. The percentage of foreign element in the Philippines is very low indeed compared with those of other countries, as we shall see later.

It is because, with the exception of the Negritos, the Filipinos have mixed in the course of centuries. The American people are more heterogeneous than the Filipino nation. This country has 13,454,405 nonwhite peoples and 11,419,138 foreign born. In other words, about 20 percent of the population of the United States has racial, national, and cultural backgrounds different from that of the native-born whites.

The American quota systems are based on national origin; the Philippines may base its quota on racial origin, with the exception of American and Jewish refugees who want to settle in Mindanao. It will be recalled in this connection that before the war the late President Quezon announced to the world the opening of Mindanao to Jewish farmers who want to settle there. Even the United States usually lifts its immigration bars to refugees. The Bell Act provides for an annual quota of at least 1,000 Americans for the Philippines. One thousand a year may be allocated as the quota for American traders, financiers, and industrialists, but for the next 27 years there should be no quota for America pioneers who want to settle in Mindanao.

If quota is needed to calm down the alarmists, it should not be less than 10,000 a year, provided the invidious provisions of the Bell Act are amended so that the farmers and common people will be able to make a reasonable living. The goodwill thus gained will remove the fears and suspicion of the Filipinos of American "dollar imperialism" and will welcome Americans who want to live with them, and not just exploit them as absentee owners.

Many Filipinos object to immigration, for they fear disunity arising from a variety of peoples and races within the country. But it should be borne in mind that racial unity alone does not guarantee social, psychological, and political solidarity.

During the first 300 years of the Spanish regime, although the Filipino nation then had practically the same racial composition as now, they were far from united. They were sectionalistic, not nationalistic. The original Thirteen Colonies of America were also sectionalistic. The State of New York levied duties on goods coming from New Jersey and vice versa.

This was true among other States. Jealousies and dissensions among them made the job of Washington as Commander of the Army very difficult. The Confederation had a hard time raising funds for the Continental Army. After the Treaty of Paris in 1783, the Confederation was in danger of breaking to pieces, and in 1787 Washington had to come out of his retirement to help stabilize the Union in the Philadelphia Constitutional Convention of 1787. Even so, an intensive campaign in the States was necessary to secure ratification over widespread opposition. Whites against whites fought over the Negro question in the Civil War of 1861–65.

In the War of the Roses Englishmen fought against Englishmen; in fact, cousins and brothers fought against each other for the throne for 150 years. French, Chinese, and Japanese history are also replete with civil wars. This means that there are many other factors for national solidarity besides race, such as effective communication and transportation, integrated economic and political systems, popular education, a common language and literature, newspapers, radio, movies, theaters, national heroes, traditions, etc.

Without the cementing effect of a majority of these factors, a body of people of the same race, nay of the same nationality, may break into sections, feudal states, principalities, or smaller nations, etc. With most of these factors, with effective communication, transportation, educational system, a centralized government, various elements within the country will be coordinated and integrated, if not now, eventually.

RAISE QUOTA

To allay the fears of Filipino supernationalists, as in Brazil, it may be provided that no nationality shall exceed 20 percent in any community, and that all foreign-born parents must send their children to the public school. Between 1820 to 1930 the net immigration into the United States was 26,180,000. She assimilated them with the cultural road roller of mass education, the newspapers, and later the movies. The Philippine immigration law of 1940 limits the

immigration quota to 500 a year for any nationality except the Americans. This minimum should be suspended for the next 28 years and raised to at least 1,000.

According to my proposal, the Philippines will be able to open her doors to the people of Malaya and congested Java with a sprinkling of Chinese and Hindu immigrants. It is frequently pointed out that the Dutch failed in encouraging the Javanese to migrate to the outer islands of Indonesia. For the first three decades and a half of this century, yes; but after various experiments and blunders they evolved a colonization policy that was more thorough than that of the Philippines, and migration increased greatly.

It is more risky for the Philippines to let its rich island of Mindanao be developed with a turtlelian rate and leave it as standing temptation to aggressive peoples who want to get in, invited or uninvited, than to let people get into it through an orderly process. Two burglars or looters entering an open house can do a lot more damage, but 10,000 people getting in under normal conditions and with the guidance of trained usherettes will do their part in the triangular relation of the actors, the dramatist, and the audience. It must be borne in mind that Mindanao was one of the incentives to Japanese invasion of the Philippines. They had a flourishing "Little Tokyo" in Davao long before Pearl Harbor.

CONTACT AND ASSIMILATION

The statement that certain peoples are unassimilable is popular impression, not a scientific fact. It depends to a large extent upon the program, the policy, and the attitude of the people in the new country. Where prejudice is great, the immigrants become clannish, and segregate themselves into Chinatowns, ghettos, etc., much longer than it would otherwise be. Where the natives are tolerant and allow the immigrants to mix with them, in the long run assimilation is inevitable.

In proportion to poulation, there is more intermarriage between the Chinese and the natives of Peru than in other American countries to which the Chinese have migrated. It is because there is little social resistance against them there as compared with the situation in Canada, the United States, and Argentina. Long before the attack on Pearl Harbor sociologists were saying that the Japanese second generation in Hawaii were orientated toward the mainland of the United States rather than to Japan. This was proven in World War II. The most decorated United States army was the Japanese army in Italy, and there were Japanese who served Uncle Sam loyally in the South Pacific.

In Hawaii, Japanese, Chinese, Filipinos, Portuguese, and Hawaiians usually reside in the same city blocks. Propinquity is fatal to race prejudice. Economic interest is generally more potent than racial differences or similarities in international relations. Before the war broke out I saw, in Seattle, Negro, white, Filipino, and Japanese CIO workers picket Negro, white, Filipino, and Japanese AFL workers. There were times where they came to blows.

I notice also that the social distance between a Filipino contractor and American salmon-cannery superintendents, packers, and financiers was closer than between a Filipino big boss and one of the Filipino cannery workers he sent to Alaska, and between an American salmon magnate and an American ditch digger, The former frequently had exchange dinners and drinking parties to which the common laborer of their own race and nationality would not be invited. On the other hand, white farmers and Filipino share croppers, where there is fair dealing, stick together in peace and in war.

PREPARATORY INSTRUCTIONS

Americans who go to the Philippines should be given instructions by their consul or Ambassador that snobbing the Filipino in his own country, putting up such signs as "No Filipinos allowed," receiving him only through the back door, is no way of impressing him of one's superiority and winning his good will and friendship. It is a short cut to making him intolerant against him and everything American. The Filipino accepts readily superiority in education, talents, position, and other personal qualities and accomplishments, but not on the basis of race. That is, if he is the victim; for the Filipino at home has his superiority complex to the Chinese. Native dramatists never use a Chinese character except as a comic relief, where a poor Filipino girl is courted by a rich Chinese with his delightful mispronunciation of the vernacular and his long queue.

The American should know by now the Filipino dislike toward him is a sort of sour-grapes attitude. He likes the American if the American likes him, but if the latter snubs him then, a la Webster, the Filipino prefers a government run like hell without the American than a government run like heaven with the arrogant Yankee. When the American is "nice" to him again, the Filipino tends to forget the bitter memories of the Filipino-American war and the race riots. Under advance and intelligent planning, the two peoples would be able to get along in Mindanao.

If informed of the prospects through the movies, pamphlets, and posters similar to those used very successfully in Java by the Dutch before the war, undoubtedly many people from the Dust Bowl of the Middle States would want to pioneer in Mindanao, especially if Uncle Sam furnished the free transportation and the Philippines, as in the Koronadal project, the scientific survey, the location of the settlement, the parcelling of the plots, the technical advice and guidance, and the laying out of roads and irrigation system. The Matanuska colonization project in Alaska failed because it lacked the comprehensiveness, the intensiveness, and thoroughness of the Japanese colonization project in Brazil, that of the Dutch in Indonesia before Pearl Harbor, and that of the Soviets in the Far East. These nations were failures at first. But after three or more decades of blunders and experiments they evolved effective methods.

So far the Americans seem to have excelled in unassisted individualistic pioneering in contiguous territories. But there is no reason why they cannot, if they want, equal if not surpass, in Mindanao the Japanese performance in Davao and Brazil. Perhaps the Indonesians' system is more suited to the individualistic American. As in the Phillipines, the Dutch laid out the community, the roads, the irrigation, and the lots in advance. But only the first third or half of the settlers in outer Indonesia were subsidized. They invite their friends and relatives in Java to join them during the harvest season.

EVERY NATION IS MIXED

Some Filipinos may fear becoming a mixed people or race. That fear lacks historical and anthropological perspective. Ethnologists and anthropologists have combed all the continents and islands, and they do declare with the sociologists that they have not found any nation that is not mixed. The Periclean Age of Athens, the Renaissance of Italy, the golden age of Queen Elizabeth of England, of Cervantes and Lope de Vega of Spain were preceded by centuries of large-scale mixtures of Mediterranean, Alpine, and Nordic peoples, of Ibernians, Goths, Vandals, Celts, Normans, Fentons, and even Asiatic and African elements. These were mixtures which took place centuries and thousands of years ago. As before, the races and nations kept on mixing in spite of prejudice which tends to restrain it.

RUSSIA

Most countries of the world have sizable immigrants of various nationalities within its borders. Aside from over sixty native nationalities, Russia had 12,000 Austro-Hungarians, 500 English, 700 French, 1,300 Italians, 46,000 Greeks, 81,800 Chinese, 84,000 Koreans, 93,000 Persians, 25,000 Turks, 1,300 Japanese. There were about as many Germans, 8,000, in Russia as Americans in the Philippines before the outbreak of the war.

It would be hard to determine which is more heterogeneous, more mixed, a greater mongrel—the Americans or the Russians. According to the census of 1930, among the twenty-three largest nationalities in Russia, Russians constitute 50.6 percent; Ukrainians, 20.3 percent; White Russians, 3.1 percent; Georgians, 1.2 percent; Tartars, 1.9 percent; Turks, 1.1 percent; Uzbebeks, 2 percent; Jews, 1.7 percent.

It is interesting to note that the Russians and White Russians represent only 57.7 percent of the population of Russia and that the Georgians, to which Stalin belongs, form only 1.2 percent of the people. According to the latest available figures, the Communist Party has only 2,500,000 members.

These may help to explain why Russia has a strong program for minorities, why the Soviet constitution outlaws racial discrimination. The Russian bicameral legislature is divided into the Soviet of the Union, the lower house and the Soviet of Nationalities. While, as in the United States, representation in the lower house is in proportion to population, one representative for every

300,000 people; the upper house represents territorial divisions, as in the United States Senate, but based on nationalities.

In other words, Russia tackles its assimilation problem differently from that of America. The essence of the American policy is standardization in clothes, language, buildings, etc. To outsiders, with two or three exceptions, every American city, especially the downtown area, looks like any other. The Russians encourage the development of the local language and culture with Russian taught in the schools as a secondary language to the non-Russian. In other words, Russia encourages cultural variety, but similarity in economic and political ideology.

The Russian majority of 50.6 percent being about as big as the grand total of the minorities, the Soviets had to pursue a vigorous policy for the minorities, perhaps for practical as well as for idealistic reasons. When Hitler attacked, with his persecution of minorities, the various nationalistic and ethnic elements in Russia, as the Negroes, Filipinos, Polish, Jewsh, English, French, Chinese, Mexicans, and other nationalities in America, rose as one people to defend the threat not only to the motherland but also to their minority rights.

DO NOT BE DOGMATIC

I might say in passing that it will do well for us to rid ourselves of the bigoted and unrealistic notion that there is only one way of life, one best form of government, one true religion for all peoples and all times. One form of government may be best for a certain people in a given country possessing such and such traditions, but it might be unsuitable for another people and place.

Communism was progressive and successful under the Incas in the Peruvian Empire, but in Athens Plato in his republic could only hold it as a utopian dream before the people and it was never adopted. For one wife to have many husbands in Tibet, China, and for one man to have several wives in Arabia may be best for those places, but it may not work elsewhere.

GERMANY

Since the time of Bismarck, Germany has succeeded in promoting national unity in spite of the presence of various nationalities within its borders. In 1925, for instance, she had 259,804 Polish, 222,521 Czechoslovak, 128,851 Austrian, 82,278 Dutch, 47,173 Russians, 42,432 Swiss, 24,228 Italians, 19,142 Hungarians, 19,142 Yugoslavs, and 111,517 others. There were about as many Russians in Germany as Filipinos in America. On the other hand, there were more Germans in New York than in all the German colonies before the World War I.

UNITED STATES

Every one out of three persons in New York is foreign-born. Of the nonwhites the United States has 45,563 Filipinos, 126,747 Japanese, 77,504 Chinese, 2,405 Hindus, 333,769 Indians, 12,781,570 Negroes which means a nonwhite total of 13,454,405. In all, the United States had before the war 11,419,138 foreign born. There are 3,500,000 Mexicans in the United States, more than the 2,937,000 Norwegians in Norway, as the Negroes in this country are more than the 11,506,655 Canadians. The total number of Negroes, Mexicans, American Indians, Japanese, Chinese, Filipinos, Hindus, and Koreans is 16,981,464 which is slightly more than the population of the Philippines in 1939 and equal to the combined population of Belgium and the Netherlands.

The Filipino who is fearful of becoming a racial chop suey might raise the point, "but you have cited powerful nations that can tackle any comer, that, like the anaconda, can assimilate anything and anybody."

BRAZIL

From 1820 to 1926 over 64 nationalities were represented among the immigrants of Brazil. There were, for instance, 88,568 Australians, 22,776 English, 34,260 French, 89,665 Germans, 49,670 Japanese, 1,291,189 Portuguese, 32,374 Rumanians, 110,118 Russians, 565,238 Spaniards, 14,305 Swiss, 77,324 Turko-Arabic and 18,208 Yugoslavs. Later the number of Japanese rose to 200,000. More than one quarter of Porto Alegre, a city of 280,000 are of German descent. At least half a million Germans or persons of German descent live in the State of Rio Grande do Sul.

ARGENTINA

How about neighboring Argentina, which is regarded as more militantly nationalistic than any other South American nation? From 1857 to 1926 it had among its immigrants 2,718,000 Italians, 1,853,000 Spaniards, 229,000 French, 172,000 Russians, 169,000 Ottoman Turks, 111,000 Germans, 941,000 Austro-Hungarians, 66,000 British, 48,000 Polacks, 43,000 Portuguese, 38,000 Swiss, 25,000 Belgians, 14,000 Danes, 15,000 Yugoslavs, and 134,000 other nationalities. In 1940 Argentina had a foreign population of 2,500,000.

If Argentina, which has only 13,130,000 population—a considerable percentage of which is composed of Creoles and Indians—there is no valid reason that the 18,000,000 Filipinos should be afraid to receive 200,000 Americans or more settlers. Whether the Filipinos and Americans at present want it or not, they are allies and will continue to be as long as there are United States bases all around the Philippine Republic. But sailors, soldiers, and guns are not enough to defend bases. There must be enough resources, productive industries, and population power behind them. It is with this realization that Russia has been speeding up the settlement and development of Siberia.

Other countries in South and Central America are more or less similarly mixed. For instance, Mexico has 1,150,000 whites, 1,000,000 mestizos, and 6,000,000 Indians. It is well known that the tiny country of Switzerland with an area of 15,940 square miles and a population of 4,265,702 as compared with the Philippine area of 115,600 square miles and 18,000,000 people, has three major nationalities—Germans, Italians, and French, surrounded with powerful, frequently warring nations.

AUSTRALIA

Australia is about as big as the United States in area. It is one of the most industrialized countries in the world. Its per capita wealth is higher that that of the United States. Yet it is a weak country. The reason is its small population—7,137,221, which is about the population of New York. Its population increase is slow because its immigration laws against Asiatics is very strict.

To test Chinese literacy over-zealous Australian immigration officials were said to have asked Chinamen to read Sanskrit, which present-day Hindus have to study to understand, as the Greeks, the English, and the Italians of today have to study, respectively, Periclean Greek, Chaucer, and Latin to understand them. Australia, however, was able to attract more white immigrants in 1 year than the 42,598 people the Philippine Government was able to send to Mindanao from 1918 to 1939. In 1924 Australia received 103,667 immigrants; 100,075 in 1925, and 107,924 in 1926. In other words, Australia, which is regarded as a purist nation, was admitting about three times more immigrants a year than what the Philippines were able to send to Mindanao in 21 years from 1918 to 1939.

DUAL LOYALTY DECREASES

Dual loyalty of immigrants is a source of fear to their adopted country. That exists in the first generation. It becomes weak in the second generation and usually disappears in the third. Dual loyalty vanishes even in the second generation if the immigrants are well treated, especially if their children attend the public schools.

Englishmen in the Thirteen Colonies fought against Englishmen from England, Spaniards of South America fought against Spaniards from Spain in the wars for independence. In the First and Second World Wars there were Americans of German origin, of German parentage who fought the armies of the Kaiser and later Hitler. Settlers usually identify themselves with the new country, especially if they acquire property and congenial associations, because these are endangered if the country is invaded or bombed.

NEGRITOS AND ELIZALDE

The Philippine Ambassador to Washington, Joaquin Elizalde, is a Spaniard by nationality, a Caucasian by race who was before the war pro-Franco in sympathy, but when the Japanese invaded the islands he worried a thousand times more thn a Negrito, an aboriginal inhabitant whose ancestors, the anthropologists say, went to the islands about 20,000 years ago when it was still a part of the mianland of Asia. Why? The Negrito hardly had any property, except his hut in the mountains, his bow and arrow, while Elizalde operated a multimillion dollar business

and had his relatives in Manila. It is the absentee owners who do not care very much what happened to the Nation provided their investment is safe and it continues to pay, or the temporary resident who is there to get rich as soon as possible and then retire to Florida or California.

WELCOME SETTLERS

The laws between the Philippines and the United States have pampered this type of opportunists, but have negelected to give a chance to the common people of this country to share from the benefit of the relationship, by pursuing a more constructive immigration and emigration policy so that American settlers from the dust bowl and other arid places, not to mention veterans, who want to pioneer in Mindanao where the land is so fertile that avacados and oranges grow two or three times as big as they do in California, where the climate is subtropical, may be accommodated. Strategically located they will help in introducing American farm machinery to Philippine agriculture.

There were a few American ranchers in Mindanao before the war who established themselves there entirely on their own initiative, and Del Monte had a flourishing pineapple plantation in the northern part of the island. I am proposing that the Philippine settlement project be enlarged with the cooperation of America, so that for the first time common people from this country, such as the migratory farmers from Kansas, Dakota, Oklahoma, Texas, etc., will share in a large way in the benefits from Filipino-American relations.

This migration should be as thoroughly prepared as the Japanese migration to Brazil and as comprehensive as the Soviet colonization movement to Siberia. The United States should subsidize the migration of American settlers as the Philippine Government does with Filipino settlers in Mindanao, but the two movements should be coordinated under one director.

RESTRICTION IMMATURE

Two American experts, George L. Brandt, from the United States Department of State, and Irvin F. Wixon, Deputy Commissioner of the United States Immigration and Naturalization Service, had worked for 2 years in helping the Quezon administration to draft the "perfect immigration law" of 1940; but it is very far from perfect.

In the first place these experts were proficient in the administrative and legislative phase of immigration, in setting up regulations, in devising methods to check bootleg immigrants, but not in the sociological and economic phase of immigration such as race contracts, adjustments, assimilation, etc., nor in demography, the social science which specializes in the study of population.

CONSULT SPECIALISTS

First, the population expert, aided by an economist, a sociologist, and an ethnologist, should study the situation, determine how many people the Philippines can conveniently support in relation to its resources, and in comparison with other Asiatic countries, and how long it will take the Philippines to attain its optimum population. It must also be ascertained how many a year it can absorb in an orderly process, what type of immigrants are most needed, what program of distribution and assimilation should be followed.

There are at least a dozen eminent American authorities in these fields, men who have devoted their lifetime in studying them. The outstanding demographer, or population expert, in America is Warren Thompson, director of Scripps Foundation for Research on Population Problems. Carr-Saunders, the British expert on world population, regards Warren Thompson's Population Problems the best study for any country.

What does Warren Thompson say on the Philippines? He believes it can conveniently hold with a higher standard of living 50,000,000 people. Other students on population put the figure as high as 80,000,000. That is not fantastic in view of the statistics I have collected from my own investigation. But even if we take Thompson's conservative estimate, the Philippines have a long way to go.

There is no evidence whatsoever that such experts were consulted by Filipino and American administrative and legislative officials, such as Millard Tydings and Jaspar Bell, before considering laws on Filipino–American quotas. To call experts on regulations before calling experts on population and on the

sociological phases of immigration, is to put the cart before the horse. The more perfect the law is as a regulation, the more imperfect it is as a population policy.

DELAY RISKY

I realize that the Philippine population is virile, that it doubled from 1900 to 1940, but even if it keeps on doubling for the next 240 years, it will be in the next millennium before the country attains its optimum population, the number most desirable with relation to the arts, technology, the social and economic organization of the people, and the resources.

Eighty years might not be a long time to wait in past centuries. But we are in the atomic age where developments in a generation move with greater rapidity, variety, and complexity than in one millennium before. Moreover, although some provinces of the Philippines are congested, Mindanao and other places are underpopulated. The Province of Davao has 15.0 people per square kilometer; Cotabato, 13.0; Lanao, 36.5; Mindero, 13.1; Nueva Viscaya, 11.5; Surigao, 28.3; Zamboanga 21.1; Abra, 23; and subtemperate Bukidnon only 7.2.

Had the United States passed exclusion laws in 1800 it would not have sufficient manpower to sweep from the Alleghenies to the Pacific; to Florida, Cuba, Alaska, Hawaii, and the Philippines. But even after it passed its quota and exclusion laws after 150 years of independence it admits a total of 150,000 immigrants a year from Europe.

If the over-all Filipino-American problems are discussed in a round table under a give and take spirit, it is hard to see how the Filipinos can logically and wisely adjust to admitting in Mindanao at least as many American settlers as the number of Chinese, Germans, and Japanese in the Philippines before the war.

RACIAL COMPOSITION

If the Filipinos are afraid of getting mixed, then they should be afraid of themselves. Like the Americans, they are already mixed, and are still mixing, and, like any other nation, will continue to do so in spite of professions for race purity. Australia herself had 73,000 half castes in 1940, and, as stated elsewhere, America has 3 million mulattoes.

Like the Japanese, the Filipino Nation is predominantly brown with black, white, and yellow blends. The Filipino racial strains as enumerated by H. Otley Beyer, an ethnologist, are: Negrito and Proto Malay, 10 percent; Indonesian, 30 percent; Malay, 40 percent; Chinese, 10 percent; Hindu, 5 percent; European, 3 percent; and Arab, 2 percent. With the exception of the few blacks in the mountains and the recent immigrants of Americans, Chinese, Japanese, and Europeans, the Filipino population has already mixed in the course of 1,000 or more years that the census collectors can no longer notice the different strains visible only to the anthropologists.

It should be clear by now that we cannot entrust entirely to immigration officials who are expert in administering immigration laws and in apprehending violators, for sound and wise solution of immigration problems, which must be envisioned in relation to the economic, cultural, historical, and racial background of the people and their relation and position with reference to other countries.

ENLIGHTENED IMMIGRATION

The Philippine Immigration Act of 1940 was directed primarily at the Japanese who were menacing the Philippines and secondarily at the Chinese, who, it is alleged, refused to mix with the Filipinos. The clannishness of the Chinese in the Philippines, like the clannishness of others, is, in most cases partly due to the attitude of the natives. Prejudice and persecutions have intensified their tendency to stick together. The Jews, the Italians in America, and other nationalities in foreign lands, have experienced more or less similar experiences.

My proposals, if adopted, will diminish such tendencies, for it makes migration the joint responsibility of the country of emigration and the country of immigration—the basis of the great success of the Japanese immigration to Brazil.

Prospective Japanese immigrants went to special schools in Japan designed to prepare them for settlement in Brazil. They took courses in Portuguese, Spanish, Brazilian history, government, and geography. Experts on soil, animal husbandry, horticulture, economics, weather, etc., accompanied the settlers.

They also had an agricultural school in their settlement in central Brazil to aid the Japanese settlers.

In order to reduce racial and social conflict to the minimum, Japanese Christians, especially Catholics, were preferred. Japan was profiting from lessons in Manchuria where her colonization project was a failure until a few years before Pearl Harbor when Japanese migration increased appreciably and also from her emigration problems in the United States, and the Philippines, where Japanese immigrants met resentment and later stiff opposition.

If countries who have extra people to send to the Philippines follow an enlightened policy and send to the islands migrants who sincerely mean to settle there, who will try their best to live with the natives, and not merely live on them and loot the country, the obstinancy of Filipino premature restrictions will soften down.

WIT AGAINST WIT

At present Filipino-American immigration quotas are a case of a battle between the fox and the watchdog. Scientific research and good faith are almost entirely lacking. Each tries to outwit the other.

Immigration laws are usually drafted during periods of tension when a portion of the population is excited or alarmed by exaggerated impressions of the number of certain immigrants and the competition they offer. Frequently they were emergency measures conceived and railroaded in an atmosphere of riots. Because of the situation that gave them birth, immigration laws are frequently shortsighted, vindictive, and unscientific. But this should be improved after the tension subsides, after painstaking research, analyses, and experimentation, from local and comparative experiences on migration, conflict, adjustment, and cooperation. The immigration provision in the Bell Act was propelled by American entrepreneurs who wanted to rush to the Philippines and make quick money during the unusual boom for American goods. Hence, the law seems to have forgotten entirely that besides the quota monopolists there are other classes of Americans and Filipinos whose welfare should be considered also.

The Chinese and the Japanese considered the American and Philippine exclusion laws against them unfair and many were willing to pay from $500 to $1,000 to get into the United States illegally through Canada and Mexico. Some came in speed boats from Cuba through the operation of an international ring who makes a profitable business in bootlegging immigrants. As the American immigration officials perfected their regulations and detective devices, the American immigrant bootleggers with their Japanese, Chinese, Cuban, Mexican, and Canadian cohorts also perfected ingenious ways to go around the law with more resourcefulness and cunning than Hitler needed in going around the Maginot line.

Although the United States exclusion law on Chinese applied to the Philippines up to 1940 when China had no quota at all for the Philippines, ex-Vice Governor General Joseph Ralston Hayden, in his book, The Philippines, states that 4,000 Chinese sneaked into the Philippines illegally every year from 1918 to 1940. This is easy to do because, although the Philippines are much smaller than the United States, their coastline is much longer because it is being divided into 7,100 islands.

If America, the wealthiest country in the world, cannot station immigration officials every 100 yards on its border or coastline to stop the illegal entry of immigrants, certainly the Philippines cannot. Japan is laying low now. Dr. Andres Castillo, the leading economist of the Philippines, says in his letter to me that with or without immigration laws against the Japanese, they cannot get in. "They will be torn to pieces by Filipinos who see red at the sight of a Jap."

INVITES COMPLICATIONS

But when the anti-Japanese feeling subsides, when the Japanese and Chinese feel it is profitable to enter the Philippines within or outside the law, the immigration quota of 1940 can no more stop them as the Maginot could not stop the luftwaffe. In short, the Philippine immigration law devised by expert Americans, benefits nobody else, but the determined, ingenious, and audacious people who want to get in at any cost.

In such circumstances, good will may be as foreign as a rabbit among lions. The immigrant considers the country as an object of loot, and the Filipino

considers the Chinese as a legitimate victim for plunder, and sometimes of mob action.

Would not such a situation be more productive of international complication than allowing immigrants to enter under reasonable regulation, orderly procedure, preceded by intelligent preparation done in good faith by both Nations? So that within a generation Mindanao may have 5 or 10 million people mainly from the congested areas of the Philippines, with reasonable numbers from Java, Malaya, America, China, India, etc.

It must be pointed out that increase of population means much more than multiplication of numbers. Before what sociologists call optimum population, which is somewhat like what the economists call point of diminishing return, increase in population means more taxes, expansion of industries, commerce, transportation, communication, newspaper circulation, etc. It means bigger audiences and markets for the movies, theaters, radio, opera, and literature. In America it is possible to realize a million by putting out one brand of chewing gum, one song, or a play that makes a hit because of the size of the domestic market. In Russia a text book written by Gorky netted 4 million, but Milton's great masterpiece, Paradise Lost, brought the author only about £65.

PREJUDICE AND GENERALIZATIONS

It will be recalled that just before the war the late President Quezon announced to the world the opening of Mindanao to Jewish refugees who wanted to engage in agriculture. Why do Filipinos object to the section on immigration quota in the Bell Act which provides that at least 1,000 Americans could go to the Philippines a year? Mainly because of their disappointment of the other provisions of the act which puts their independence in a parrot cage, the delay and insufficiency of the money for rehabilitation and the fact that they read in the papers that the UNRRA and the United States have given more aid to former enemy countries than to the Philippines—Uncle Sam's favorite nephew.

If they would only confine the blame on the vested interest who constitute an infinitesimal fraction of 1 percent of the American Nation, they would be correct in almost every point of their grievances and accusations. But reactions between nations, so far, rarely operate logically, and the innocent had to be included as victims of generalizations which characterize international misunderstanding and prejudice.

ARROGANCE BOOMERANGS

I have dwelt on the gloomy aspects of Filipino-American contacts. There are, of course, bright sides of it. For instance, one of the masterpieces of Filipino-American cooperation is the city of Baguio, the summer capital of the Philippines. It was founded by Gov. Howard Taft, who later became President of the United States. It is situated on a plateau 5,000 feet above sea level. The elevation gives Baguio a climate like that of northern California. Taft ordered one of the best American city engineers to plan the city of Baguio at the very start. Result, one of the most beautiful cities in the world, of which both Americans and Filipinos in the Philippines are very proud.

There are many plateaus in the Philippines, not only in Mindanao but also in the provinces of Nueva Viscaya, Abra, Isabela, etc., that have subtemperate climate. The Filippinos would not object to sharing the vacant and fertile lands with American settlers, provided the former do not snub the natives right in their country.

Many Americans who went to the Philippines short-sightedly follow their British cousins in Malaya and India in parading their superiority complex at the natives. They thought this was the way to maintain the colonial empire, to dominate the people. They did not realize that such an attitude boomerangs in the end. The resentment created kindles militant nationalism whose object is to wrest control from the foreigner. Japan knew this and gave elaborate instructions and systematic preparation in her colonization projects in Brazil. To minimize conflicts with the natives, Japan gave preference to Japanese Christians, especially Catholics, and taught them Spanish and Portuguese before emigration.

But her soldiers did not have these valuable techniques on human relations when they invaded the Philippines. They slapped Filipinos publicly for not bowing. They did not realize that this alone was sufficient to make the Filipino run to the hills and become a guerrilla.

Many Americans in the islands have fallen into a similar, though not as crude, error. In 1946 they held a Harvard-Yale reception in Manila at the time the football teams of the two universities fought in America. The party in Manila was opened to American and Filipino graduates of Yale and Harvard. While three Filipinos were looking for a parking place, an American soldier told them, "This is for whites only."

One of the Filipinos was Solicitor General Tañada. He mentioned the incident in his speech, and the grand reception which was held at the Army and Navy Club became an embarrassing fiasco. The following day the Manila press raised a howl. Later the city council ordered the removal of the fence around the United States Army-Navy Club. Negotiations for the 84 bases America wants to keep in the Philippines became knottier. It was reduced to 23 in the treaty. The American general consul and Ambassador McNutt received a big share of newspaper attacks.

The Filipinos recalled the incident over 15 years ago when a Filipino went to an American exclusive Navy club in Manila where they admitted Filipinos only through the back door. He turned out to be a senator.

Things like this are trivial, but their effects on international good will frequently rise to atomic proportions.

Mr. ROSENFIELD. Mr. Chairman, several people who asked to be permitted to testify who were not on the schedule of the Commission—not having asked earlier—left statements, but I don't know whether they plan to be here themselves.

The CHAIRMAN. You may insert the statements in the record.

Mr. ROSENFIELD. We have received a statement by Franklin H. Williams, director for the west coast region of the National Association for the Advancement of Colored People; we have a statement from Ernest Besig, director of the American Civil Liberties Union of Northern California; a statement from Joe C. Lewis, attorney for the California Farm Research and Legislative Committee, Santa Clara, Calif.; a statement from Joseph P. Fallon, Jr., attorney, of San Francisco; and we have received a statement by the Federation of Russian Charitable Organizations of the United States, signed by Leon Nicoli, president of Russian Organizations of the United States. He was scheduled to testify, Mr. Chairman, at the end of this hearing, but Mr. Nicoli has notified us he is ill.

We also have a statement signed by P. C. Quock, president of the Chinese Chamber of Commerce, San Francisco.

(The statements as listed follow:)

STATEMENT SUBMITTED BY FRANKLIN H. WILLIAMS, DIRECTOR FOR THE WEST COAST REGION OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. Perlman and members of the President's Commission, my name is Franklin H. Williams. I am the director of the west coast region of the National Association for the Advancement of Colored People. I appreciate the opportunity of presenting this statement to you for consideration. At the Forty-third Annual Conference of the NAACP the delegates unanimously passed a resolution condemning the McCarran-Walter bill, which has since been enacted into law. As an organization we were opposed to that bill because we felt that portions of it were oppressively unjust and unfair. We are presently opposed to the law.

We are convinced that the security of America is dependent on the well-being of the people of the Caribbean and upon their supporting democracy. We vigorously oppose the principle that seems to underlie this law that racial factors should weigh heavily in the assignment of immigration quotas. In its present state, the law extends to those nations containing people most wanting to come here the smallest quotas; e. g., Italy, Turkey, and Japan. Much larger quotas are given to the British Isles and northwestern Europe where people are better off and haven't the great need or desire to migrate to our country. The law in its present form, in referring to the Asia-Pacific triangle, draws a tight line, based on race, in allowing immigration from the Far East. Persons born in

the West Indies face additional barriers. Whereas these persons previously came under the quota assigned to Great Britain, they now come under the same quota but must not exceed 100 persons annually. In her desperate struggle for survival, England has caused her colonies to import only British goods and has permitted only limited sale of colonial products. This along with tropical storms, poor educational opportunities, incredible poverty, and squalor foreshadows a social climate south of America that will hardly be receptive to democracy. It is in the interest of justice, hemispheric solidarity, and good international relations that the NAACP urges an early revision of the present law toward the end that the racial stigma that now attaches to certain classes of persons attempting to migrate here be removed by the application of more reasonable and fair quotas.

STATEMENT SUBMITTED BY ERNEST BESIG, DIRECTOR OF THE AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

My name is Ernest Besig. For the past 17 years I have been director of the American Civil Liberties Union of Northern California, which has offices at 503 Market Street, San Francisco. In the course of my duties with that organization, I have handled numerous cases before the Immigration and Naturalization Service in this area.

While we have many objections to the provisions of the New Immigration and Nationality Act, I would like to limit my discussion to some of the steps Congress has taken to deal with aliens suspected of being Communists or whose entry would be prejudicial to our interests. To my mind, the remedy is equally as bad as the disease.

For example, the Attorney General is given broad discretion to deny entry and to deport, without any hearing whatsoever, aliens who are suspected of having Communist traits. We have seen in the past how such discretion has been abused by the Immigration Service acting for the Attorney General.

Alexander Lobanov, an alien seaman, who was a refugee from the Soviet Union, was detained without a hearing for more than 7 months on the ground that his entry would be prejudicial to the interests of the United States, and even then a hearing was accorded him by a board of special inquiry only when the case was brought to public notice. After being detained for 390 days, the Board of Immigration Appeals finally ordered Lobanov's release, and he is once again shipping on American vessels.

There was no question in this case of foregoing a hearing in order to protect the Government's confidential sources of information, since the issue revolved around the alien's admitted former membership in the Komsomols. Nevertheless, the local Immigration Service denied him a hearing before a board of special inquiry until the case gained considerable notoriety. To my mind, so long as the present statute is avilable, it will be a sore temptation for the Immigration Service to dispose of an exclusion case having political overtones in a summary fashion by denying the alien a hearing. Such short shrift for aliens seeking our hospitality does not do credit to a nation which prides itself on a belief in due process or fair play.

Not too long ago we handled the case of Peter Nicolov, who had arrived here from a DP camp on the island of Samar. Nicolov is a musician who had resided in China for many years and who was compelled to flee from that country when the Communists gained control. He was born in Bulgaria and is a Roman Catholic.

When Nicolov arrived here in January 1951, he was served with a temporary exclusion order on the ground that his entry would be prejudicial to the interests of the United States. In August 1951 a permanent exclusion order was served upon him. The Government was unable to execute its order because it had no place to send the stateless Nicolov. I asked the local Immigration Service representative repeatedly what they intended to do with Nicolov, but they had no answer. Finally, the ACLU filed a petition for a writ of habeas corpus in the United States district court in San Francisco, and Nicolov was released the day before the show-cause order was scheduled for a hearing. To this day, Nicolov does not know why he was detained by the Immmigration Service for 14 months.

The Nicolov case is not unusual. There have been scores of aliens who have been held for months on end and who have finally been released without learning the reasons for their detention and without being accorded hearings.

It seems to me that the law ought to make some provision for a prompt notice of charges and a hearing. Why couldn't a procedure similar to that under Public

Law 733, involving security proceedings against Federal employees, be established? Under that procedure the Government gives the employee a specification of charges without revealing the sources of its confidential information. It seems to me that the same thing could be done in exclusion cases. If the alien had notice of the charges, he might be able to produce evidence to refute them. Surely that's not too great a concession to make to an alien.

Jailing a person and holding him without charges or a hearing smacks too much of totalitarian practices. In protecting ourselves against communism and other totalitarian doctrines, it seems to me it is not necessary to resort to their tools and devices. I think we ought to place our faith in the kind of fair play America stands for.

May I suggest, too, that a San Francisco office building is no place to detain an alien for 14 months. I think it is most unfortunate that the immigration station at Angel Island was given up or that the one at Sharp Park was not continued. Those places at least afforded an opportunity for aliens to get some fresh air and recreation, even though they had nothing with which to busy themselves. The San Pedro station is much more fortunate, since it does have an outside recreation area. It seems to me our treatment of aliens is less than humane when we lock them up for long periods of time without an opportunity for securing fresh air and outside recreation.

The same melancholy type of procedure used by the Immigration Service is also used by our consulates in granting visas. Not too long ago I had the case of a United States citizen who married a White Russian in Shanghai. They got as far as the Philippines when the Communist took over in China, but not further—at least, not the wife. The husband proceeded to the United States, but the wife waited in vain for a visa. She furnished her life history in affidavit form to the consulate at my suggestion, buttressed by affidavits from numerous persons who were acquainted, but to no avail. We never did learn why she was denied a visa. The husband finally got a divorce and remarried. I suppose the woman is still in the Philippines. But why, in this type of case, can't the consular service indicate what is holding up issuance of a visa? Certainly there is nothing wrong in according an alien an opportunity of answering any charges against him.

I have a similar case on my desk at the present time brought to me by the relatives of a man who is residing in Australia. All they can discover—and I have the consul general's letter at my office—the applicant is inadmissible into the United States under the existing immigration laws, but they don't tell why. It seems to me that, as far as possible, our consulates ought to tell why they are rejecting the visa applications of aliens.

I don't see why, in handling applications for visas or in immigration exclusion proceedings, it is necessary to place an unguarded discretion in the hands of administrative agencies. We have seen recently how the Department of the Army has established a military entry permit review procedure and how the State Department has established a procedure for governing the issuance of passports to those suspected of Communist affiliations or activities. Both procedures allow for notice of charges and an opportunity to be heard. I submit that our consulates and the Immigration Service should be guided by the same rules of fair play in handling visa applications and applications for entry into the United States. Certainly due process, or fair play, is not something that should be reserved to citizens alone.

STATEMENT SUBMITTED BY JOE C. LEWIS ON BEHALF OF THE CALIFORNIA FARM RESEARCH AND LEGISLATIVE COMMITTEE, OF SANTA CLARA, CALIF.

CALIFORNIA FARM RESEARCH AND LEGISLATIVE COMMITTEE,
Santa Clara, Calif., October 13, 1952.

STATEMENT ON THE M'CARRAN-WALTER ACT

Mr. PHILIP B. PERLMAN,
Chairman, President's Commission on Immigration and Naturalization,
San Francisco, Calif.

DEAR SIR: Since its inception over 12 years ago, the California Farm Research and Legislative Committee, representing farmers who work on the land, has opposed bigotry, racial prejudice, and restrictions on freedom of speech and thought.

Meeting in Buttonwillow, Calif., March 11, 1951, the organization reaffirmed this position and officially went on record for repeal of the Internal Security Act of 1950, also known as the McCarran Act, which we feel violates these principles.

We likewise oppose those provisions of the McCarran-Walter Act which perpetuate discrimination against races and countries of origin and which deprive noncitizens and naturalized citizens of constitutional rights guaranteed the native-born.

Immigrants played an important role in developing California's diversified agriculture to first place in the Nation, with annual production of $2 billion. Italians, Frenchmen, and Armenians helped create its extensive vineyards; Portuguese and Swiss, its huge dairy industry; Jugoslavs, its orchards; and Japanese, its truck crops. Its accelerating cotton production could not be harvested without the help of thousands of Mexicans.

Yet, the McCarran-Walter bill imposes special barriers against these people by establishing immigration quotas weighted in favor of the peoples of western and northern Europe who no longer migrate to our country in great numbers. This act attempts to perpetuate the national-origin system based on the myth of Nordic-Anglo-Saxon superiority. This idea, so arrogantly propagated by Adolf Hitler, is completely out of harmony with the American ideal of equality and freedom.

Even more objectionable are those features of the McCarran-Walter Act which give the Attorney General and immigration officials seemingly unconstitutional powers of thought control and preventive arrest—provisions which President Truman in his veto message calls "worse than the infamous Alien Act of 1798."

The act provides no standards or definitions to guide officials in the exercise of such sweeping power but permits them to deport and exclude individuals on the basis of their own opinion. This departure from past practice of basing deportation and exclusion on facts as disclosed by legal evidence is inconsistent with democratic ideals and procedure. These provisions even place in jeopardy the civil rights of naturalized citizens.

We heartily agree with President Truman when he said in his veto message, "Seldom has a bill exhibited the distrust evidenced here for citizens and aliens alike, at a time when we need unity at home and the confidence of our friends abroad."

We urge that the McCarran-Walter Act be repealed and a measure more consistent with American ideals and practice be devised.

JOE C. LEWIS, *Chairman.*

STATEMENT SUBMITTED BY JOSEPH P. FALLON FOR FALLON & FALLON, ATTORNEYS AT LAW

SAN FRANCISCO, CALIF., *October 14, 1952.*

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.

GENTLEMEN: The undersigned is the junior member of the above-entitled law firm, whose principal practice pertains to the immigration and naturalization laws of the United States. The senior member of this firm has spent a little over 35 years in this particular phase of the legal profession.

The purpose of this letter is to bring to your attention some of the more obvious defects, inconsistencies, or omissions in the Immigration and Nationality Act which becomes effective on December 24, 1952.

RIGHT TO JUDICIAL DETERMINATION OF CITIZENSHIP

The most serious change made by this new act was the taking away of the right of judicial determination of citizenship of any person whose claim to citizenship or nationality had been denied. Section 503 of the Nationality Act of 1940 (8 U. S. C. 903) was undoubtedly provided for in that act to give relief to persons who had suffered by the arbitrary action of administrative officials who had consistently abused their discretion in determining the birth of persons claiming United States citizenship. It is well settled that it is the duty of the Immigration Service to assist the applicant in establishing his citizenship, if it exists, as it is its duty to deport an alien falsely claiming admission as a citizen. Section 503 was a means to provide a check on the abuse of the discretionary

powers of administrative officers and to give to citizens of the United States their day in court.

Section 360 (a) of the new act offers a little relief but limits it solely to persons in the United States and excepts those cases that arise in connection with exclusion proceedings. Under the new act (sec. 104 (a)) the Secretary of State is given the power of determining the citizenship of a person not in the United States. The act has a further provision (sec. 360 (b)) for a person not in the United States and whose status as a national of the United States has been denied, allowing him the privilege of applying to an American consular officer for a certificate of identity permitting him to come to a port of entry in the United States where his status as a citizen or national will be determined by the Immigration and Naturalization Service. However, the issuance of this certificate of identity is discretionary and may be denied by the consulate office and/or the Secretary of State. This limited relief is further limited by the fact that the only persons able to apply for a certificate of identity are those persons who have previously resided in the United States or who are under 16 years of age and who were born abroad of a United States citizen parent. This limited relief only permits the two categories of individuals concerned to have an adjudication of their status by administrative officers of the Government in the United States and with judicial review only by way of habeas corpus proceedings.

Therefore, we feel that the new act is deficient in providing judicial relief on two grounds:

First, that a person who has a reasonable claim to United States citizenship or nationality should be given his day in court and therefore should be permitted to come to the United States in order to appear in court and present his claim. We feel that the trial should be held de novo in order that the judge will have the opporunity of seeing the witnesses and judging their credibility for himself. We feel that a habeas corpus proceeding does not grant the judge the opportunity to consider the full scope and character of the evidence.

Second, we see no equity nor justice in a procedure which grants to one group of persons their day in court and yet denies to other groups of persons that same privilege. We can see no valid reason why a person under 16 years of age should have an advantage over a person who has passed this sixteenth birthday. Nor can we see why a person who at one time resided in the United States should have an advantage over someone who has never resided in the United States. A citizen of the United States should not be denied his day in court by the happenstance either of his place of birth, his age, or the fact that he has never before been in the United States. We feel that such classifications are arbitrary and unreasonable and therefore unconstitutional.

We do not feel that a person with a valid claim to United States citizenship or nationality should be left stranded in a foreign land at a great distance from his country of citizenship or nationality because of the action of some consular officer whose arbitrary decision would in all likelihood be affirmed by the Secretary of State and thereby leave the applicant without recourse to the courts of his country.

It is therefore urged that this Commission recommend to the President of the United States that this act be amended to provide that any person with a reasonable claim to United States citizenship or nationality be allowed to file an action in a court of competent jurisdiction for a declaratory judgment determining his citizenship or nationality and that he be permitted to proceed to the United States in order to appear in court and testify in his own behalf.

CLARIFICATION OF STATUS OF PERSON BORN BETWEEN MAY 24, 1934 AND DECEMBER 24, 1936

The new act provides that a person born outside the United States one of whose parents is an alien and the other a citizen who prior to the birth of such person was physically present in the United States for a stated period of time,, is to be considered a citizen of the United States (sec. 301 (a) (7). This section merely codifies a similar provision in the Immigration Act of May 24, 1934, which, however, required that such person arrive in the United States prior to his sixteenth birthday in order to preserve his American citizenship derived at birth. There were a large number of persons who reached their sixteenth birthday between May 24, 1950, and December 24, 1952, who were unable to reach the United States and take up residence therein as required. Consequently

those persons must be deemed to have lost their American citizenship because of the provisions of section 405(c) of the new act, which specifically states that the repeal of any prior act shall not restore nationality lost under any law of the United States or any treaty to which the United States may have been a party. The new act did make a beneficial change, in that it provided that a person who was a citizen under these circumstances did not have to arrive in the United States until his twenty-third birthday or, in other words, that he reside in the United States for a period of 5 years between the attainment of the age of 14 years and prior to the age of 28 years. It is our opinion that the act should be amended in such a manner as to restore to those persons born between May 24, 1934, and December 24, 1936, their citizenship which they lost by failing to arrive in the United States prior to their sixteenth birthday.

REQUIREMENT AS TO LAWFUL ADMISSION TO THE UNITED STATES FOR PERMANENT RESIDENCE FOR PURPOSES OF NATURALIZATION

Section 318 of the new act provides that no person shall be naturalized unless he has been lawfully admitted to the United States for permanent residence in accordance with all the applicable provisions of the act. In practically all cases, this provision is just and does not work a hardship on the applicants for naturalization. However, there are certain cases wherein persons have been admitted to the United States lawfully but the character of their admission has been defined as that of a wife or son or a merchant. Here again the Immigration and Naturalization Service has conceded that the admission as the wife or son of a merchant was for permanent residence where the husband father arrived in the United States prior to July 1, 1924, and that they are eligible for naturalization. Yet there are other cases, comparatively few in number, where the husband father first arrived in the United States after July 1, 1924, in which the Immigration and Naturalization Service holds that the person was not admitted for permanent residence. In these cases the Immigration and Naturalization Service holds that such persons are not deportable, even though they may have abandoned their status as the wife or son of a merchant. Thus we have an anomalous situation in which the person is in the United States lawfully and is not deportable under any law of the United States and will therefore remain in the United States until his death; yet he is not considered a permanent resident of the United States and therefore cannot apply for naturalization. It is our opinion that the act should be amended to provide that, in the case where a person is lawfully in the United States and is not deportable, even though he abandons his status under which he was lawfully admitted, then and in such case he should be considered a permanent resident within the meaning of the naturalization laws.

ADJUSTMENT OF STATUS SUSPENSION OF DEPORTEES

Section 244 of the new act provides for suspension of deportation or for voluntary departure of certain aliens under certain conditions. It sets up five categories of persons whose deportation may be suspended. It further provides that in the first three categories the Attorney General may suspend deportation and then make a report to the Congress of the United States and that unless the Senate or the House of Representatives passes a resolution within a certain period of time, stating that it does not favor the suspension then the suspension will become final. With respect to the fourth and fifth categories, the law required that before suspension of deportation may be made final the Congress must pass a concurrent resolution favoring the suspension of deportation.

It is our opinion that this particular legislation violates that fundamental principle of our constitution providing for the separation of the powers of the Federal Government into the legislative, executive, and judicial branches. We feel that the Congress of the United States, by providing for a review of suspension cases by the Members of Congress, has taken unto itself a strictly administrative junction which should be left in the hands of the executive branch of the Government. Certainly our Congress has many problems to face and many fundamental decisions to make and it appears illogical that they should take unto themselves the burden of passing upon every individual suspension case. We feel that the executive branch of the Government is well able to make such determination and certainly if there is an abuse of discretion it will be brought to the attention of the Congress of the United States and they will be able to review such acts by way of congressional investigating committees. We further feel that this procedure causes undue delay in the adjustment of the

status of these individuals and does not make for their well being and, in turn, for the well being of the country.

We also note that the law provides that when suspension is granted, the quota for the area shall be reduced by one, yet a provision is included that no quota shall be so reduced by more than 50 percent in any fiscal year. One of the principal criticisms of previous laws with respect to suspension of deportation, was that it granted entry to persons who were illegally in the United States in favor of those who were waiting patiently to come to the United States under a quota. We believe that it is well within the power of the Congress of the United States to provide that these persons be granted permanent entry without reference to any quotas and that equity and justice will be better served if, upon the granting of suspension, there is no reduction made in the quotas of the countries of their origin.

ADJUSTMENT OF STATUS ESTABLISHING RECORD OF ENTRY

Under section 249 of the new act, persons who have resided in the United States for a date prior to July 1, 1924, may establish a record of lawful admission for permanent residence upon the meeting of certain conditions, among which is the proving of continued residence from the date of entry prior to July 1, 1924, to the present time. This now covers a period of some 28 years and, in many cases, it is practically impossible to establish by competent evidence continuous residence for that period of time. We believe that persons who have resided in the United States for a long period of years should be allowed to establish a lawful entry and permanent residence. We feel that a period of 20 years should be sufficiently long, provided he meets the other requirements of the present law, and therefore suggest that any person who entered the United States prior to July 1, 1932, should be allowed to adjust his status under these proceedings.

QUOTA IMMIGRANTS—RACIAL DISCRIMINATION

The new act was widely publicized as reflecting a fundamental change in the philosophy of our Government in that it was devoid of any discrimination as to race or sex. The act provides that the annual quota to which an immigrant is chargeable shall be determined by birth within the quota area with but a few minor and favorable exceptions and one major exception pertaining to an area described as the Asia-Pacific triangle. Section 202 (b) provides that the quota number for a person who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle shall be chargeable to one of the quotas within that area or to the quota for the area itself regardless of the place of his birth. Thus a person of the Chinese race is always chargeable to the Chinese racial quota of 105 even though he may have been born in a country outside the Asia-Pacific triangle. We believe this to be definitely discriminatory legislation and it is our opinion that, if we are to carry out the policy against discrimination, the act should be amended to provide that all persons shall be charged to the country of their birth without regard to their national origin.

QUOTA IMMIGRANTS NUMBERS

We feel that the present method of determining the quotas for the various countries works great inequities and great injustices and in many cases extreme hardship. It is not realistic as it does not consider the changes that have taken place in the world in the last 32 years. We therefore offer the following suggestions:

That parents of citizens be granted a nonquota status in order that the family unity can be fostered and preserved. We know presently of cases where there are four and five or more citizen children whose parents are stranded in foreign lands. In at least one of these cases three of the children are honorably discharged veterans of the Armed Forces of the United States. They are extremely anxious to bring their parents or, as in most cases, the surviving parent to the United States in order that they may more effectively carry out their filial duties. We feel that the comparatively small number of these people would certainly work no hardship on the economic status of this country if admitted as nonquota immigrants.

We further feel that a minimum quota of 100 is wholly inadequate and is, in fact, nothing more than a gesture. We feel that the quotas which now are

limited to 100 could just as easily be set at 1,000 without any possible injury to this country; whereas, on the other hand, it could give us greater prestige and respect in other countries.

We believe that a more current census should be used and that provision be made for the adjustment of future quotas based upon the most recent national census.

We further believe that where quotas are not fully subscribed the unsubscribed portion should be proportionately divided among the other countries, to be used during the following year as an addition to their regular quota. At this point, consideration might well be given to modifying the method of determination of the quota to provide for a reduction of the quota for those countries which do not use their entire quota and to increase proportionately the quotas of the other countries which have long waiting lists.

Respectfully submitted.

FALLON & FALLON,
By JOSEPH P. FALLON, Jr.

STATEMENT OF LEON NICOLI, PRESIDENT, FEDERATION OF RUSSIAN ORGANIZATIONS OF THE UNITED STATES IN BEHALF OF THE FEDERATION OF RUSSIAN CHARITABLE ORGANIZATIONS OF THE UNITED STATES

To: President's Immigration and Naturalization Commission, Washington, D. C.
From: Federation of Russian Charitable Organization's of the United States, 376 Twentieth Avenue, San Francisco 21, Calif.
Subject: Views on immigration policy, law, and administration stated during hearing on October 14, 1952, in San Francisco, Calif.

The Federation of Russian Charitable Organizations of the United States consists of 32 organizations established by Russian Americans and located in San Francisco, Los Angeles, Seattle, Portland, and New York.

Into activity of these organizations, directly or indirectly, are involved over 100,000 citizens and aliens of Russian origin. Since the end of World War II the organizations have been engaged in overseas relief of refugees and during the last 4 years participated in the Government's program on resettlement of displaced persons.

This short record shows that the Federation of Russian Charitable Organizations of the United States is deeply concerned to every inequity of the immigration bill adopted by the Congress in 1952, despite the President's veto. With the termination of the Displaced Persons Act of 1948, there left the only way of helping the refugees, especially those whose families were separated, by sponsorship of their immigration into this country within quota allotment for born in Russia. The quota, if I make no mistake, is 2,700 numbers per year. If to compare this allotment with actual number of applicants of Russian origin throughout the world, it will appear more than inadequate.

I am aware of prevailing feelings in the United States at present toward the Soviet Union and reflectively to Russian people, but the latter at any rate can't be taken responsible for communism and its aggression and crimes, as are equally not responsible the peoples of Poland, Czechoslovakia, and every other country seized by Communists.

The same can be said in most affirmative way about refugees from communist-dominated countries, particularly from the Soviet Union. They need help and it is our obligation to help them.

Although the purpose of this hearing is not scheduled for consideration of displaced persons' and refugees' problems and is appointed to finding what immigration policy and laws should be, to our opinion, it is pretty hard to take these problems apart from any normal immigration process. Such complicated questions as overpopulation of a number of countries, economic instability, tremendous dislocation of people, are direct consequences of political situation in the world and are very similar to problems of political refugees.

It has been said about our task to unify separated families of citizens and aliens of this country. In our San Francisco office we have on file over 200 cases of such separated families, which are only a small part of problem so-called non-Chinese refugees in China. The World Council of Churches and the United Nations High Commission for Refugees estimated this group as equal to 10,000 persons. An issuance of first preference visas to a number of parents or spouses of American citizens has been approved by the Department of State, but due to

absence of the United States consular authorities in China there is no practical possibility for their migration from China.

I would like to read you a letter just received by me from China, dated September 12 and signed by 105 persons, but being limited in time I ask your permission, Mr. Chairman, to refer this letter to you.

Let me quote the words of Hon. John Gibson, Commissioner of the Displaced Persons Commission, Washington, D. C., said by him when he visited San Francisco a few months ago: "Out of 400,000 displaced persons and refugees admitted into the United States, we had only 3 cases of deportation: 2, due to falsification of documents, and the third one, due to mental sickness."

To this wonderful record I like to add that no new immigrants, practically none, have daubed their loyalty by criminal records or by participation in any anti-American activity.

But I have to say that the immigration bill put prospected immigrants who ever fled from the Communist countries under threat of discrimination and prejudice and that even upon admittance to this country they would have to be under the same threat many years ahead.

National-origin quota system in the revised immigration bill has been based upon 1920 figures, which in the light of tremendous displacement of millions of people in result of war and Communist aggression, has become antique and controversial to American concepts of justice and is certainly serving as a good material for Communist anti-American propaganda.

Preference given by the immigration bill to persons born in Anglo-Saxon countries is offending every other nationality and contraversing to all the principles of Americanism.

Difference between a citizen born in America and a naturalized citizen is intolerable to every new American. The same could be said about deportation of persons admitted to this country for permanent residence in result of any violation of laws, even if such violation was most technical one, at determination of immigration authorities, without appeal and court review. Such system means that the privileges of democracy are not applicable to new immigrants during their alien-age. If new immigrants have a high honor to serve in the United States Armed Forces, if they have the same opportunities with others to participate in development of national economy and culture, if they have the same tax burden upon their shoulders—they should be treated as well as other Americans.

There is a point I would like to draw your attention to: I represent charitable organizations, but may I say that every penny we spend for help to refugee, we determine as a political action of considerable value, because our assistance destinates to a political refugee. I and my associates are standing firmly on that point of view, that a correct and comprehensive solution of problems of refugees from Communist-dominated countries will become a very good investment on high-interest basis in the event of war against Communists.

We should have more flexible quotas.

A protection of fair court hearing should be extended to every alien in this country independently from race, nationality, or creed.

All provisions of the immigration bill establishing difference between naturalized citizens and born-in-America citizens, practically dividing them into two classes, should be revised.

LEON NICOLI,
President, Federation of Russian Organizations of the United States.

MRS. IRAIDA A. GALOS,
Apartment 2, 193 Route Tenant de Latour,
Shanghai, September 12, 1952.

The CHAIRMAN,
The Federation of Charitable Organizations of United States of America,
San Francisco, Calif., United States of America.

SIR: This letter-petition is written to you by a few stranded and desperate persons who do not know when and how they will be able to start a new and decent existence fit for human beings and whose only desire is to work in any capacity, to the end to provide for their needs, to be able to take care of their families, to be permitted to educate their children in the right and proper spirit.

To begin with, we wish to state that we have a sincere gratitude toward all those who helped us during these long years, that we realize the difficulties encountered by them in collection of necessary funds, in obtention of required

visas and permits and if we take the liberty of sending this S O S appeal, it is only because we do not know any other way left to us. Here is our situation, so please judge by yourself to what extent of bitter despair we are presently driven by the accumulation of current circumstances.

We are the left-over of an emigration who struggled gallantly along for many difficult years, without ever losing hope that justice will finally come our way.

Most unfortunately, and when a mass evacuation took place from Shanghai to the Samar Island, some of us were not taken along, as certain happenings interrupted the said evacuation halfway. Since then and more than for 3½ years we have waited that moment, when we also will be given the same chance and treated equally with those who were lucky enough to obtain a berth on the evacuation ships in the year 1949.

Since then the conditions for most of us became really unbearable; the little savings are gone many months ago, the personal effects and belongings were gradually sold, often for the tenth part of their value, and the only alternative which remains in prospect is a slow starvation. It is true, however, that some of us are receiving a monthly allowance from the IRO, but this allowance was cut by 50 percent 2 months ago. Now a very strange, not to say a peculiar, division took place; there are two kind of persons who are entitled to a monthly allowance from IRO, those who are quartered in the IRO shelter house and those who are living in their own lodgings. It is amazing to note that the inhabitants of the shelter house who have a minima or no expenses at all as for rent, taxes, light, water, and so on are still receiving a full ration plus the free medical care, and those who have to pay for their lodgings, governmental taxes, and other expenses, who were deprived from medical care and assistance, though they also get sick once in a while, had their rations cut down. The former ration amounted to 350,000 local currency, or at the official exchange to $17.50, the present one to $8.75.

We do realize and understand very well that everyone must be tired to extend help to unknown people in the far-away China, but on the other hand you must take into consideration that all those who will continue to live on the aforesaid budget will become hospital cases and will never be able to pass any medical examination in case, if and when, they will have to undergo such as possible evacuees from China. In other words, not only we are starving, but we are also unable to afford to preserve our health and the health of our families as we cannot possibly secure any medical attention, nor purchase any medicines with our limited or practically inexistent funds, and furthermore, and what is even worse, our children remain without schooling and are growing into illiterate youths whose entire future will be jeopardized and miserable.

We do not wish you to think that we ask for charity to the end to live on such and remain in Shanghai, without doing any work, just taking it easy; on the contrary our dearest desire is to stand on our own feet, to be able to secure work and to prove to all those who helped us for such a long time, that we were worthy of their trust and that the help extended to us was not misplaced.

For us to be evacuated, is a question of death and life, as it is impossible for no one of us to secure here any salaried occupation; furthermore you are not without knowing, that even if the local financial aspects were favorable to us, still it is absolutely necessary for all of us to find a country of adoption, where we really could settle forever and create a real home for our families.

Most of us have relatives, friends, and sponsors outside of China, part of us have already on hand valid affidavits or letters of assurance and it is to be presumed that those who still have not this kind of documents on hand, could possibly be taken care by one of the organizations interested in the welfare of genuine DI"s, who number but a few hundreds.

We ask you, no, we beg you, to do your possible to help us to be resettled in any country, in any place where we could secure work and be at the charge of no one. Many of us have recently received letters from their outport friends and relatives, in which letters it is said that the United Nations have allotted certain funds as for our evacuation and that they wonder why we are still here. According to these letters certain foreign newspapers have published plans concerning our impending resettlement, but most unfortunately we are unable to secure anything official in this respect. The time presses, something must be done before it will be too late and we can only trust and hope that we shall be not forgotten and shall be treated on equal rights with those who, since 1949, were given the opportunity to reorganize their existences.

Being absolutely desperate we are addressing this letter-petition to the following persons and organizations: (1) U.N. High Commissioner for Refugees in Geneva; (2) Federation of Charitable Organizations of the United States of America in San Francisco; (3) DP Division, United Nations, in Lake Success; (4) Reverend Father Wilfdes, Hong Kong; (5) L. Stumpf, director of the Lutheran Center in Hong Kong; (6) Countess A. L. Tolstoy, Tolstoy Foundation in New York, (7) Mrs. N. S. Ross, 1118 Thirteenth Avenue, Seattle, Wash., United States of America; (18) Thomas Jamieson in Hong Kong; and we wish to trust that and will extend us a helping hand, before we shall be condemned, together with our families, to a slow death through starvation. Especially in view of the approaching cold season as some of us had to dispose of their winter apparel in order to be able to feed their next to kin during last spring and summer.

We do trust that this desperate appeal will find the right response and that, understanding the moral and the physical miseries through which we are undergoing daily, you will do your best to save us together with our innocent children and obtain for us the right to live as human beings are entitled to live and give us a chance to be able to prove that your kind attention and your trust will never be misused by us.

Kindly communicate with us through Mrs. Iraida Galos, Apartment 2, House 193, Route Tenant de Latour, Shanghai.

In expectation of the pleasure to read your answer in a very near future, to be able to find there hope and consolation, and thanking you in anticipation, we remain yours most devotedly grateful.

[Ninety-nine personal signatures affixed.]

STATEMENT OF P. C. QUOCK, PRESIDENT, CHINESE CHAMBER OF COMMERCE, SAN FRANCISCO, CALIF.

CHINESE CHAMBER OF COMMERCE,
San Francisco, Calif., October 14, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.

Gentlemen: The Chinese Chamber of Commerce of San Francisco desires to go on record as endorsing and concurring the views of the Chinese Consolidated Benevolent Association as presented to you in the hearing in San Francisco, Calif., on October 14, 1952. The statement of views submitted by the said Chinese Consolidated Benevolent Association is adopted in toto as that of our own. Thanking you for your favorable consideration, we are

Respectfully yours,

CHINESE CHAMBER OF COMMERCE,
P. C. QUOCK, *President.*

The CHAIRMAN. Is Mr. Stephen Thiermann here?

STATEMENT OF STEPHEN THIERMANN, EXECUTIVE SECRETARY, SAN FRANCISCO REGIONAL OFFICE, THE AMERICAN FRIENDS SERVICE COMMITTEE

Mr. THIERMANN. I am Stephen Theirmann, executive secretary of the American Friends Service Committee, San Francisco Regional Office, 1830 Sutter Street, San Francisco. I am here to represent my organization and have a prepared statement I would like to read.

The CHAIRMAN. You may do so.

Mr. THIERMANN. The San Francisco regional office of the American Friends Service Committee appreciates the opportunity to testify before representatives of the President's Commission on Immigration and Naturalization, meeting in San Francisco.

This is the city which saw the birth of the United Nations. It is a city known as the gateway to the Pacific. It is a cosmopolitan city in which many persons of diverse Asiatic and European national origin live together in harmony and to their mutual enrichment. The Friends Service Committee wishes to support immigration policy which encourages this kind of human enrichment for our country without regard to race or creed. Our major, over-all objection to the new immigration legislation is the fact that it is designed to exclude immigrants rather than to admit them.

Furthermore, world conditions, especially those creating large numbers of refugees, make the need for countries open to immigration more urgent than ever and the United States is unquestionably one of the countries best able to absorb immigrants.

The service committee recognizes and appreciates a few favorable features of the new legislation, such as the naturalization privilege for Asians and the provisions evidencing concern for the family. Many of the committee's detailed questions with respect to the new act have been presented elsewhere before this Commission. These questions have been related to the great and arbitrary power which Public Law 414 would give to our consular and immigration officers in refusing visas to foreign applicants, the many ambiguous grounds provided for exclusion, and the retention virtually unchanged of the national origins quota system of 1924 so that large quotas go in considerable part unused while small quotas are heavily, and hopelessly, overapplied.

The San Francisco office of the service committee wishes to draw special attention, however, to the features of the act which, in our opinion, are discriminatory against the peoples of the Pacific rim and against Negroes. These include the Asia-Pacific triangle formula and the provisions on Caribbean immigration. On the strength of its experience on the west coast and in Asia, the service committee finds the racist concept still retained in the new legislation to be particularly damaging for two reasons:

First, the racist concept undercuts the work of many thousands of west coast citizens who wish to develop friendly relations among the peoples of the Pacific rim nations. More than 50,000 men and women on the west coast have contributed through the American Friends Service Committee good used clothing for the relief of Koreans, Japanese, and Okinawans, or they have contributed funds for self-help programs in these countries and in India and Pakistan. Their gifts have been intended as a symbol of friendship among equals. In many cases the gifts have represented a sacrificial effort on the part of Americans who wish to express their good will to Asians. Public Law 414 undercuts this witness of friendship and alienates those who have sacrificed to make the witness.

Second, the racist viewpoint of this legislation confirms the suspicions of many Asians that American democracy is long on promise and short on performance. Heralded by its supporters as the end of race prejudice in our law, Asians expected the new law to provide equal treatment for peoples of whatever national origin. Service committee workers in Asia now tell us that it comes as a disillusioning shock to Asians to learn that the removal on the ban against naturalization of Japanese, Indians, and two or three other Asian

groups, is more than overbalanced by the immigration formula for the Asia-Pacific triangle and by the token quotas of 100 allotted to huge countries like India and China. Asians, hoping for bread, were given a stone.

Because of the racial discrimination contained in Public Law 414, because of its generally restrictive character, and because of its other features dangerous to civil liberties, the American Friends Service Committee in this region asks for new legislation more in keeping with the American spirit at its best, and better suited to serve America's needs.

Mr. ROSENFIELD. Mr. Thiermann, you have indicated your difficulties with, and criticism of, the present law, and mentioned that you would like something better suited to serve America's needs. Would you care to be a little more explicit for the enlightenment of the Commission? Just what would you propose that the Commission consider in connection with the peoples of the Pacific rim nations?

Mr. THIERMANN. Well, I would like to suggest that the formula for admission of Asians from countries like Canada, or Mexico, where a problem of halfblood is involved, not be assigned to the Asiatic triangle country from which they come; rather, to the country where they were born. For example, if they were born in Canada, even though one of their parents was Japanese and the other, let's say, Canadian, that they come in under the Canadian quota.

Mr. ROSENFIELD. Do you recommend the elimination of the Asia-Pacific triangle provision?

Mr. THIERMANN. Yes.

The CHAIRMAN. That wouldn't affect any other people?

Mr. THIERMANN. No.

The CHAIRMAN. Well, we are also concerned with broader policy aspects.

Mr. THIERMANN. I would feel that the policy of applying a small quota to huge countries, like Japan and India, for instance, should be changed, so that by either using or pooling quotas, the unused quotas for Britain might be applied to Asia, or it be amended so much larger quotas come from a country of larger population.

Mr. CHAIRMAN. What view do you hold concerning the national origins formula in the immigration law?

Mr. THIERMANN. If you could eliminate it, it would be highly desirable.

The CHAIRMAN. Then what would you substitute for it?

Mr. THIERMANN. Well, that would be a technical question.

It seems to me the best I certainly can do for the agency would be to suggest general principles, and the details of drawing up a law ought to be in the hands of persons who are skilled in trying to tailor a law to these principles.

Mr. ROSENFIELD. Let us see if you can state what those principles are in terms of some of the problems that are confronting the Commission. One, do you propose the retention of a system of quotas based on national origins?

Mr. THIERMANN. No. I would say that ideally we would propose a system probably based on the population of a country in terms of a given number of persons whom we could admit into the United States per year.

Mr. ROSENFIELD. In other words would you set a ceiling arrived at in some way, and then distribute the number within that ceiling on the basis of the population of the various countries whose nationalities may be wanting to come to this country?

Mr. THIERMANN. Yes.

Mr. ROSENFIELD. And would you do that with or without a distinction between Europe and Asia?

Mr. THIERMANN. Without a distinction.

Mr. ROSENFIELD. Without a distinction. Of course that raises problems because there are some countries that are found to be in far greater need of immigration than others.

Do I understand then, Mr. Thiermann, that what you are saying to the Commission is something as follows: One, that within a ceiling, you would make no discrimination based on national origin, race, color, creed, or sex. But that if your advice were not accepted, and there were to a quota system of some kind that was based on national origin or race, that one thing that you feel strongly about is that the quotas allowed to the Asiatic nations are too small, and that you would recommend that something be done to increase them either by direct increase or by pooling the unused quotas, making some of the increase or by pooling the unused quotas, making some of the increase available to them. Is that correct?

Mr. THIERMANN. That's far better than I expressed it. But it leaves unsolved in my mind how you would, if you had a ceiling, meet the relatively greater need and how you would judge which was relatively greater need—whether it was more important for Arab refugees to be admitted than German refugees.

The CHAIRMAN. We would like to hear your views on that.

Mr. THIERMANN. I'm afraid I can't help on that point.

The CHAIRMAN. Thank you. If you have any further suggestions you wish to submit, please send them to us at Washington.

Is Mr. Morrissett here?

STATEMENT OF IRVING MORRISSETT, CHAIRMAN OF THE FRIENDS COMMITTEE ON LEGISLATION OF NORTHERN CALIFORNIA

Mr. MORRISSETT. I am Irving Morrisett, chairman of the Friends Committee on Legislation of Northern California.

I have a prepared statement I would like to read.

The CHAIRMAN. You may do so.

Mr. MORRISSETT. The Friends Committee on Legislation of Northern California was organized by California Friends for the purpose of helping Quakers and others who are sympathetic with their views to keep themselves informed on legislative matters and to assist them in expressing their views effectively to the State and National Legislatures. It is affiliated with the Friends Committee on National Legislation.

Our committee believes that religious insight and religious motivation have a direct application to everyday affairs, including legislative matters. We are particularly interested in those issues which touch directly upon human values and upon the dignity of individuals. We believe that Public Law 414 (the McCarran-Walters Act) is such an issue.

The new immigration and naturalization procedures are discriminatory and divisive in three important ways:

1. Under this act, the total number of persons that may be admitted to the United States is pitifully small, in comparison with the needs of the rest of the world and in comparison with our ability to absorb new persons into our economic and social life. Furthermore certain features of the law have the effect of lowering the actual number of immigrants even below the total admissible number.

2. The method by which the admissible total is allocated among the nations and areas of the world is clearly based upon hostility to certain races and cultures.

3. The law places immigrants and naturalized persons in an inferior position, after they have been accepted by this country.

We concur in what has been said by others who have testified today concerning the harmful effects of the quota provisions on our friendly relations with other nations, and particularly with the nations of Asia. We would also like to stress a harmful aspect of the present law which has received less attention than some other aspects—that is, the inferior position in which the law places immigrants and naturalized persons in this country, which is the third point mentioned above.

Once an immigrant or naturalized person has passed the rigorous tests for entrance into our national "family" he should not be subject to numerous further tests of behavior that are not imposed upon those who happened to be born into the "family." It should be our aim to help the new immigrant and the new citizen to feel at home and at ease, and to encourage him to appreciate and to use the opportunities and the freedom which the United States has to offer.

Section 241 of the present law contains a long list of grounds upon which alien immigrants may be deported. Some of the provisions of this section, and particularly those of subsection (6), can be interpreted in such a way as to limit severely the immigrant's freedom of speech and freedom of thought. And the possibilities of abuse are greatly increased by the fact that this law invests almost unlimited discretionary power in the Attorney General.

Sections 340 and 349 of the present law contain extensive provisions for revoking the citizenship of naturalized persons, and section 349 also includes some conditions for revoking the citizenship of native Americans. Some of the provisions of these sections may easily be interpreted as prohibiting naturalized citizens from participating in discussions and decisions about some of the most important issues in our national and our world society.

The immigrant and the naturalized person need the help and the faith of their adopted country. Special legislation aimed at them, full of pitfalls and backed by the terrible threat of deportation and the consequent disruption of family and social ties, is not evidence of an attitude of helpfulness and faith. This is a time of fear and suspicion, but certainly fear and suspicion should not therefore be written into the law of the land.

We recognize the favorable features of the new immigration and naturalization law, such as the provision which permits naturalization of the many Japanese persons who have for a long time been Americans in everything but name. We would like to see the wisdom of these humanitarian and equalitarian features extended to the rest of the law.

The Friends Committee on Legislation is grateful for the establishment of this Commission for the further study of immigration and naturalization matters. The committee also appreciates this opportunity to express its views before this Commission.

The CHAIRMAN. If the Congress were to change the present quota system, what would you propose as a substitute?

Mr. MORRISSETT. It is very difficult to think on that level in view of the likelihood of Congress adopting a completely unprejudiced attitude, but I would give my own views in this way: That there should be no subterfuge adopted to keep out certain races and people from certain areas because we don't like the people from those areas, in those cultures, and that certainly was done in the present law, which goes back to 1920, to pick a basis for placing quotas. It is because at that time the population of the United States was more in line with what certain people would like to see than the 1950 census would show.

Benefiting from the recent testimony I have heard before your Commission, I would certainly go along with the idea of assigning quotas on the basis of a geographical, or population proportional to population, with an extra quota for individuals in particular need. I think that in the principles of particular need we should especially pay attention to persecution, political persecution, and religious persecution. America has been the refuge of people getting away from political and religious persecution, and I think this should take a top priority in aiding other nations. Economic difficulty should play some role, but I think the other economic measures not involving immigration should be stressed for the solution of economic problems.

Commissioner O'GRADY. Can you separate both?

Mr. MORRISSETT. I think it should be considered, but I think this is secondary to political and religious persecution as a reason for admitting immigrants.

Commissioner O'GRADY. Do you think our immigration policy should be related to the economic phase also, as for example, the point 4 program?

Mr. MORRISSETT. The important relation that I see between these two things is that both our immigration policy and our point 4 program should have as their motivation the building of a unified world, and, therefore, we should not do things in our immigration policy which will undercut the good will that our point 4 may build up. But I do not think that immigration is a major means of solving the economic problems of economic areas.

Commissioner O'GRADY. But do you think the two should be integrated?

Mr. MORRISSETT. Certainly, I would agree.

I really wonder whether Americans realize, whether we Americans realize how our point 4 program is in one direction to build a better world, and our trade policy and our immigration policy, as shown in the McCarran-Walter Act, are in exactly the opposite direction of breaking down unity among different nations.

I might add a particular comment: The thing that I tried to stress in my statement was that I do not think new citizens or immigrants who are in the process of becoming new citizens should be subjected to special regulations, to special rules, about what they may think and what kind of organizations they belong to. I think those rules should

be the same for immigrants and for naturalized citizens, for citizens of the United States who are born in this country. It seems to me that all such special legislation dealing with immigrants and with naturalized persons should not be written into the law.

The CHAIRMAN. Thank you very much.

Is Mrs. Iva Henning here?

STATEMENT OF MRS. IVA R. HENNING, STATE DEFENSE CHAIRMAN, REPRESENTING THE LEGISLATIVE COMMITTEE OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mrs. HENNING. I am Mrs. Iva R. Henning, representing the legislative committee and I am State defense chairman for the Daughters of the American Revolution, 71 Lopez Avenue, San Francisco, Calif.

Members of the Commission, and fellow citizens, my position is a legislative position. I am appearing in support of the McCarran-Walter immigration and nationality law, which goes into effect on December 24, 1952, and which was passed over the veto by a great majority in our National Congress in 1952.

It is a first principle of representative government that this law be given a period of time to operate before any hasty revision, that we may see what it does, and what it may need in the way of revision.

The California Society of the Daughters of the American Revolution have been interested in immigration for a great many years. I would like to read to you their resolution put out by the State of California society in 1950. This is resolution number 12: "Resolved that the California State Society Daughters of the American Revolution reaffirm the stand of its national society as stated in resolution No. 13, adopted at the fifty-eighth continental congress, April 22, 1949; namely, that the Congress of the United States be asked that no immigration over and above the present quota system shall be permitted into the United States either by special legislation on unused quotas, or Executive order."

This resolution was presented to the Congress of the United States in April 1949.

The immigration laws should be for the security of the American people, economically and politically, unemployed, and, also, our war servicemen need the assurance of a place that is their own in their own country. Our young boys joining up, being drafted at the age of 18, also need a priority on opportunity in this their own country. Europeans need to face their whole responsibility for war, as well as their whole responsibility for their own politics. By that, I mean that when they come to the United States as refugees, aren't they running away from their responsibility as natives of their own countries.

I have certain questions that I would like to put to this Commission, and to the audience: How can any American family look forward to making a living if large groups of people are imported without economic opportunity at times when the war economy is in effect? How can you know that the economic opportunity will be there for those people whom you bring from their lands into ours after the war economy becomes a peace economy, and we have such a period as 1931 to 1937?

Another question: How can any American family make a living if large blocs of foreigners are admitted suddenly to satisfy foreign politics, not ours? We have thought that the Marshall plan was to build, to build up these foreign countries, so that they would be up to our level and have a happier condition in the homes where they are.

The American family has changed its composition in the last generation, something I know the young men will agree with me about. We now have families of two and three, and even five children, where a generation ago it was more the custom to have a family of one child or perhaps two. What are you going to do for the opportunity for these babies who are our own native-born babies of the last, say, 5 years?

Why is the United States putting up the troops for the United Nations, while other member nations suffer from overpopulation, and, yet, fail to make their quotas with the North Atlantic Treaty Organization.

I have a final comment: I have watched this meeting today with great interest, and a great deal of pride in many of the speakers, but you haven't seen very many people here who have my background, and there is a reason for that. This type of hearing is new. We are more accustomed to representative government, and to presenting our arguments directly to our Congressmen, and directly to our Senators, directly to our legislators. We are not yet familiar with this method.

Thank you very much.

The CHAIRMAN. Thank you.

Are Mr. Jackson and Mr. Hertogs here?

STATEMENT OF Z. B. JACKSON, ACCOMPANIED BY JOSEPH S. HERTOGS, ATTORNEYS

Mr. JACKSON. I am Z. B. Jackson, an attorney, and am accompanied by my law partner, Joseph S. Hertogs. Our address is 580 Washington Street, San Francisco.

I have some general views on one or two sections of the law which we would like to discuss, and then we would like to submit a memorandum of our views.

The CHAIRMAN. You may proceed.

Mr. JACKSON. The first thing I would like to suggest is we object to the act and the legislation as a whole.

The CHAIRMAN. What legislation and what act?

Mr. JACKSON. The Immigration and Nationality Act of 1952, Public Law 414, because it is written in such general, vague, and indefinite language. It doesn't provide for judicious review of any administrative decisions.

Now, when the Walter bill was being discussed on the floor of the House of Representatives, when the House was acting as a Committee of the Whole on the State of the Union, an amendment was proposed by Representative Meader of Michigan on behalf of the American Bar Association, that a specific section be set up in this act providing that administrative decisions and orders would be subject to judicial review. There was objection to their proposed amendment by Representative Walter, and at that time he stated that there was no reason for the proposed amendment because the act already provided for that

judicial redress. He stated that a particular section of this act provided that the unfortunate rider, which was fixed to one of the appropriation bills subsequent to the number of the Wong Gang Yong case, would be repealed, and that the rules set down by the Supreme Court of the United States in the Wong Gang Yung case would become the law of the land. However, when you look at the act and read the language of this act you find no statutory provision providing for the judicial review. I state that the failure to provide for this judicial review is going to cause confusion, unnecessary judicial determination as to what this act means.

Another provision of this act we object to is section 360.

Commissioner O'Grady. What section was this first one you are referring to?

Mr. Jackson. The other one refers to section 242. Now 360 is a section which provides for a means of having a judicial determination of a claim of United States nationality. Under the present act, the Nationality Act of 1940, we have section 503. Section 503 provides that where any individual or person has been denied a right or privilege of a national or citizen of the United States that that person may commence, and institute a declaratory judgment suit against such administrative official in any district court wherein the person claims permanent residence, or in the District Court for the District of Columbia. That act also provides that such persons may apply for, and obtain, a certificate of identity which would permit them to proceed to the United States where they could have a determination of their claim.

Now section 360 in the new act provides that if a person is within the United States, they may have a judicial determination of their claim of United States nationality. However, this does not happen in very many cases. Most of the cases arise concerning the question of citizenship about persons who are residing in foreign countries.

Now section B of 360 provides that certificates of identity may be issued to persons who fall within two categories; those two categories being persons who are about to obtain the age of 16 years, or persons who have previously resided in the United States.

Now, we represent a large group of clients, who are seeking to come to the United States and establish their claim of United States nationality. Under the present travel restrictions, which have been imposed under the Passport Act of 1918 and the President's proclamation of 1941, these persons must obtain a travel document before they can purchase passage to the United States. Now this document which is issued is nothing more than a document which permits them to obtain passage without the carrier being subjected to fine proceedings for bringing a person without that document.

Now under this new act we are not going to be able to bring those claiming United States nationality to the United States where their question of citizenship can be determined by the Immigration and Naturalization Service, which is the proper administrative agency charged with the duty of making such determination, or before a court, where they may have a fair and impartial hearing upon their claim.

The act also provides that the certificate of identity under section 360 (B) may be issued by the consular official.

It doesn't seem possible that where this question concerning issuance of a travel document is going to be left up to the person who rejected the claim of citizenship in the first place, and who is going again to be the person to rule upon whether a travel document, or a certificate of identity will issue, that he is going to make a favorable determination in favor of that person.

We feel that these people should be given some means of proceeding to the United States where they could have their claim of citizenship determined either by the Immigration and Naturalization Service, or by the Department of State.

The other point which I would like to discuss is the failure of the act to provide for those who served in the United States Armed Forces during World War II or who were attached and served in the merchant marine during that crisis.

Now we have in this act specific legislation providing for the naturalization of persons who served 3 years in the Armed Forces of the United States, but it requires that they must have been legally admitted to the United States. There is another provision in the act which provides for the naturalization of those who served in the Armed Forces of the United States during World War II. There are many of them that have served 2, 3, and 4 years, many of those years overseas. But the act provides that unless such petition for naturalization is filed within 6 months of the termination of such service that these persons must have been legally admitted to the United States.

Now there are a number of aliens who are not legally admitted to the United States, who did honorably serve in the Armed Forces of the United States during World War II, many of them with many citations, and we feel that they should be given some relief.

With your permission, I would like to leave a memorandum for the record.

The CHAIRMAN. Thank you. It will be inserted in the record.

(The memorandum submitted by Jackson & Hertogs, attorneys, follows:)

JACKSON & HERTOGS,
San Francisco, October 14, 1952.

HARRY N. ROSENFIELD,
Executive Director,
President's Commission of Immigration and Naturalization,
Washington, D. C.

DEAR MR. ROSENFIELD: We attach two copies of memorandum reflecting views of this office with respect to matters arising under immigration and nationality laws of the United States. We are grateful for the opportunity to be heard by the Commission.

Very truly yours,

Z. B. JACKSON.

MEMORANDUM FOR THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

Based upon practice for a period of years in the specialized field of matters arising under the immigration and nationality laws and representation by our firm of at least 5,000 persons before the Justice and State Departments and the courts of the United States, we offer the following comment on procedures, policies, and effect of the current statutes and the anticipated effect of the Immigration and Nationality Act of 1952.

QUOTA ALLOCATIONS

1. Under current statutes

(*a*) The national-origins basis of quota allocation, based upon a census of 32 years ago, is unrealistic and outmoded. Fixing of an annual quota for a country on the basis of the ratio of the number of its subjects here three decades ago as compared to the total population ignores and gives no effect to percentage changes resulting from immigration during the past 30 years. As a result, many thousands of highly desirable aliens from low-quota countries such as Spain, Portugal, Greece, Turkey, Australia, and New Zealand cannot hope to enter the United States as quota immigrants. Despite eligibility for preferential quota status or the possession of unusual qualifications in training, background, or experience, aliens from these lands cannot, because of proscription of their quotas for years in advance, expect to receive visas without a wait of an unknown period. Discouraged by the seemingly hopeless prospect, many aliens whose presence would be beneficial to the interests of our country consider registration on waiting lists to be futile.

(*b*) Aliens of the Chinese race, regardless of place of birth, can be allocated quota numbers only under the annual China racial quota of 105 persons per year. Seventy-five percent of this amount is reserved for aliens residing in China, practically none of whom can escape from the interior of China because of restrictions on travel or movement by the Communist government of China. No other race of peoples is subjected to such pointed discrimination by our immigration and nationality laws.

2. Under the Immigration and Nationality Act of 1952

(*a*) The national-origins system of quota allocation is continued. Provision for reservation of first 50 percent of quotas for those of high education, technical training, specialized experience, or exceptional ability will be of little aid to those whose quotas are proscribed for years ahead by persons registered on waiting lists, or reduced by numbers used by persons granted suspension of deportation or visas under the Displaced Persons Act.

(*b*) Asia-Pacific quota provision continues and heightens discrimination against aliens of the Chinese race.

(*c*) Lowering of quota priority of alien parents of United States citizens will cause marked increase in waiting period before they may be issued visas and join citizen children in the United States.

ISSUANCE OF VISAS

1. Under current statutes

(*a*) Consular officials, with unrestrained authority to grant or refuse visas, frequently set up unreasonable and arbitrary requirements beyond the demand of statutes. Authority under the public-charge provision is often abused. Thus, an able-bodied Canadian with a background of self-support, sponsored by relatives and friends in the United States with assets of $500,000 and incomes totaling over $30,000, was refused a visa on the ground that he was likely to become a public charge.

(*b*) Alien wives of American citizens of the Chinese race are being refused nonquota visas by the American consulate in Hong Kong unless they produce their children from the interior of China. This is normally impossible because of the refusal of the Chinese Communist officials to grant exit permits to any person potentially useful in military or labor forces. These demands are beyond the requirements of the applicable laws and regulations.

(*c*) Applicants for nonimmigrant visas as temporary visitors are generally rejected if they have relatives in the United States. Any applicant of marriageable age is normally refused a visa on the ground that he might marry and attempt to remain in the United States. In specified countries—notably Greece, Italy, and China—it is virtually impossible for any alien other than one of wealth, prominence, or close connection with highly placed Government officials to obtain a visitor's visa. Others are regarded as perjurers or conspirators in a scheme to circumvent the immigration laws.

(*d*) Authority to refuse visas on the ground that an alien's entry would be prejudicial to the interests of the United States is constantly abused. The applicant is never informed as to the reason or the evidence on which the denial is based. Innocent childhood associations, unsupported rumors, malicious complaints both anonymous and other are considered sufficient for rejection of a visa application.

(*c*) Many of our clients have reported that consular officials are lazy, officious, and indifferent to hardship resulting from their dilatory methods and unreasonable demands. American citizens spend huge sums in maintaining relatives abroad while they await action by consulates on their applications or attempt to comply with instructions of a consular official who generally has no conception of the practical problems of the applicant and those interested in his welfare.

(*f*) Sponsors of visa applicants often include offers of employment in affidavits of support, believing that such offers tend to add assurance that the applicant will not become a public charge. These well-intended offers are seized upon by consulates as a ground for rejecting visas with no consideration as to whether the proposed employment is the primary inducement for the visa application or whether the type of employment offered exempts the applicant from the excluding provisions of the contract-labor laws.

(*g*) Decisions of consular officials rejecting visa applications are not subject to appeal or review. Since citizens or residents of the United States are generally vitally interested in the rejected applicant, some provision for review of arbitrary and unsupported visa denials should be available to the applicant or those interested in him. While recognizing that the right to refuse admission is an attribute of sovereignty, some method of seeking review of these decisions should be provided to the end that visa applicants in like circumstances will receive uniform rulings.

2. Under the Immigration and Nationality Act of 1952

(*a*) Terms of the new statutes provide latitude for continuance of the practices complained of above and perhaps encourage them. Sections 212 (a) (27) and (20) confer on consular officers the power to reject visa applications of those whom they have reason to believe seek entry for the purpose of engaging in activities prejudicial to the public interest or who in their opinion would, after entry, probably engage in such activities. While security of the United States is a paramount objective, these loosely worded provisions certainly open the gates to rejection of visa applications on the basis of personal whims, speculation, and conjecture under conditions safeguarding the maker of the decisions against review or criticism of his orders.

ADJUSTMENT OF STATUS OF ALIENS IN THE UNITED STATES

1. Under current statutes

(*a*) Present statutes provide for adjustment of status through preexamination where an alien has resided in this country from 1 to 5 years and is in a position to obtain an immigration visa within a reasonable time. Due to the fact that the same procedure is not provided in the new statutes, many aliens are now being granted preexamination provided they obtain a consular appointment and depart before December 23, 1952. However, the leisurely methods of the consulates in Canada in processing informal visa applications makes it impossible to complete arrangements for consular appointments before December 23. Requests to the Chief of the Visa Division, Department of State, and the Commissioner of Immigration and Naturalization in September 1952 for the perfecting of emergency arrangements to handle these cases expeditiously produced nothing worth while. The Chief of the Visa Division stated that the consulates were understaffed, and the Commissioner did not respond.

(*b*) Suspensions of deportation applications are now being determined on the basis of a secret and confidential policy, purportedly representing the sentiment of the congressional committee which passes upon suspension applications for the Congress. Applicants or their counsel are not informed of the details of the policy. Suspension applicants who have a citizen wife and two citizen children are being denied suspension; those with three children are being approved. An application under section 19 (c) of the 1917 act, as amended, based on residence of 7 years and presence in this country on July 1, 1948, is rejected unless the alien has residence of 15 years. Exceptions are made where specified circumstances exist, but the nature of the exceptions are unknown. Obviously, these requirements are over and above those required by the present laws, and the practice of determining the fate of a man and his family on the basis of a secret policy is foreign to our standards of due process.

(*c*) Aliens who entered prior to July 1, 1924, who have resided in this country since entry and for whom no record of admission exists may apply for the creation of a record of lawful entry. Officials of the Immigration and Naturalization Service demand proof of residence for each and every one of the 28 years.

For many applicants this is an impossible demand, and some reasonable relaxation of the requirement should be considered.

2. Under the Immigration and Nationality Act of 1952

(*a*) Opportunity for an alien to adjust status through preexamination is eliminated. No provision is made for a practical solution of the problems of aliens who applied for preexamination from several months to several years ago, who have been granted the privilege recently, but who cannot take advantage of the grant before December 23, 1952. By administrative ruling or legislative action, those deserving aliens should be granted additional time to adjust status other than by leaving their families and returning to their homelands.

(*b*) Adjustment of status through suspension of deportation is eliminated for all practical purposes by the forthcoming law. With the exception of a group of aliens deportable on criminal or immoral grounds who have resided here at sufferance for many years, no alien who entered prior to June 27, 1950, can seek such relief unless he has resided in the United States for 7 years.

(*c*) Exceptional and unusual hardship must be established in order to qualify an alien for suspension of deportation. Such a term gives almost unlimited latitude to offers seeking ground for rejection of an application, and most of them are so inclined. By the gist of remarks made by persons sponsoring Public Law 414, the fact of the alien's relationship to a citizen or resident wife or child is not to be considered in determining whether exception and unusual hardship would result from the alien's deportation.

MISCELLANEOUS

Many other obectionable features are to be found in the Immigration and Nationality Act of 1952. In time the needless hardship resulting from them will become vividly clear and doubtless remedial legislation will be enacted. Under sections 101 (a) (3) and 212 (d) (7) Hawaii is part of the United States for one purpose and not for another. The effect is to prevent aliens lawfully resident in Hawaii from coming to the United States if not quota immigrants while at the same time permitting them to seek naturalization in Hawaii. Setting up immigration barriers between two areas of the United States is an incongruity which cannot be justified by logical reasoning.

Aliens who served honorably for 5 years on vessels of American registry prior to September 23, 1950, are made eligible to naturalization without having been admitted to the United States for permanent residence. Many hundreds of competent and loyal alien seamen are short from a few weeks to several months in having 5 years of sea service. Most of them have continued in our merchant marine. The military transport services and most American maritime companies have recently refused to sign on alien seamen. Those who cannot naturalize must leave or face deportation. Provision should be made for those who have served our merchant marine honorably for 5 years or more, regardless of the date of service.

The net general effect of the tone and provisions of the 1952 act is the erection of immigration barriers which bristle with belligerency. Consular and immigration officers will necessarily become ambassadors of bad will, and we will in time alienate many residents of foreign lands who would otherwise be friendly. At home, officers of the Immigration and Naturalization Service will eventually approach a characterization slightly less odious than the Gestapo of Nazi Germany. No corresponding benefit to the United States is apparent.

Respectfully submitted.

JACKSON & HERTOGS,
Z. B. JACKSON.

Mr. ROSENFIELD. Mr. Chairman, George Sehlmer, the master of the California State Grange, had hoped to be here today to testify before the Commission, but he has sent word that, unfortunately, he cannot come. If he submits a statement, I should like permission to insert it in the record at this point.

The CHAIRMAN. That may be done.

Mr. ROSENFIELD. Mr. Chairman, J. D. Zellerbach, president of the Crown-Zellerbach Corp., of San Francisco, and formerly ECA administrator for Italy, was scheduled to testify at this time, but was

unable to appear, and he has sent a statement which, with your permission, I will read into the record.

The CHAIRMAN. You may do so.

(There follows the statement of Mr. J. D. Zellerbach, read by Mr. Harry N. Rosenfield, executive director:)

STATEMENT OF MR. J. D. ZELLERBACH, PRESIDENT OF CROWN-ZELLERBACH CORP., OF SAN FRANCISCO

I want to thank the members of the President's Commission on Immigration and Naturalization for the invitation to present my views on the present immigration laws.

My strong conviction is that the present immigration laws are in direct conflict with United States philosophy and policy on foreign affairs and are unrealistic in facing up to world conditions. Therefore I would recommend that the laws be liberalized to conform to that policy.

I realize that it might be more comfortable for one to avoid testimony or to hide behind an emotional generalization that America is self-sufficient and that therefore American citizens must be protected by a severely restrictive policy of immigration. However, I feel that a restrictive policy would be weak protection indeed, for it is isolationism in its most reactionary form. And, in the kind of a world in which we are living today, we cannot afford the risk of isolationism either geographically, militarily, economically, or psychologically.

Americans are dispersed throughout all free nations, working to help them back to a point where they can be self-supporting themselves. We have been helping restore the fisheries of Greece; the factories of Italy, France, and Germany; the railroads of many war-torn countries. We are building along with them to keep out the threat of Russian aggression. We are depending almost wholly on many free nations for some of the vital metals and other resources which we do not have in the United States. We are sending money across the seas to help restore the economy, security, and confidence of free, friendly people. Our American boys are deployed to the military areas of many foreign lands. We are trying, by every psychological means within our knowledge, to convince our overseas neighbors and anyone else who will listen that the way to peace and safety lies in walking our road.

Through all of the years of American history we have been building a world belief and trust that the United States of America is a haven for pilgrim feet from oppressed and overcrowded lands. We have projected American citizenship as a desirable possession which millions of foreigners have attained. We have welcomed them to help us in our fields, our mines, our forests. They have helped us build our transcontinental railroads. They have transplanted agricultural and horticultural skills from their lands to ours, as witness the California grape and wine industry, among others. We have learned their skills and arts. We have learned much from them as they have learned from us. Today they are part of us—the mixture which is America. If we need any proof of their devotion to the United States, we need only to look ot the names of men who have fought on our side in the wars. If we need proof of how they feel about America, we need only to look to the campaign of letter writing which Italian-Americans beamed to their friends and relatives in Italy prior to the elections which finally kept Italy from going Communist.

The need for liberalization of our immigration laws goes beyond statistics on our actual needs in the way of housekeepers, farm hands, and a host of other occupations which are going largely unfilled because American workers are turning to other occupations. Through our Departments of Labor, Commerce, and Agriculture we should be able to anticipate the extra manpower needs and provide necessary protections against an oversupply of workers. The plain truth is that we must try harder to fit more of the right kind of immigrants into our American life and American economy. Either that or watch them go over to our enemies who have been telling them since the end of World War II that Americans do not practice what they preach.

I do not speak for any one country, but for them all. I do not think in terms of so loosening our immigration laws that great masses of people may move from there to here without plan or thought. Out of my European experiences I absorbed at least two things which made indelible impressions. One is the misery caused by overcrowding of populations. The other is the tender balance between Communism and freedom in the minds of hungry, frustrated people.

So I do speak of the need for an enlightened immigration policy under which the United States will contribute its share toward relieving the dangers of economic distress in other free nations. The Western Hemisphere provides the greatest opportunity for resettlement of Europe's surplus populations. Other countries less able to absorb immigration than the United States are doing more to help the situation than we are. We must work with them to do more than we have been doing, for, if we are to relieve the misery upon which communism flourishes, we must take an enlightened attitude toward the immigration problem. We must help our friends so they will not have to seek assistance from our enemies.

The CHAIRMAN. Mr. Fred W. Ross will be the next witness.

STATEMENT OF FRED W. ROSS, EXECUTIVE DIRECTOR OF THE CALIFORNIA FEDERATION FOR CIVIC UNITY

Mr. Ross. I am Fred W. Ross, executive director of the California Federation for Civic Unity, on whose behalf I am appearing.

I have a prepared statement I would like to read.

The CHAIRMAN. You may do so.

Mr. Ross. Mr. Perlman, and members of the President's Commission. I am the executive director of the California Federation for Civic Unity, a State-wide agency designed to channel the interests and energies of organizations working toward the improvement of human relations, and composed of chapters of the Japanese-American Citizens League, National Association for the Advancement of Colored People, the Community Service Organization (Mexican-American), and various Jewish, church, and labor groups.

At our executive committee meeting in April of this year a resolution was passed commending Congress for its action in granting immigration and naturalization privileges to persons of Asiatic descent who previously had been denied these rights, and opposing certain provisions which this organization considered discriminatory on racial and religious grounds. Specifically these are the clauses we oppose:

Section 212 (a) 25: Pertaining to the entry of displaced persons and repeal of the provision of the 1917 law allowing entry of victims of religious persecution who are illiterate. This provision, we believe, would bar a considerable number of displaced persons of Jewish and other religious groupings.

Section 202 (c): A provision changing immigration quotas for Jamaica and other Caribbean colonies from the never-filled United Kingdom quota of 65,721 to a special quota of 100 for each such colony, thus drastically curtailing colored immigration. We believe this is highly discriminatory against Negro groups.

Section 287 (a) 3: A provision terminating the right of American citizens to be immune from search or official interrogation without a warning. In our opinion this would work undue hardship upon millions of Mexican-Americans residing in the border area of the Southwest. We believe adequate safeguards should be included in the bill to protect members of the Mexican-American group.

Section 244–5–B, which denies to people from contiguous territories (Mexicans, Cubans, Central Americans, etc.) certain privileges of suspension of deportation granted to the nationals of other countries. It is our understanding this regulation is based on the theory that persons whose origin is in relative proximity to the United States will

not find it particularly difficult to simply drop everything and return immediately to the country of their birth when ordered to do so by the immigration authorities.

In our opinion this assumption is patently false. Sudden removal of this character, in our experience, can only tend to work grievous hardship upon the people involved. This is particularly true with reference to the Mexican rural workers. Most of them have little or no knowledge of English. Because of this and other reasons they find it exceedingly difficult to deal with the American consulate. Negotiations necessary to straighten out their status are thus indefinitely prolonged.

Many of these workers have wives and children in this country and any prolonged absence of the wage earner seriously jeopardizes the family relationship. Finally, such unanticipated removal obviously works an economic hardship on the workers involved in that few employers are interested in preserving job rights over a long period of time while the worker's status is being investigated.

We earnestly urge, in the interests of justice and wholesome human and international relations, that your committee give serious consideration to the elimination of the provisions outlined above.

The CHAIRMAN. Thank you very much.

Is Mr. Haruo Ishimaru here?

STATEMENT OF HARUO ISHIMARU, REPRESENTING THE JAPANESE AMERICAN CITIZENS LEAGUE, NORTHERN CALIFORNIA REGIONAL OFFICE

Mr. ISHIMARU. I am Haruo Ishimaru, and I represent the Japanese-American Citizens League, northern California regional office.

Actually, as far as our organization is concerned, the Japanese-American Citizens League, we have offices here in San Francisco. I happen to come from the northern California area. We have a special legislative office in Washington, D. C., and it was an interstaff agreement that the representative in Washington, D. C., would make our statement before this Commission. However, I was requested to appear at this particular meeting to try to represent the feelings of the Japanese-Americans as far as this new and comprehensive law is concerned. First of all, I would like to point out that my background is not legalistic in any way, and I am not an authority on the bill, but if I can add any of the impressions that I have received from the Japanese-American communities I will be happy to do so.

First of all, we realize that this is quite a lengthy and comprehensive law, and we realize that there has been opposition in many areas to the law, in part, and on the whole. The Japanese-American people, as a whole, have been trying to get citizenship for a number of years. Our parents, the Nisei, have been legal residents of the United States, some for over half a century. We have on record one resident in Seattle, Wash., who applied for his first papers as early as 1904. Consequently, any law which might possibly give citizenship rights to our parents is one in which we are deeply interested.

We were gratified at the success of the passage of the Walter-McCarran omnibus immigration and naturalization law. We pushed this law—that is, the Japanese-American people—because we were told by

Ambassador Grew that the rise of militarism and nationalism in Japan stemmed from the immigration and laws in the United States in so far as immigration, stemming from 1924. We believe that this law, at least in part, has tended to rectify some of the great problems started at that time. Also, it was my privilege to hear Dr. George Togasaki, editor of the Nippon Times which is considered the most important and influential English language newspaper in Japan—also, he is the chairman of the board of directors of the quite well-known International Christian University in Japan—speak at the Commonwealth Club. Dr. Togasaki, recently coming from Japan, pointed out that in Japan and in Asia as a whole this bill was being considered with more interest than perhaps any other single bit of legislation in the last 25 and perhaps even 50 years, because the United States would make an articulate statement on how they felt concerning the Asiatics.

You will remember that before the passage of this law many of the people from the Asiatic countries were denied the right to come to this country as immigrants. They were considered second-class people, people who were not worthy or entitled to the right to come to this country. Also, at the same time the residents in this country, the Japanese, and some of the others, which I don't know specifically, we know that during the war years the Filipinos and the Chinese were allowed to get their citizenship. But the Japanese, despite their length of residence in this country, were not able to get citizenship. We are happy that this legislation has passed.

We realize that in any legislation which has over 2,000 separate items there cannot be unanimity of opinion and consideration. We realize that the passage of law, the making of law in this country or any country is evolutionary in nature, and not revolutionary. We recognize that even for the Japanese, although there has been a signal victory, we believe in principle yet that the quota of 185, half of which is mortgaged for the next few years, is really a small token recognition of Japan as a sovereign nation.

Still our organization, the Japanese-American Citizens League, is not concerned so much with problems of Japanese in Japan, but with American citizens and residents of Japanese ancestry, especially because of the privileges of citizenship which we believe is not only a great responsibility but a right as residents of this country.

We are glad that this law has passed, and we hope that if there is any necessity for rectifying any of the conditions which may not be as good as others not only our organization but other organizations will work together to make this legislation a more perfect one.

In concluding, let me point out that right now the eyes of the world are on the United States. I know this personally because of my ancestry I am concerned with Japan, and Asia as a whole. Japan for a long time was an enemy nation. It was an enemy nation for our organization as well because we are an American citizens group. But the United States and the other nations have decided to let Japan once more enter into the realm of friendly nations. We feel it is imperative that we recognize the responsibility of the United States truly demonstrating her principles of democracy and equality. If there are any changes necessary in this legislation, we hope that it will be done with a full realization that the United States must demonstrate a complete

equality regardless of race or national origins, and that with the combined effort of all the people in the United States this will become a more perfect piece of legislation.

Mr. ROSENFIELD. I wonder if I might ask one question: Do you have any particular suggestions to the Commission on specific things in the law which you think should be changed or modified?

Mr. ISHIMARU. Actually, that will be taken up when you have your hearing in Washington.

Mr. ROSENFIELD. Mr. Masaoka has been invited to attend, so that any other matters your organization may have will be presented then?

Mr. ISHIMARU. Yes.

The CHAIRMAN. Thank you.

Is Miss Tomorug here?

STATEMENT OF MYROSLAWA TOMORUG, REPRESENTING THE UKRAINIAN CONGRESS COMMITTEE OF AMERICA

Miss TOMORUG. I am Myroslawa Tomorug, 2904 Wheeler Street, Berkeley, Calif. I represent the Ukrainian Congress Committee of America and have a statement I would like to read.

The CHAIRMAN. We shall be pleased to hear it.

Miss TOMORUG. I appreciate the opportunity to express the views of the Ukrainian Congress Committee in support of the bill, so timely introduced by Congressman Celler, and which is now presented before your committee to implement the important and very vital message of President Truman on the urgent problem of surplus population and escapees from Soviet Communist tyranny.

The Ukrainian Congress Committee of America, which comprises upwards of 1,500 Ukrainian-American organizations throughout the United States, representing over 1 million Americans of Ukrainian descent is most deeply interested and concerned with the acute status and welfare of the present and future escapees from behind the iron curtain because it is firmly convinced that unless immediate measures are taken to aid and assist such refugees and escapees, we Americans will lose an important battle in the present cold war grimly waged by the Kremlin.

Today, our great Nation—and indeed the entire world—is faced with the gravest threat to its survival since the glorious days of its inception. The United States, the citadel of human freedom and unrestricted opportunity, is confronted by the sinister forces of barbaric darkness. Soviet Russia's totalitarian masters have made it known that their ultimate objective is to conquer the world for their type of communism: and that standing in the way toward this achievement is the United States, the last bastion of liberty, a power which the madmen of the Kremlin fear may be sufficiently strong to destroy their despotic regime.

However, in this struggle against the aggressive onslaught of Moscow, we have millions of men and women behind the iron curtain who are true and potential allies of ours. Despite the practically impenetrable barriers set up by the Soviet jailers, many thousands have managed to escape after superhuman efforts, as we all know, and many others have had the extreme good fortune to reach our shores, while others have found haven in other lands. Thousands of

others are still coming from behind the iron curtain, many of whom are faced with no other alternative but to escape because of their anti-Communist activities.

Thousands of these peoples are now facing a crisis in Western Europe. Indeed, I do not have to describe to you the prevailing economic conditions of postwar Europe today; it is a known fact that these people are not welcome there. They are and will remain outcasts—known by a phrase which those of us who lived in postwar Europe know only too well—"Verfluchte Ausländer," they called us. Still we must admit that this antagonism is quite understandable.

People of Western Europe have become selfish and bitter after long years of suffering. They feel that they have had their share of misery and do not understand why they should feed people from other countries, while their own men and women are starving. It is also understandable that any German or French concern will prefer to employ a countryman instead of an unknown foreigner. Therefore, life for all escapees in Western Europe has become unbearable; in fact, very unbearable, materially and spiritually. These people with a rich political experience are not able to participate in any political affairs, nor can they take an initiative in any phase of life.

Now let us clearly realize that if we help these peoples, and we must help them, we will be not helping them only, but ourselves as well. We will be helping the future of United States. With their experience they could become the pillars upon which a renewed clear-minded American mind could be built.

Unfortunately, even today when the danger of Communist imperialism has become known to the entire world, we will still find men and women who will ask: "Maybe communism is not as bad as they say; maybe it's only propaganda." After all, there are millions of people living under communism. Maybe it is only propaganda.

Ladies and gentlemen, let us face it; we Americans have lived behind an iron curtain for a time too long for our own good. There are only very few of us who had met communism and fascism face to face. Only those brave men who have fought on the battlefield during the First and Second World Wars. But what does the average citizen truly know about communism? His knowledge is limited strictly to what he reads in books and newspapers, what he sees in the movies and hears on the radio. It isn't much. Therefore, if they ask strange questions we should not be angry or surprised. According to the great philosopher, Descartes, it is in the nature of mankind to doubt everything in order to gain true knowledge. Who is going to give us this true knowledge?

These peoples who have met communism face to face can make the best job of it. They are men and women with high intelligence, not because they finished universities, but because their lives have been rich in experiences. They, contrary to most of our citizens, do not have to check in books on what happened in Katyn, Buchenwald, or Wynnycia. The word "genocide" is not new to them. They have seen tyranny as it is, as it works, murders, and as it destroys. What they tell the world is not propaganda, and I hope that we are not afraid to hear the truth.

I have a chance to talk constantly to many true, good, old-fashioned Americans, who oppose the ideal of new immigrants, because they

are afraid of those spies, who with the refugees have thus a chance to force their way into the United States. I do not doubt that there are many spies who in such a way would gain entrance into United States. That is only natural. Our secret police, therefore, should make an extremely careful investigation of every person before admitting them to the country. If necessary they should be under a constant observation in Europe before coming, and later here in the United States. It would be helpful to us.

There are many difficulties these people would have to face in the United States. But we need not fear that they would become a burden on us. That has been proved by the thousands of immigrants who in recent years have been admitted to this country. They knew the chance they were taking and they carried it out as bravely as our great-grandfathers did, a few centuries or decades ago. With the steady growth of American industry we do not have to fear about their future. With a little good will and understanding we can give them the possibility to become human beings again, to build homes and families, to give their children education, to become a part of the great American tradition.

Finally, speaking of young people I want to mention the brave young men of all nationalities who, without even being citizens of this country, are now fighting in the rows of United States Armed Forces. Hundreds have already given their lives on the battlefields of Korea. They do not fight because the draft board got them, but because they know what communism would bring to the world; because they want their children to live in a free country in the years to come.

There are thousands of these boys waiting for the possibility to come to the United States and join the rows of fighters for freedom. Many of them have for years already been fighters in the resistance underground forces who gallantly fought both Hitler and Stalin, and whose brothers even today continue to cause unrest and turmoil behind the iron curtain.

I submit to you, ladies and gentlemen, that we cannot wait in moral apathy but must extend them our helping hand of freedom. We must keep open these channels of freedom. If we hesitate, fumble, or falter, these channels will dry up and the desire and will to fight against their oppressors will stagnate and ultimately die.

Our loss in psychological warfare strategy and moral prestige would be tremendous. In this colossal struggle for the minds of men, it is incumbent that we formulate a new affirmative and dynamic policy which will hit the enemy where it will be most effective.

I believe, ladies and gentlemen, that you will agree with me that Stalin and his comrades would most certainly breathe a sigh of relief should we miss this golden opportunity to cause a manifestation of the very spirit of our Declaration of Independence.

This bill is of such importance to the national security and to the cause of freedom and peace of the entire world that it warrants full endorsement and bipartisan support.

I respectfully urge the favorable consideration of this bill by your committee, and trust that action will be taken on it during this session of the Congress.

The CHAIRMAN. Thank you very much.

Is Dr. Alfred de Grazia here?

STATEMENT OF ALFRED de GRAZIA, EXECUTIVE OFFICER OF THE COMMITTEE FOR RESEARCH IN SOCIAL SCIENCE AND ASSOCIATE PROFESSOR OF POLITICAL SCIENCE, STANFORD UNIVERSITY

Dr. DE GRAZIA. I am Alfred de Grazia, 772 Ynez, Stanford, Calif. I am executive officer of the Committee for Research in Social Science and associate professor of political science at Stanford University.

I have a prepared statement that I will read, with your permission.

The CHAIRMAN. You may do so.

Dr. DE GRAZIA. My professional specialization lies in the fields of public opinion, political parties, and pressure groups. Prior to joining the faculty of Stanford University, I taught at the University of Minnesota, Brown University, and Columbia University. In World War II, during which I rose from the rank of private to that of captain, I served first in artillery and then for about 3 years in psychological warfare. I engaged in seven campaigns in Africa, Italy, France, and Germany over a period of about 2½ years, and hold the Bronze Star Medal and other decorations and ribbons. I acted as consultant on one of the phases of the work of the Hoover Commission and have also been consultant to an official agency in the field of psychological warfare. I am author of Public and Republic, a study of American ideas of representative government; Human Relations in Public Administration; The Elements of Political Science; co-author of an Outline of International Relations and of other books and articles. My appearance before this Commission is not connected with the activities of any organized group. I also wish to make clear that any preferences that I may state are not to be construed as the official position of Stanford University in any way, and that any factual opinions or assertions are my own, unless otherwise indicated by me.

Public Law 414, the so-called McCarran Act, is based in part on errors of fact, is morally bad in several important respects, and contains various beneficial provisions. On the whole, I believe the act to be so deficient morally and tactically that it would have been better not to have passed it.

Its moral errors are several:

1. It refuses hospitality to mankind. Granted that the inescapable realities of politics and life preclude a completely open door to immigration, we might have improved our moral position somewhat by doubling the meager quotas of the nineteen twenties. Instead, the McCarran Act reduces opportunities for emigration to America.

2. It is morally wrong in that it discriminates among men by ethnic and cultural criteria considered by American ideals to be irrelevant or bad criteria. Thus,

(*a*) It perpetuates an ethnic quota system. The ethnic quota system prefers certain strains already present in American society to other strains not present or present in smaller numbers. I would regard this as a moral error on the grounds that a nation should abide by the principle of the equal worth and dignity of individual men, regardless of accidents of birth. Here again, however, the American people, or at least politically significant fractions of them, may not be prepared to welcome major changes in the system of apportioning quotas according to the relative proportion of the various ethnic

strains of the world presently existing in the American population. We cannot ask perhaps for a venturesome spirit among many politicians, even given that the spirit may be morally sound. However, if one considers the small number of immigrants admitted, it becomes quite possible that the American public would regard indulgently the abandonment of the quota system and the substitution therefore of universal standards of admission to American citizenship. It is easy to demonstrate that the physical and cultural effect of those few immigrants upon America would be negligible, even if they were all Esquimaux. Interested parties might do well to hark to the example of Turkey, a primitive and poor country, bordering on a hostile Soviet Union, which has admitted so large a number of immigrants in the past couple of years that the United States would have to admit a million immigrants a year to equal its record.

(*b*) Furthermore, whatever the degrees of demerit of the quota system, the retention of the 1920 census as the basis for computing national origins remains an essential moral defect of the McCarran Act. It is an additional and most gratuitous insult to perhaps every fifth American. It is gratuitous because only a few hundreds or thousands of quota positions would be changed; but it is none the less serious as an insult. I note in reading the reports of the House and the Senate committees on the bills that became the act, in question, that the absurd arguments of the early twenties concerning the "new" as against the "old" immigration were missing. I conclude that enlightenment plus the political power of the groupings affected adversely engendered caution among the bill's proponents; I suspect that some supporters privately nursed the prejudices of their ancient childhoods while publicly they gave some rather unconvincing assurances that the future might see a restudy of the origins of the American population. (Incidentally, I assume that the Commission is quite aware of the unsatisfactory nature of the census computations of national origins. It is a most difficult business. For example, if anyone here has ever visited near Houston, Tex., the majestic monument to the Texan victory over the Mexican Army in 1836, he probably noticed emblazoned in stone the fact that a veritable rainbow of nationalities composed the victorious Texan Army, including Mexicans. I wonder whether all those men found their way into the census computations of 1920.)

(*c*) Ethnic discrimination of a bad sort is also practiced in the provisions relating to the assignment of separate quotas of colonies, but this is perhaps a minor vice since, granted the ethnic quota system to begin with, a colony should perhaps be treated as ethnically distinct from the mother country. It does seem a little strange, however, that an Ulsterman should have such an advantage over an Australian in emigrating to America. That is one of the bad effects of the quota.

(*d*) A worse defect, masquerading beneath a virtue, is the provision that would-be immigrants of whatsoever country, provided they be half or more Asiatic by race, are chargeable to the quota of the Asian country, even though they be nationals and even natives of the country from which emigration is desired. One can only surmise from these provisions that the authors' conversion to twentieth-century science was only for the sake of appearances.

3. A third error is that of raising new distinctions between naturalized Americans and native Americans. A naturalized American will

never be able to rest secure that he will not be deprived of his nationality. He is restrained from political activities a native American might engage in. He is encouraged by the act to become a hysterical patriot before he has learned to be a simple patriot. Or else he is encouraged to passivity. This is one more contribution to the political sterilization of the American population. When millions of educated persons cannot engage in political activities because they work for the Government, when additional millions work under Government contracts, when more millions of teachers and educators are rendered anxious over their political beliefs and actions, and when other steps, like the present one, are taken to limit free political expression, we are compelled to believe that the American public is being slowly, systematically, and perhaps unconsciously reduced in size and in freedom of political action. We have never had enough ordinary people active in politics and in civic affairs. We are not likely to encourage more interest and involvement by legislation of this kind.

4. A fourth essential moral error of the legislation under study is implicit in the treatment of past political misbehavior on the part of foreigners. It would seem from the law, and we have little practice to see how the law works, and there are a few instances available from the administration of the preexisting law, that a foreigner who was once quite hostile to democracy and to the United States and who has reformed in a burst of confession and self-reproach is allowed admission sooner than one who wavered once or more times and never thought to adjure vehemently his behavior on such occasions. Although I believe there is an injustice here, I am not sure that I can offer a solution. We have had so much trouble trying to define and predict the loyalty of Americans in late years that only the most rash of experts would dare to make fine distinctions in the loyalty of men coming from a different culture. American consular offices are not ordinarily staffed by outstanding psychologists; and, granted the timidity that is common today in the agencies of the Government, I should imagine that the officials charged with making such distinctions of loyalty will be restrictive when the slightest doubt exists.

These, then, are the chief moral defects of the legislation under review. To a few people, they will seem perhaps to be virtues rather than defects. Confessing a rigid dislike for anyone not American, they will feel no need to give a foreigner an even break. But I would urge the Commission to pay no heed to such persons. Mustered against them are the highest ideals that mankind has evolved, represented in many more millions of Americans. And it ought not be forgotten also that such an attitude and hostility toward foreigners is merely a reflection of a similar attitude to his fellow Americans. Such a character is a spoiler of good human relations—abroad or at home.

You may have noticed that thus far I have mentioned nothing of an area of concern quite close to me. That is the area of psychological warfare. I have done so deliberately. I do not believe that America should be so crippled morally that the only excuse she can offer for doing good in foreign affairs is that thereby she can make other peoples like her more or do her bidding more easily. Nevertheless, some consideration of the psychological consequences of this legislation is necessary, because considerations of national survival in a world already committed to conflict are involved. Therefore, I shall point

up several technical and tactical errors of the McCarran Act of 1952.

1. The act is poor from the standpoint of psychological warfare because (*a*) it has a most unconstructive tone; it does not invite friends; it expresses disdain, narrow suspicion, and a scarcely concealed longing for an iron curtain such as the Russians are supposed to have; because (*b*) it continues a useless discrimination against colonials, Asiatics, and some European countries—hostile propagandists can read between the lines almost as well as we can; we can never stop them from lying, of course, but we need not give truth to their lies; and finally because (*c*) every rejected visitor is a potential anti-American. In respect to this last point, I would suggest that the Commission consider some recognition of the need to admit to America a steady flow of foreign leaders—even those of dubious affections—in order that the more friendly of them may be persuaded to work more actively for the cause of world freedom which is in peril and the unfriendly may be subjected to doubts and reconsideration of their views. The act provides no such organization. The Director of the Psychological Warfare Strategy Board might be the proper authority governing the admission and guidance of such persons.

2. The act is poor from the standpoint of national defense and foreign policy also because (*a*) needed foreign scientific and intellectual personnel are prevented from visiting America and confiding their work and friendship to us (the Commission has undoubtedly had much evidence on this point); (*b*) because we are spending large sums of money to send Americans abroad to educate foreigners at the same time that we make it difficult for foreigners to come here to learn the same things (the rather absurd consequence of this behavior is that American technical missions and educators abroad will be teaching many individuals who could not obtain visas to gain the same instruction in America).

3. The powers granted administrative officers under the act seem unwarranted and perhaps dangerous. At this early moment, no one can foresee the precise extent of confusion inherent in the administrative provisions of the act, but, on its face, the act would seem to invite confusion. It will probably continue providing foreigners with endless frustrations, even when they are obviously qualified to enter the country. The act is supposedly beneficial in that it represents "a needed codification" of immigration and nationality law. I am probably not versed sufficiently in that body of law to appreciate this need. To me, the law seems to form a shield for administrative indiscretion, double talk, and subterfuge. It would better have suited my tastes if much of the interminable description of things making for exclusion and deportation were replaced by a few general phases for consular guidance and a provision for appeal to an administrative tribunal.

The CHAIRMAN. Thank you very much.

Mr. ROSENFIELD. Professor, you speak in the early part of your statement of the unsatisfactory nature of the census computation of national origins.

Dr. DE GRAZIA. Yes.

Mr. ROSENFIELD. Would you be able to provide the Commission with or advise the Commission where it could obtain some information more specifically devoted to that subject?

Dr. DE GRAZIA. Sir, I wouldn't be able to do that at this moment, I am referring here to an expression that I have heard several times

among experts on population. I am not myself such an expert, but I would be glad to help.

Mr. Rosenfield. I have taken the liberty in noticing in your statement you are the executive officer on the Committee for Research in Social Sciences and associate professor of political science at Stanford University. If that committee has any relevant material, or if it could provide the Commission with any research, we would be glad to have it. Our time schedule is such that we would have to have it relatively soon. If you could afford to forward us any material on that, it would be very helpful.

Mr. de Grazia. All right, sir; I will do that.

Mr. Rosenfield. Secondly, in the same general line, in the light of your professional competency and in the light of psychological strategy in psychological warfare, would you be able to provide the Commission with documentation of foreign sources or other sources which would indicate the points that you have been making in connection with our foreign relations, the effect of our immigration laws, good or bad. I realize that both of those are very difficult requests to make of you.

Dr. de Grazia. They are, indeed. The reason I did not bring that kind of evidence at this moment was the lack of time. I had only a few days' notice.

Commissioner O'Grady. Has there been much research in the immigration field at Stanford University, concerning the points you mentioned regarding the criteria and concepts in the present quota system?

Dr. de Grazia. Well, the fact is that the doctrines that were rather widespread about ethnic superiority and inferiority in the early twenties have been systematically refuted by every branch of science that concerns itself with those presumed inherent superiorities of different ethnic groups.

Now, the surprising thing is that it is rather difficult to put one's finger on this literature because the fact is so well assumed by anyone of any competency in the field that we haven't bothered to build up a great literature dispelling those myths. However, it would be quite easy to present a bibliography on the subject and perhaps a statement subscribed to by a group of scientists from different disciplines.

The Chairman. Thank you very much.

Is Mr. Van Sciver here?

STATEMENT OF WESLEY VAN SCIVER, REPRESENTING THE STANFORD CHAPTER OF THE FEDERATION OF AMERICAN SCIENTISTS

Mr. Van Sciver. I am Wesley Van Sciver, a research assistant at Stanford University and a graduate student, candidate for Ph. D. in physics.

I am here to represent the Stanford Chapter of the Federation of American Scientists, and I would like to read a statement.

The Chairman. You may do so.

Mr. Van Sciver. Gentlemen of the President's Commission on Immigration and Naturalization, I represent the Stanford Chapter of the Federation of American Scientists, a group of about 30 consisting of some of the faculty, research staff, and graduate students at Stanford University and scientists from the local scientific industry.

We as a group are dedicated to the advancement of science and the securing of the maximum of its benefits to the general welfare. I am here today because we believe that Public Law 414 constitutes a serious threat to the advancement of science. We emphasize the necessity for scientists to travel in order to meet and exchange ideas with other scientists. This is essential to scientific progress. But the effect of current immigration laws and the new Public Law 414 is and will be to seriously impede travel of foreign scientists to this country. This deprives United States scientists of the benefits of contact with their foreign colleagues and furthermore it creates an unfavorable impression of United States "friendliness" on foreign scientists. For a documentation of these last statements we refer you to the editorial pages of the various scientific journals and in particular to the October issue of the Bulletin of Atomic Scientists.

Mr. ROSENFIELD. May I interrupt? That issue was presented to us prior to its publication. We have the entire thing in our record.

Mr. VAN SCIVER. All right, sir. Then you are actually very well acquainted with the nature of the scientist's problem. We suggest that this entire issue might be read into your minutes.

Specifically, foreign scientists find that in excess of 6 months are usually required in order to obtain a visitor's visa. Scientific meetings are rarely planned that far in advance. We suggest that, for a visitor's visa, endorsement by the host institution or organization and by the applicant's own organization should be adequate. Since classified matters are not discussed at open scientific meetings, no security risk should be involved.

Nonimmigrant scientists coming to the United States for temporary employment might be handled in the same way. If these scientists are to have access to classified information, they will of course be subjected to a security check, but this is already provided for by existing legislation.

We favor the general provisions of 203 (a) (1) giving priority to immigrants who are expected to be beneficial to "the national economy, cultural interests or welfare of the United States," but we are apprehensive that under the provisions for administration of this section "cultural interests" may get a negligible share. We think that too much power rests with the Attorney General, and that provision should be made for reviews of his decisions in some cases.

Regarding passports, it is, of course, important for United States scientists to be able to visit foreign countries as freely as possible. In particular, if a scientist is cleared to have access to secret information, he has presumably been found to be trustworthy. If he is not cleared, he will not have had such access, so that no risk to the Nation should be involved by the granting of a passport in either case. We emphasize that many valuable scientific contributions are being made by scientists who are not cleared for classified projects.

We were pleased to see that the State Department has set up a passport-review board, but we feel that (*a*) it should be independent of the State Department and (*b*) should be provided for by law.

In closing, I wish to assert that in making the above criticisms and suggestions we do not ask special consideration for scientists for their own pleasure, but rather do we sincerely believe that changes similar to those indicated would truly be in the best interests of the United States. I thank you.

The CHAIRMAN. Thank you very much. That same problem has been presented to us a number of times and we are quite familiar with it.

Is Mr. Frank Tripp here?

STATEMENT OF FRANK D. TRIPP, REPRESENTATIVE OF THE ORDER OF AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION (AHEPA), WEST COAST REGION

Mr. TRIPP. My name is Frank D. Tripp, and I reside at Berkeley, Calif. I am a public accountant, and I have been a resident of the State of California for 40 years, and am appearing here in regard to Greek immigration.

The CHAIRMAN. Will there be another representative for the order of AHEPA?

Mr. TRIPP. No; I am the only one on the west coast.

The CHAIRMAN. Two have already appeared and each made almost the same statement.

Mr. TRIPP. I will bow to them. Thank you very much.

The CHAIRMAN. Thank you, sir.

Is Hugh De Lacy here?

STATEMENT OF HUGH DE LACY, NATIONAL VICE PRESIDENT, PROGRESSIVE PARTY

Mr. DE LACY. I am Hugh De Lacy, national vice president of the Progressive Party, on whose behalf I appear here. My address is 9014½ Kenmore Avenue, Cleveland, Ohio.

I have a statement for the record, and would like to make a brief oral statement.

The CHAIRMAN. You may proceed.

Mr. DE LACY. My purpose is to review quickly the changes in the administration of and the handling legislatively and administratively the problem of immigration since the turn of the century.

The quota system to which reference has been made was enacted after over 10 million people of Slavic descent alone had come into this country, to people our basic industries up to the early 15 or 20 years of the century. The quota system was erected to insure what was then fancied to be a superior "stream" of Northern European immigration.

This was followed or accompanied at the time by a savage attack from the Department of Justice called the Palmer raids on the foreign-born. It seems to have been occasioned by the extraordinary rising of labor into great organizations under the American Federation of Labor during World War I.

Following that, the next major change which has pointed the way in the direction to the situation in which we find ourselves, was the placing of the Immigration Department under the Department of Justice, taking it from the Labor Department, where it enjoyed a great degree of freedom and a certain amount of greater sympathy with the people who work in the country.

That act was inspired by west-coast employers who wanted to get rid of Harry Bridges and Congress acted in a kind of hysteria at the

time and put this thing under the Department of Justice. That helped to bring about a situation where the Department of Justice was the investigator, jury, and judge, all in one little wagon; it was preceded by various bills introduced and pressed by the Alabama Dixiecrat Congressman Hobbs, who in various ways and nibbles, you might say, worked to give the Department of Justice the power to detain immigrants indefinitely and to hold them without bail or even to deport them to countries where an unfavorable reception was reached.

Now we come down to these more recent acts. I am the personal witness of conditions in Gary, Ind., where an FBI agent swarmed all over the foreign-born community at the very time when the Progressive Party was gathering signatures to place an opposition candidate on the ballot. I assume from what the people told me that this coincidence had frightened them.

I am aware that the first impact of the Walter Act was to destroy the great section of the American Federation of Labor and the first heavy attack upon the foreign-born starting in 1946, that deportation and other things which have been inspired by a political atmosphere has been to depress that powerful section of the American labor movement, the foreign-born progressive elements among that, to a point where many of them feel themselves imprisoned by fear.

Now a peculiar thing which I desire to call to the attention of the committee, and I am sure they know better than I, is the ringing statement which President Truman issued in Buffalo, N. Y. I had intended to quote from that, and of course it is in the record of the newspaper; and yet, while I support what he said, I am compelled to place in the record here today that his own departments are using this very scale.

We believe that an independent operation of the Department of Immigration would be a help; a great help would be to get rid of the policies which are creating this type of situation.

My experience, my personal experience, is that those who are in opposition to the cold war, those who want to return to a peaceful world cooperation, are the prime targets of this atmosphere of fear, great share of which comes from the operations of the Justice Department.

The State Department with the Justice Department, the Department of Immigration, has sent vast waves of pro-Fascists foreign-born into Chicago, Cleveland, Youngstown, Pittsburgh, all the areas where there is basic industry chiefly manned by foreign-born. The impact there has been a disruptive one, disruptive to labor, and so on.

This is the essence of my statement, gentlemen. I appreciate the opportunity of delivering it, and we will leave it with the young lady here for inclusion in the record, if I may.

The CHAIRMAN. It will be received.

(There follows the prepared statement of Mr. Hugh De Lacy, national vice president, Progressive Party:)

The twentieth century has seen a drastic shift in our country's handling of immigration and immigrants.

The first 15 or 20 years of this century saw millions of foreign-born, some 10,000,000 of Eastern European origin alone, enter this country, handbilled here, urged here, to fill the needs of our devoloping basic industries, coal mining, steel production, lumber, fishing, and other large-scale extractive or manufacturing enterprises. I will not review the history of the low wages, the long hours, the depressing working and living conditions which prevailed in those predominantly open-shop industries, nor the advantages to selfish employers aris-

ing from language differences, and from the different status of the immigrant worker as compared to the native-born worker, whose prior arrival often found him in more skilled and better unionized industries.

Once basic labor requirements began to be met, quota systems were devised to insure a predominantly Northern European complexion of immigration during the years following.

As an aftermath of World War I, during which the American Federation of Labor grew phenomenally, the infamous Palmer raids terrorized the foreign-born, beginning to turn to industrial unions in steel, packing, and other great industries throughout the country. Led by J. Edgar Hoover, these raids largely achieved their purposes, and the foreign-born workers did not again emerge as a powerful section of American labor until the days of the CIO, when rubber, steel, and auto found in the language organizations powerful support for the great unionizing drives of that time.

During the days of World War II, President Roosevelt was actutely conscious of the importance of the foreign-born to the vital sector of war production. On many occasions, notably on the occasions of the meetings of the American Slav Congress, he sent personal notes of encouragement and publicly acknowledged the patriotic part which workers of Slavic descent and other foreign-born workers played in the essential battle for the making of materials of war.

The current drive against the foreign-born worker began in 1946. It was heavily implemented by the administrative change which Congress had ordered during the long years during which west-coast big business has been trying to cripple the International Longshoremen's and Warehousemen's Union. The demand to get Harry Bridges animated the ending of the immigration service as part of the Department of Labor. The transfer of this important service to the Justice Department set the stage for a renewed ferocity, a veritable deportation delirium, against prolabor and progressive-minded foreign-born workers.

The McCarran-Walter Act is the current product of that drive. It was preceded by various bills introduced and pressed by the Alabama Dixiecrat, Congressman Hobbs, all nibbling away at the status of the immigrant worker. In succession, such proposals worked their way toward indefinite imprisonment, without the right to bail, of foreign workers, toward procedures for denaturalizing those who had attained citizenship, toward giving the Department of Justice even the right to deport its victims to places where they were certain to be executed by such regimes as hold power in Franco Spain, in Fascist Greece.

President Truman vetoed the McCarran-Walter bill, and properly so, but part of his own Justice Department, under the same man who led the Palmer raids 30 years ago, is terrorizing the foreign-born in Gary, Ind., in Youngstown, Ohio, in Pittsburgh, Pa., and in scores of other heavily populated cities where foreign-born still comprise a large percentage of industrial workers.

I am personally acquainted with some of these situations and I rise here to denounce them as part of a long standing, antilabor and antidemocratic scheme. In Gary, Ind., where our own party sought signatures to place its Presidential ticket on the ballot, FBI agents swarmed through the foreign-born residents, interviewing them, reminding them of new legal provisions, and inspiring them with such fear of loss of citizenship that they literally did not dare to sign to give a party, standing for return to Roosevelt's policies of peaceful international collaboration, a chance to be in the ballot.

I support the statement made by President Truman in Buffalo, N. Y. Its denunciation of the evil forces behind the McCarran-Walter Act puts its finger on the main danger to our country. He said, in part:

"They want to do away with the Bill of Rights whenever a man is accused of communism. They want to be able to deport a man on the basis of mere suspicion."

Characterizing the act as a step in the direction of "lawless and unconstitutional procedures," the President continued:

"The Bill of Rights protects us all. Once it is broken down in one direction, the irrational forces of prejudice and hate will break through and endanger all of us. And the first people to suffer, if this happens, will be naturalized citizens and those of foreign parentage—and all those whose roots in this country are relatively new.

"This sort of thing has happened before. President Truman reminds us, It happened in the days of the Know-Nothings, a secret party dedicated to hatred of immigrants and of the Catholic Church. It happened after World War I, when a wave of hysteria about communism led to violent and illegal acts against aliens, persons of foreign extraction, and labor unions.

"Beware of candidates whose sole stock in trade is self-proclaimed anti-communism. * * * The hysteria, the irrational fear that they are manipulating in one direction today may turn against other groups tomorrow.

"Once these deep forces of prejudice and unreason are set loose, no one can tell where they will go. They could tear our Nation apart, group against group, creed against creed, the older immigrant stock against the newer. * * *"

I hope that the President of the United States made this powerful and penetrating statement not just to help elect the candidate he favors but as an enduring reaffirmation of great principles.

But I am compelled to call to the attention of this honorable body the gross discrepancy beween the President's noble utterance on the subject matter before you and the ruthless operations of the Department of Justice, of the Immigration Service, and the FBI, which are under his direction.

These services, affecting the lives and liberties of millions of our fellow Americans, naturalized or not naturalized, are, in fact, operating with glaring bias. They have become political police riding herd over the foreign-born, jeopardizing their wives and children, and creating in our country the kind of fear among its people which some of us never thought we would live to see.

The Department of Justice is investigator, jury, judge, and executioner. It is using the very weapon President Truman warns against, a pronounced anti-communism, attested to by secret witnesses who cannot be revealed and cross-examined. It is railroading foreign-born workers into jail, setting bail so high that their friends and organizations are savagely strained to meet the requirements, and its whole motivation is to deprive this great section of our people of any voice in such great public issues as the right of labor to organize and bargain collectively, as the right of labor to protest speed-up militantly and to strike in the pursuit of better wages and working conditions. In particular, this drive against the foreign-born worker makes him fearful to speak up on the greatest of all public issues, the one closest to the hearts of all Americans, the demand of the people of our country for peace, for an end to the cold war and all "police actions" like that in Korea, for a return to the policies of peaceful world cooperation initiated by President Roosevelt.

In conjunction with the State Department, the Immigration Service has struck another blow at the immigrant of long standing in our country. A flood of Facist-minded immigrants is being systematically herded into the areas where older immigrants are a substantial labor base. Chicago, Cleveland, Youngstown, Pittsburgh are places known to me where the impact of anti-labor, antidemocratic immigrants is to overwhelm and destroy the cultural centers, the language papers, and the very language organizations without which the great labor movement of our time, the unionization of mass-production industries, could not have taken place.

The worst thing that can be said about the McCarran-Walter Act is that it strengthens the antidemocratic actions and antilabor actions which the Immigration Department and the FBI have been carrying on with renewed vengeance since 1946.

I view these actions as part of a scheme to crush opposition to the cold war and antilabor policies which have characterized our national administration since the death of President Roosevelt made possible the capturing of all key Government posts by agents of big business and the military.

Our party, the Progressive Party, calls for an end to the persecution of the foreign-born for political reasons. We stand where President Truman declares he stands, for an across-the-board enforcement of the Bill of Rights, for the repeal of the McCarran-Walter Act, the McCarran Act, the Smith Act, the Taft-Hartley Act, and for enforcement of all the rights guaranteed to all of us, including the Negro and Mexican-American people.

The CHAIRMAN. Thank you very much.

Is Mr. Kamina K. Gupta here?

STATEMENT OF KAMINI K. GUPTA, ATTORNEY

Mr. GUPTA. I am Kamini K. Gupta, attorney at law, 2237 Chestnut Street, San Francisco, Calif.

I speak only as an individual. I wish to thank the Commission for giving me a couple of minutes.

I would like to point out that my association as an attorney in the few immigration matters, I find the Department of Justice to be most cooperative and helpful in carrying out a most difficult task.

The problem you have here as echoed by many of the erudite speakers points to a situation that has to be taken care of in the main by a new approach to immigration matters. I think this Commission idea should be duplicated in legislation, and I think that Mr. Saroyan, when he spoke this morning, spoke of a nonquota system as being "Utopia." I think that Utopia can be obtained specifically and easily. That is the specific answer to that question of this morning. I think it can be done by taking out of the administrative committees in Congress the necessity of going over all of these problems each time that there wants to be a change on immigration policies.

I would suggest, respectfully, that this should be done in the form of a Commission like the United States Tariff Commission, say, of representatives appointed by Congress; even because it is a congressional task to handle problems of immigration and naturalization, these groups should work out policies on the basis of statistics and a hearing be held before them as to, say a total of 150,000 in the year into the United States, but as a guide to which groups should be taken into consideration for being entered into the country for 1, 2, or 3 years, from different parts of the world.

That can best be worked out where people can come and say something and you can balance the different pressure groups that there are, to try to come to some agreement, with the point of view that you are sure you could sell the Congress, to have the Congress pass and agree to something on the basis of a Commission that is giving this study year by year by year, and gradually you will eliminate this pressure on the basis of artificial quotas that are really built in from the last-minute point of view or last-minute pressure or somebody's word in somebody's ear in a corridor.

Immigration is a very important segment, and it cannot be left to pressure groups.

I think, too, the development that has come about in my study of the various immigration acts are dangerous. It is from this standpoint: If the Commission will look at the development of procedures that have developed in the immigration line in order to attack this very important and pressing problem, you will find that little by little that has been looked at, well, it has to be done for immigrants, and deportations gradually fall off.

I venture to state the next step will be banishment of native-born Americans. Those unfortunates of the country, or will just adopt sending people out of the country and territories and so on. It is a natural thing that happens. I think the problem of deportation has now reached to the point where it ought to be declared a crime and that a deportable offense should be handled like a crime before a jury and handled just like any other criminal thing, because in my observation deportations are just as much a criminal sentence as a fine or forfeiture. You should give all protections to that group and eliminate concentrations in a group that really can't handle it.

I think the next thing that ought to be done is to eliminate any tendency that has been developed now to denaturalize citizens on an administrative basis. If going into that, it should be left in the courts as before, on the basis of fraud.

The third thing I think is important, is the fact that procedures before the Immigration and Naturalization Service today are nil because of the crush of work they have to do. It makes it impossible for them to give the ordinary procedural guarantees that even the Supreme Court does, and that these problems ought to be given.

I notice the Administrative Procedures Act is not in the McCarran Act. I venture to say it cost too much money, and out it goes.

It isn't important but it finally is important. That is where we reach people who have communication with people all over the world. When they feel their kind are being treated like second-class people, it makes your problems more difficult.

I think this can be approached from this standpoint. I certainly admire your putting this much time and effort into it.

The CHAIRMAN. Thank you very much. We are reaching the end of our time now.

Mr. ROSENFIELD. Two things have been handed to me, Mr. Chairman. One a statement by Mrs. Grace Partridge, of the Northern California Committee for Protection of Foreign Born, and a request from Mr. Celestino T. Alfafara, grand master, Caballeros de Dimas, Alang, Inc., to be permitted to file a statement at a later date.

We have the statement of Mrs. Patridge here.

The CHAIRMAN. Permission is granted to Mr. Alfafara to file a statement at a later date, and Mrs. Patridge's statement may be inserted in the record.

(There follows the statement submitted by Mrs. Grace Partridge for the Northern California Committee for Protection of the Foreign Born:)

STATEMENT OF MRS. GRACE PARTRIDGE IN BEHALF OF THE NORTHERN CALIFORNIA COMMITTEE OF THE AMERICAN COMMITTEE FOR THE PROTECTION OF THE FOREIGN BORN

On September 30, 1952, the American Committee for Protection of Foreign Born, represented by Mrs. Harriet Barron, submitted a statement to this Commission.

There is no need to repeat the material in that important statement. We will merely show how the situation on the west coast illustrates sharply the evils of the McCarran-Walter Act.

Most obvious, of course, is the fact the west coast faces outward across the Pacific toward the vast Orient. Our prosperity in large part depends on the development of trade with the areas beyond the Pacific.

The McCarran-Walter Act is a studied insult to the hundreds of millions of people who live in these lands across the Pacific. It makes sense only if we intend to carry on a perpetual state of hostility and even open warfare with these peoples. How can we say we are their friends when we reenact, for all practical purposes, the Oriental Exclusion Acts with which we showed contempt for these peoples in past years? To give the tremendous trans-Pacific triangle a total quota of 100 is tantamount to exclusion. These peoples will never be true allies or trade with us as equals in peace until this standing insult is removed.

Another obvious thing to anyone who looks even casually at the west coast is that the influx of population here—both from the East and from foreign countries—is more recent than for the rest of the country. If you've been here over 10 years, you're an old timer. California agriculture, particularly its vineyards, are largely manned by Italian-Americans. In the fields of the fertile Imperial and San Joaquin Valleys with Mexican-Americans—thousands of whom are brought in under contract with the Mexican Government each year. In fact, the real natives of this area are Indians and Mexicans. We have a huge Mexican-American population in the Southwestern States. Many of the fishermen who ply out of west coast ports are of Italian or Yugoslav origin. We have a huge

Jewish population in southern California, a huge Italian population in the San Joaquin Valley and the San Francisco Bay area, and many other nationality groups on the west coast. Many of our seamen, longshoremen, and cannery workers are of Latin-American, Oriental, Filipino, or West Indian extraction. Peculiar, perhaps to the economy of the west coast is the annual migration pattern of Filipino workers from the asparagus fields of the Sacramento delta in the winter and spring up to the Alaskan fish canneries in the summer.

All of this means that the impact of the McCarran-Walter Act is perhaps greater on the west coast than in most other areas of the United States.

The prejudice against Negroes, Orientals, Latin-Americans, and South Europeans, imbedded so firmly in this law, is felt very keenly here because the bulk of the foreign born on the west coast are among these very groups.

The harassment and persecution of foreign born and naturalized citizens under the McCarran Act will have a direct influence on the trade union and other organizations of all the people on the west coast.

Take, for example, local 37 of the International Longshoremen's and Warehousemen's Union. Of the 2,600 members of this local, roughly 80 percent are Filipinos, who annually trek from the fields of California up to the Alaskan fish canneries. About 60 percent of these Filipinos are aliens. After December 24 of this year, they will be reluctant to go up to Alaska because they may not be able to get back into the United States. We understand that the union involved is presenting the immediate plight of these workers to the Commission. What we wish to emphasize here is that the McCarran Act is now depriving at least 1,200 workers of the major source of their livelihood.

Similarly, we have large numbers of foreign born seamen who literally will be afraid to ship out because they may not be able to get back into this country after December 24. These are men who have been sailing to Hawaii and Alaska on American vessels for their entire working lives. Many of these men were on vessels that were torpedoed and bombed in World War II. Here again, we understand that the union involved will present the details to the Commission. What is important is that again, a long established pattern of earning a livelihood—desirable both for the person and the economic well-being of the area—is suddenly broken and disrupted by this act.

An outrageous example of how certain private interests work hand in hand with a reactionary Immigration Service to exploit a group of foreign born for private profit is shown by the treatment of hundreds of thousands of Mexicans allowed in to work at pitiful wages for southwestern farming interests and then cruelly deported like cattle when the season is over. Here is a group doubly exploited—exploited as workers and exploited again as noncitizens.

We have, in addition on the west coast, a number of so-called political cases—noncitizens who are being persecuted and threatened with deportation solely on the grounds that they were once members of the Communist Party or organizations on the so-called subversive list of the Attorney General.

In addition to William Heikkila and Ida Rothstein, whose cases are in the final stage of the 1950 McCarran law, there are 11 additional deportees in northern California. These are Nat Yanish, Paul Cline, John Vidolin, Nathan Henkin, Ernest Fox, John Diaz, Ida Miller, Jacob Miller, Elmer Hanoff, Morris Rappaport and George Williams, with several more being threatened.

The length of time in this country for these 11 foreign born Americans ranges from 29 to 43 years—an average of 34 years—well over half of their adult lives. All have applied for citizenship—many several times.

None of these persons has ever been guilty of any illegal act. All have worked for organization of labor, the establishment for unemployment insurance, and other social benefits for the people. Yet these deportees are charged under the McCarran law with membership at one time in an organization on the subversive list of the Attorney General.

The deportation or jailing of these 11 persons would mean untold hardship on them and their families, and a complete denial of the rights guaranteed under the Constitution.

Everything Mrs. Barron says about the cruel, unfair, and illegal administration practices of the Immigration and Naturalization Service applies here with a vengeance.

Arrest without a warrant, detention and interrogation without the protection of counsel, star chamber proceedings, and so forth, are standard practice here. The detention quarters in San Francisco are, in fact, a jail. Detainees trans-

ferred from other parts of the country tell us that the food here is far worse than elsewhere.

For alien seamen, the practice and policy here is to arrest without a warrant and deport as speedily as possible. Literally, the foreign born are treated as persons who have no civil rights whatsoever. This is what underlies the many instances of attempted suicide.

Something must be done to implement their right to counsel. The law should require the Immigration Service to notify organizations like our committee, or the Legal Aid Society, or the American Civil Liberties Union when a person is picked up who doesn't have his own counsel.

Our committee requests that you consider the hardship which the application of the McCarran-Walter Act will bring to the foreign born and others on the west coast and particularly in the State of California.

Mr. ROSENFIELD. Mr. Chairman, may I request that the San Francisco record remain open at this point for the insertion of statements submitted by persons unable to appear as individuals or as representatives of organizations or who could not be scheduled due to insufficient time.

The CHAIRMAN. That may be done.

This concludes the hearings in San Francisco, Calif. The Commission will now be adjourned until it reconvenes in Los Angeles, Calif., at 9:30 a. m., Wednesday, October 15, 1952.

(Whereupon, at 5:45 p. m., the Commission was adjourned to reconvene at 9:30 a. m., Wednesday, October 15, 1952, at Los Angeles, Calif.)

STATEMENTS SUBMITTED BY OTHER PERSONS AND ORGANIZATIONS IN THE SAN FRANCISCO AREA

STATEMENT SUBMITTED BY CARL WILLIAMS, SAN FRANCISCO, CALIF.

SAN FRANCISCO, CALIF., *October 3, 1952.*

Hon. HARRY M. ROSENFIELD,
Executive Director of the Commission, Washington, D. C.

DEAR SIR: I am an alien veteran with the honorable discharge from the Army, so I am taking a liberty of suggesting of changes be made in the McCarran-Walter immigration law as follows:

1. All the deportation proceedings be transferred from the immigration officer (administration offices) to the Federal court (judiciary office).

2. No deportation procedure be made against the alien veterans with honorable discharges; only subject them to the existing criminal laws of United States. To encourage the aliens to enlist in the United States Armed Forces to help man-power problems.

3. A single standard of morality used against the alien in the deportation proceedings as well as in the naturalization.

4. The veterans should be made a citizen without examination of any kind in the naturalization proceedings on account of difficulty on technicality questions; but upon presentation of discharge papers only.

Thanking you in advance for your kind consideration for my humble opinion, I am

Respectfully yours,

CARL WILLIAMS.

STATEMENT SUBMITTED BY EARL N. OHMER, PRESIDENT, PETERSBURG CHAMBER OF COMMERCE, PETERSBURG, ALASKA

PETERSBURG CHAMBER OF COMMERCE,
Petersburg, Alaska, October 7, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Executive Office of the President, Washington, D. C.

GENTLEMEN: We just have a letter from Mr. James P. Davis, Department of Interior, Office of Territories, regarding the McCarran Immigration Act and his suggestion that we write you about it.

It is a fact that we here, and apparently all over Alaska, are much disturbed by the provisions of that act as concerns Alaska.

By all means we are strongly in favor of picking up anyone or any group who might be contrary to the welfare of the United States, but we cannot see how this is rightly applied to Alaska.

Such people if they are in Alaska, must have come from the United States. If they are checked up here and found wanting, then that would mean they would have to stay in Alaska which is one of our very important defense fronts.

If there were many of them found up here we would have no way to take care of them, and if they were to remain here and did not have enough money to carry them over the winter, we have no way to feed and house them.

Can it be meant that if such undesirable people were found here, which is entirely likely, that we would have to send them down to authorities in the States?

It would seem to us, if this whole procedure is necessary, that the inspection should better be made in the States at points where they could depart from or would enter from Alaska.

We don't understand either, if this act is necessary for the Territories; why isn't it also necessary between States and Canada?

We are therefore protesting this act as is, and would appreciate a letter from you advising us of the why's and wherefore's of it.

Our best wishes.

Sincerely yours,

PETERSBURG CHAMBER OF COMMERCE,
Per Sgd. EARL N. OHMER, *President.*

KODIAK CHAMBER OF COMMERCE,
Kodiak, Alaska, October 11, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Executive Office of the President,
Washington, D. C.

GENTLEMEN: This will acknowledge Mr. Davis' letter of October 3 in which he requests the views of Alaskan residents on the present Immigration and Nationality Act as it relates to travel between the Territories and the continental United States.

At a meeting of the Kodiak Chamber of Commerce held on October 9, I was requested to inform you that the citizens of Kodiak, Alaska, wish to go on record as being unalterably opposed to the above act in its present form and are in favor of its repeal as it is now written.

Very truly yours,

KODIAK CHAMBER OF COMMERCE,
J. E. MARTZ, *President.*
HAZEL L. SMITH, *Secretary.*

STATEMENT SUBMITTED BY EARL SIMONET, MANHATTAN BEACH, CALIF.

OCTOBER 13, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Los Angeles, Calif.

GENTLEMEN: I wish to express my support of the McCarran-Walter Immigration Act. If I understand the broad purposes of this law correctly, Americans are promised protection from Communists, criminals, and all those who seek to enter this great country and spread their philosophies of hate, disunity, and dishonesty. I heartily approve of the most careful scrutiny of those who wish to enter the United States of America and even more scrupulous consideration of those desiring citizenship. I believe that equitable quotas be set up by race and religion for each country of the world.

If the laxness of our immigration and naturalization laws are in any way responsible for the mess that we have in our Government, economy, and public life today, I demand as a citizen and a taxpayer, that remedial action be taken immediately.

Yours respectfully,

EARL SIMONET.

STATEMENT SUBMITTED BY HERBERT BLUMER, ORINDA, CALIF.

ORINDA, CALIF., *October 27, 1952.*

Mr. ELLIOTT SHIRK,
President's Commission on Immigration
and Naturalization, Washington, D. C.

DEAR MR. SHIRK: I regret my inability to be present at the recent hearings held in San Francisco by your Commission. I wish, however, to put myself on record as protesting vigorously against the McCarran immigration bill and to urge that immediate steps be taken to eliminate the gross, impractical, and unethical features of that bill. As a sociologist who has been interested for over a quarter of a century at the University of Chicago and now at the University of California in the study of national and ethnic relations, I wish to say that in my considered judgment the present McCarran bill will have inevitable unfortunate consequences that will militate against the good, sound social relations which our Nation is seeking to develop on a world-wide basis.

Features of the bill are such as inevitably lead important national and ethnic groups to believe that they are unfairly treated. Such attacks on their own sense of integrity are bound to prejudice the world image of our Nation and to play into the hands of foreign powers who are seeking to discredit and misrepresent our Nation on the international scene. It is quite clear to me that the McCarran bill is full of short-sighted provisions which ought to be eliminated in order that our Nation may carry out its present world role without being subject to the needless limitations imposed by the bill.

Sincerely yours,

HERBERT BLUMER.

STATEMENT SUBMITTED BY G. B. TOLLETT, A. B. C. ROOFING & SIDING, INC., SEATTLE, WASH.

A. B. C. ROOFING & SIDING, INC.,
Seattle, Wash., October 28, 1952.

THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Executive Office of the President,
Washington, D. C.

GENTLEMEN: We wish to strenuously protest the Immigration Act which is going into effect in Alaska this coming month.

Conditions are hard enough for contractors in Alaska without having the added burden of clearance through immigration procedures. We sincerely feel that this is the silliest act which has ever been enacted and should be repealed before it has a chance to become a law.

Sincerely yours,

A. B. C. ROOFING & SIDING, INC.,
G. B. TOLLETT.

STATEMENT SUBMITTED BY CHESTER R. SNOW, KETCHIKAN, ALASKA

KETCHIKAN, ALASKA, *November 6, 1952.*

THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Executive Office of the President, Washington, D. C.

GENTLEMEN: As a citizen of the United States (born Illinois, 1887) and a 25-year resident of Alaska, I write to plead that you do all in your power to have the McCarran Act replaced with a measure that less objectionably and more effectively will accomplish the purposes sought.

Unspeakably objectionable is that feature of the law that requires the "screening" of all persons who would enter the contiguous States directly from Alaska. This requirement establishes the presumption that every person in Alaska is guilty of illegal presence there. It places upon each individual the burden of proof that he is not so guilty. This is a summary and revolutionary abrogation of the American right to be presumed innocent until proven guilty. It is the beginning of the police state. It is the greatest and most subtle threat to American freedom, from within, that ever has come to my attention. And it is entirely unnecessary to our security, unless important facts are being withheld from us.

For the cost of planting this seed of the police state and cultivating it, a better job can be done, I believe, by American methods. More guards can be placed where aliens may enter Alaska; more undercover agents quietly can investigate suspected individuals.

For these and for other reasons (e. g., see Time, October 27, 1952, p. 23, columns 1, 2, and 3; also p. 77, column 2). I pray you, gentlemen, that you employ every means at your disposal to have substituted for the McCarran Act, a measure which will be more liberal in admitting desirable aliens, more effective in excluding undesirable ones, and which will do both without indignities to citizens or the imperilment of American freedom.

Thanking you for this opportunity to address you, I am,

Most sincerely and respectfully,

CHESTER R. SNOW.