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McCarran Act. 1953.

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McCarran Act

March 27, 1953

Dear Friend:

I. You will no doubt be interested in the enclosed "dope" story which appeared in the New York Times, March 17, 1953. This story attributes to President Eisenhower dissatisfaction with the actual operation of Public Law 414 and reports on his efforts to have it revised.

IT WOULD BE EXTREMELY HELPFUL IF A LARGE NUMBER OF ORGANIZATIONS AND INDIVIDUALS WERE TO WRITE TO PRESIDENT EISENHOWER AS SOON AS POSSIBLE COMMENDING HIM FOR HIS ATTITUDE AS REPORTED IN THIS ARTICLE. Such expressions should urge the President to exercise leadership in securing revisions not only of these particular aspects of the Act but of the national origins quota system and other basic provisions which led him, during the campaign, to properly denounce the Act as "bigoted" and "blasphemous."

Also enclosed is an editorial from the New York Times of March 18 1953 which may be helpful to you in drawing up your own statements to be sent to the President. You will note that this editorial seeks to direct the President's attention to the basic evils of the McCarran-Walter Act, along the lines of the suggestions made above.

II. I am also sending you herewith a compilation of President Eisenhower's campaign statements on Civil Rights and Immigration.

Cordially yours,

Sidney J. Jacobs

RABBI SIDNEY J. JACOBS
Executive Director

Encs.
SJJ/amj

N. Y. Times March 17, 1953

EISENHOWER SEEKS ALIEN ACT CHANGES; STUDIES ARE BEGUN

State and Justice Departments Weigh Move for Amending McCarran-Walter Statute

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PRESIDENT NOTES FLAWS

Is Said to Be Sharply Critical of Law's Operation - Quick Congress Action Unlikely

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By James Reston

WASHINGTON, March 16 - President Eisenhower has instructed John Foster Dulles, Secretary of State, to talk with Congressional leaders about the possibility of amending the McCarran-Walter Immigration and Nationality Act.

It is understood that the President and the Secretary of State discussed the Act at the White House several days ago. During this conversation, the President was reported to have commented sharply and unfavorably on the operations of the Act and to have told the Secretary of State to check with the chairman of the Foreign Relations Committee, Senator Alexander Wiley of Wisconsin, and others about the prospects for amending the law.

Since that time, the question of amendment has been under study in the State and Justice Departments, but so far as could be discovered today, Mr. Wiley's judgment was that nothing would be done to change the Act in this session of Congress.

Under the McCarran-Walter Act, wide latitude was given immigration officers of this Government to keep aliens out of the country, even for a short period of time.

For example, grounds for exclusion included moral defects; membership in or affiliation with proscribed subversive organizations; advocacy of subversive doctrines; lack of money; drug addiction or chronic alcoholism; physical defects; mental defects, illiteracy; etc.

Repercussions Are Noted

Also, aliens coming here for a temporary stay, such as seamen, were instructed to be out of the country within twenty-nine days, and the right was given a United States Consul to deny a visa to any person who he thought might engage in subversive activities in the United States.

It was brought to President Eisenhower's attention in the conversation reported above that these stipulations not only had led to the banning of a number of aliens who had belonged to subversive organizations in their youth, but also had brought about a number of irritations - particularly with employes on foreign ships - which were having unfortunate repercussions on United States prestige in a number of allied countries.

For example, some Immigration officials, seeking "moral defects" among the crews of foreign vessels, were asking stewardesses and other women employes seeking passes to land in New York for a few days whether they had "ever engaged in prostitution" or intended to do so in the United States.

In addition, seamen who were permitted to enter the country and fell ill here found themselves confronted with deportation proceedings if they overstayed the twenty-nine day limit, regardless of their physical condition on the thirtieth day. In some cases sick seamen were picked up and taken under guard to Ellis Island, where they were detained without access to their physicians.

It is understood that new regulations have gone out to give such seamen an extension of shore leave in the event of illness. Immigration officers also have been instructed to use a little more discretion in their search for moral deficiencies and,

instead of making the crew members of the regular trans-Atlantic liners go through the full investigation every time they come into the country, recent clearance is now accepted for the crews of most passenger ships.

When President Eisenhower was told, however, the kind of questions that had been asked since the law went into operation last December 24th and of some of the hardships caused by rigid interpretation of the law, he is understood to have insisted to Mr. Dulles that measures be taken at once to ease the present regulations so far as legally possible and to explore the possibility of amending the Act as soon as this could be arranged.

This is in keeping with his campaign pledges on the subject. On October 16th, at the Alfred E. Smith dinner in New York, he said:

"We must strike from our own statute books any legislation concerning immigration that implies the blasphemy against democracy that only certain groups of Europeans are welcome on American shores."

Four days later, at Bridgeport, Connecticut, he said, "We must repeal the unfair provisions of the McCarran Act."

In his State of the Union Message he referred again to certain unjust sections of the McCarran-Walter legislation.

However, the Administration has shown little eagerness to push for amendments to the Act, and though the President has been informed of various protests by foreign governments against the operation of the Act, there is little evidence on Capitol Hill that his legislative leaders want to go through the debate that would follow any attempt to make the McCarran-Walter Act conform to the President's campaign promises.

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New York Times March 18, 1953

AMENDING THE McCARRAN ACT

It was good to learn in a dispatch by James Reston to this newspaper that President Eisenhower is not pleased with the operations of the McCarran-Walter Immigration and Nationality Act and is sounding out Congressional leaders to ascertain if amendments are possible at this session of Congress. Mr. Eisenhower is already on record in favor of repeal of the "unfair provisions" of this law. He spoke on this subject during the campaign and returned to it in his State of the Union message.

These "unfair provisions" have been amply demonstrated in operations of the law to date. They have led to absurd and humiliating treatment of crews of foreign ships regularly coming into our ports. But more basically wrong and undemocratic are the quota clauses which discriminate against some deserving immigrants in favor of others. These national and racial discriminations were written into the law--purposely.

It is understandable that President Eisenhower, a man relatively unversed in politics, taking office after twenty years of Democratic administration, should find it a little hard at first to apply effective pressures on Congress to get what he wants and should have. Actually, however, with last November's popular mandate behind him, he is in a strong position--stronger, perhaps, than even he realizes. Much of his support came from people who rightly believed him a man of liberal and humanitarian impulses. His opposition to the unfair sections of the McCarran-Walter Act does not have to be feigned. It must not be forgotten that in the line of duty as a commanding general he used the services of Europeans of many nationalities during the Second World War. He feels deeply, we are sure, the wickedness and folly of differentiating among such nationalities. He knows, as all thoughtful people must, that we gain by making it easy for certain members of the gifted and freedom-loving peoples of Europe, regardless of race or nationality, to come here.

We believe if he will speak out on this subject he will command enough popular support to get action out of Congress. A real revision of the McCarran-Walter Act--perhaps even a totally new bill--would demand tedious hearings and much hard work. Still, that is what Congress is there for. That is what new Administrations and new legislators are elected for.

OFFICE OF JEWISH INFORMATION

AMERICAN JEWISH CONGRESS
28 E. Jackson Blvd.
WEbster 9-4523
(Rabbi Sidney J. Jacobs)

PRESIDENT EISENHOWER'S CAMPAIGN STATEMENTS ON

CIVIL RIGHTS AND IMMIGRATION

I. FAIR EMPLOYMENT PRACTICES

1. Newark Speech, October 17, 1952 (New York Herald Tribune, October 18, 1952, p. 10)

"...if I am elected to the office for which I am now a candidate, I will confer with the governors of the forty-eight states. I will urge them to take the leadership in their states in guaranteeing the economic rights of all our citizens. I will put at their disposal all of the information, all of the resources and all of the know-how which a new administration can provide. I will myself be at their disposal, if they desire, to support the acceptance in the various states of a program which will enlist cooperation--not invite resistance."

"That is the surest way fair employment practices will finally get that measure of acceptance required to be real, meaningful and effective."

"In this matter of equal opportunity to make a living, I do not believe that any state, regardless of the past, will refuse in this modern age to outlaw discrimination in this specific field of men and women seeking jobs. Certainly, the President of the United States can help create the determination to accomplish this goal if he sets about it in the spirit of goodwill. That would be my aim."

II. EQUALITY OF OPPORTUNITY

2. Columbia, South Carolina Speech, September 30, 1952 (New York Herald Tribune, October 1, 1952, p. 1)

"We will move forward rapidly to make equality of opportunity a living fact for every American."

"Wherever I have gone in this campaign I have pledged the people of our country that, if elected, I will support the Constitution of the United States--the whole of it. And that means that I will support and seek to strengthen and extend to every American every right that that Constitution guarantees."

"Equality of opportunity was part of the vision of the men who founded our nation. It is a principle deeply imbedded in our religious faith. And neither at home nor in the eyes of the world can America risk the weakness which inevitably results when any group of our people are ranked, politically or economically, as second class citizens."

3. New York Speech, August 25, 1952 (New York Times, August 26, 1952, p. 12)

"Second, let us once and for all resolve that henceforth we shall be guided in our relations with our fellows by the American creed that all men are created equal and remain equal. All of us who salute the flag, whatever our color or creed, or job or place of birth, are Americans entitled to the full rights and the full privileges of our citizenship. In a time when America needs all the skills, all the spiritual strength and dedicated services of its one hundred and fifty-five million people, discrimination is criminally stupid."

(MORE)

4. Chicago Speech, October 31, 1952 (New York Times, November 1, 1952, p. 10)

"Our crusade will fight unceasingly for all those things that have made our American system what it is. We will strive to make equality of opportunity a living fact for every American. I have said this in every part of our country - in Newark, N.J., and Tampa, Fla., in Boston, Mass. and Columbia, S.C Second-class citizenship reflects second-class Americanism. We will put an end to the exploitation of the remaining discrimination for political advantage. Our crusade offers real progress based on positive leadership."

"And, another thing, our crusade for equal economic and political rights will have the indispensable support of the Vice-President as he presides over the Senate."

III. DISTRICT OF COLUMBIA

5. Los Angeles Speech, October 9, 1952 (New York Herald Tribune, October 10, 1952)

"We must make equality of opportunity a living fact for every American - regardless of race, color or creed."

"... And yet after these twenty years racial segregation still exists in our nation's capital."

"I and this crusade are for wiping out every inequality of opportunity. And I am for starting to do that right in our nation's capital as well as in every other operation, military and civil, of our Federal government."

6. Republican Regional Meeting of representatives from Ohio, Pennsylvania and Maryland (New York Times, September 9, 1952)

"I believe we should eliminate every vestige of segregation in the District of Columbia."

7. Wheeling, West Virginia Speech, September 24, 1952 (New York Times, September 25, 1952, p. 21)

"Segregation in the nation's capital must be abolished. Likewise there must be an end to such segregation as still remains in the armed forces. In no operation of the Federal Government is there a place for discrimination of any kind..."

"In this sensitive area of human relations, we must always remember that an ounce of leadership is worth a pound of law."

8. Harlem Speech, October 25, 1952 (New York Herald Tribune, Sunday, October 26, 1952, p. 29)

"It was on that evidence and on that kind of knowledge that I worked for this business of reducing and working toward elimination of segregation. [in the armed forces]. That has gone on. It is well under way, and I pledge you that it is going to be done promptly and without any further alibis or excuses.

"Next, my friends, in the nation's capital we have had the poorest possible example given to those of other lands of what this country is and what it means to each of us. So far as there is power placed in me as an individual or officially, I shall never cease to work with all the power I can to get rid of that kind of thing in the District of Columbia. Let me extend that. Wherever the Federal government has responsibility; wherever it collects taxes from you to spend money, whether it be in a contract for recreational facilities or anything else that it does for a citizen of the United States, there will be no discrimination as long as I can help it in private or public life based upon any such thing as color or creed or religion - never. Wherever funds are used where Federal authority extends there will be fairness."

IV. DISCRIMINATION IN FEDERAL GOVERNMENT

9. Harlem Speech, October 25, 1952 (New York Herald Tribune, Sunday, October 26, 1952, p. 29)

"Next, my friends, in the nation's capital we have had the poorest possible example given to those of other lands of what this country is and what it

means to each of us. So far as there is power placed in me as an individual or officially, I shall never cease to work with all the power I can to get rid of that kind of thing in the District of Columbia. Let me extend that. Wherever the Federal government has responsibility; wherever it collects taxes from you to spend money, whether it be in a contract for recreational facilities or anything else that it does for a citizen of the United States, there will be no discrimination as long as I can help it in private or public life based upon any such thing as color or creed or religion -- never. Wherever funds are used where Federal authority extends there will be fairness."

V. FEDERAL COMMISSION ON CIVIL RIGHTS

10. Los Angeles Speech, October 9, 1952 (New York Herald Tribune, October 10, 1952)

"We must have an Administration in Washington whose example, continuously exerted influence, constant study, and publicizing of all the facts will put and keep this problem on the conscience of our people. The example and influence of such an Administration will speed progress toward solving the problem at every level of government, in industry and in every area of community life."

11. Harlem Speech, October 25, 1952 (New York Herald Tribune, Sunday, October 26, 1952, p. 29)

"Next, my friends, in the nation's capital, we have had the poorest possible example given to those of other lands of what this country is and what it means to each of us. So far as there is power placed in me as an individual or officially, I shall never cease to work with all the power I can to get rid of that kind of thing in the District of Columbia. Let me extend that. Wherever the Federal government has responsibility; wherever it collects taxes from you to spend money, whether it be in a contract for recreational facilities or anything else that it does for a citizen of the United States, there will be no discrimination as long as I can help it in private or public life based upon any such thing as color or creed or religion -- never. Wherever funds are used where Federal authority extends there will be fairness."

VI. POLL TAX

12. Wheeling, West Virginia Speech, September 24, 1952 (New York Times, September 25, 1952, p. 21)

"We must work for the abolition of restrictions remaining anywhere on the basic American right to vote."

13. Newark Speech, October 17, 1952 (New York Times, October 18, 1952)

"The poll tax as a condition of Federal voting is a blemish upon our American ideal of political equality."

VII. APPOINTMENTS

14. Chicago Speech before Conference of Republican Leaders, (New York Times, September 6, 1952, p. 1)

"With respect of appointing a Negro to any place, I would say this: I will search for merit wherever it is. I will search for the qualifications needed to serve the United States well and if, in a particular field you can find someone whose appointment would give reassurance to the great body of Negro men, I should very much like to do such a thing. Make no mistake: I said Negro men. I meant it in the generic sense: the Negro race."

******

"I will tell you, ...that there will never be anybody around me closely on whom I depend, whether I am a private citizen or an official, who is going to take - should I have the appointive power - what I consider to be a reactionary view about the basic tenet of our Constitution, that we are created equal, regardless of race, or religion, or anything else."

VIII. IMMIGRATION

15. Newark Speech, October 17, 1952 (New York Times, October 18, 1952)

"And now we come to another glaring example of failure of our national leadership to live up to high ideals. I refer to the McCarran Immigration Law, which was passed over the President's veto at the last session of Congress. A new immigration law was certainly needed. But with leadership rather than vetoes we should have had, and we must get, a better law than this McCarran Act. ...Obviously there must be limits to the number of immigrants this country can or should absorb. We must establish fair limits - fair to ourselves and fair to others. We must develop a system of limitation in line with our concept of America as the great melting pot of free spirits, drawn here from all the nations of the earth."

"Let me give you an illustration of the workings of the McCarran Law. The quotas proclaimed by the President under the McCarran Act provide for the entry of over 65,000 immigrants per year from the United Kingdom, but only 5,645 from Italy and only 308 from Greece. The United Kingdom does not use anywhere near the full immigration quota which it has, but countries like Italy, Greece, and the Baltic States and the nations of Eastern Europe use their tiny quotas to the full. They have a pathetic backlog of applications which by law cannot be applied against the unused United Kingdom quota..."

"Ladies and gentlemen, the McCarran Immigration Law must be rewritten."

"A better law must be written that will strike an intelligent unbigoted balance between the immigration welfare of America and the prayerful hopes of the unhappy and the oppressed."

16. Bridgeport Speech, October 20, 1952 (New York Times, October 21, 1952)

"We must repeal, for example, the unfair provisions of the McCarran Act."

17. Boston Speech, October 21, 1952 (New York Times, October 22, 1952)

"Only second-class Americanism tolerates second-class citizenship. It's time to get rid of both, and that includes rewriting the unfair provisions of the McCarran Immigration Act."

18. New York Speech - October 16, 1952 (New York Times, October 17, 1952)

"...Most importantly, we must resolve this: we must strike from our own statute books any legislation concerning immigration that implies the blasphemy against democracy that only certain groups of Europeans are welcome on American shores."

March 31 - 53.

Rabbi Friedman.

Dear Sir.

Surely you must know your Greek; for that reason I can't see why you object to the McCarran law, especially in the way that you do. "Democracy" means the rule of the people; all right, what people? Foreigners? They have no national rights in the U.S.

You must grant that oriental people lack many of the high standards established by the founders of this country which have made our country great.

If we have a flood of immigrants, our ideals, now sadly lowered, will be lost.

2/ We cannot take in more foreigners than we can digest, and retain our high standards, which have made our country great.

Scholars maintain that foreigners are not truly Americanized until the third generation. I believe it.

I taught Americanization in the Cass St. evening school for twenty years. The principal and many students thought I was a good teacher.

I had a large following, but I know that I only scratched the surface.

My experience has taught me that we must use discretion, or we will lose our heritage.

I have many friends who are Jews, so I do not feel opposed to their entry in east numbers, any more than I do to other foreigners. My doctor is Dr. Leon Hirsh, and we are friends.

I am addressing you, because you are aggressive in this matter, and are urging others to be so.

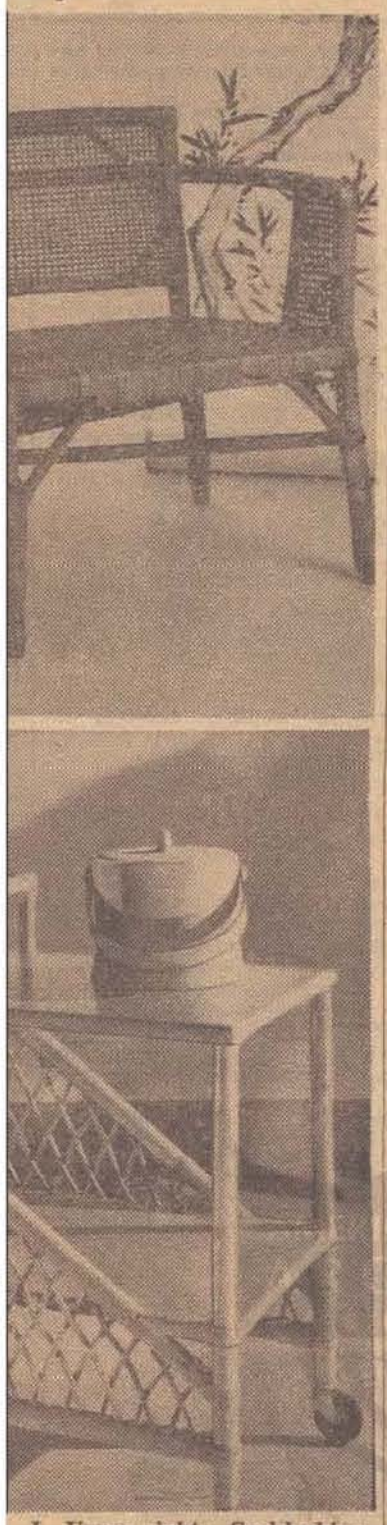
I fear that you are not a good American, and do not put the good of the U.S. first. I feel that is the duty of every citizen, regardless of race.

Yours truly,

Mrs. J. M. Potter.

7004 W. Ohio Ave.

Airy Look



. I. Upper right: Cool-looking signer, Peter Rooke-Ley, for this Lower right: Interlaced rattan ent cart; top and shelf are birch. Hammacher Schlemmer.

of Food

Cleaned and Deveined Now Going to Markets

They were told, too, that the mixed grill of lamb chop, sausage, kidney, bacon and mush rooms and the roast beef with which the Yorkshire puffs were served also have been well received.

But Americans evidently do not share the British liking for mutton. Roast mutton, or, as the English would say, "a joint," was included on the menu at the start of the exposition, but response was so poor it had to be discontinued.

The puffs actually were made by the same recipe as that for Yorkshire pudding. But the dough was dropped into muffin tins for individual servings rather than in one big pudding tin, as is done in England, or in the same pan as that in which the meat was cooked, a common though not invariable New England practice. For restaurant service, it was found more practical to serve the dish in separately baked pieces (like popovers), because a big pudding, when cut for orders, had a tendency to deflate.

"Mrs. Beeton," sage of English cookery, explains in her classic that Yorkshire pudding is always served "in front of the fire," preferably before an open hearth. When baked in the oven, the dish is called "batter pudding" by Yorkshiremen.

As a pudding, Mrs. Beeton continues, it is frequently served with the meat and usually before the meat is eaten. And in England, raisins, candied peel or fresh or preserved fruits sometimes are added to the batter for which we have no recipe or comment.

American home cook prob-

BISHOP DENOUNCES 'FAKE PATRIOTISM'

Donegan Says He Referred to Congressional Committees Headed by Velde, McCarthy

A strongly worded attack on the "spurious patriotism whose main intent seems to be to investigate anyone who does not fit into their pattern of narrow-minded outlook" was made yesterday by the Right Rev. Horace W. B. Donegan, Protestant Episcopal Bishop of New York.

The Bishop made this charge during a generally optimistic report on the affairs of the diocese to its 172d annual convention. Almost 450 clergy and laity from the diocese attended the meeting, which was held in Synod Hall, Cathedral Close, Amsterdam Avenue and 110th Street.

Bishop Donegan told reporters after his address that he had been referring specifically to the Congressional investigating committees headed by Representative Harold H. Velde, Republican of Illinois, and Senator Joseph R. McCarthy, Republican of Wisconsin.

Rumor, Hearsay, Gossip Denounced

Noting that "they seem now to be training their attention on the clergy," the Bishop said that any clergyman "against whom there are genuine evidences of subversive actions or illegal activities" should be tried and punished. But he denounced investigation based on "rumor, hearsay or gossip of irreeponsible persons."

Bishop Donegan quoted an editorial published in the Outlook, official publication of the National Council of the Churches of Christ in the U. S. A., which denounced an allegation made by the House Committee on Un-American Activities.

The editorial aid that in reply to a question as to whether any member of ithe national council was being investigated by the committee, a representative of the committee had written that its files contained information about some persons connected with the council, including Bishop Henry Knox Sherril, Presiding Bishop of the Protestant Episcopal Church.

The information was that Bishop Sherrill had been a sponsor of a Congress of Soviet-American Friendship. The editorial pointed out that this was during 1942, "when it was a patriotic duty to support the war."

'Alarming, Inexcusable Action'

Bishop Donegan said that the committee letter gave the impression that Bishop Sherrill was a pro-Communist, and that such misrepresentation was an "alarming, inexcusable action."

In his speech, Bishop Donegan also announced that a mass meeting, planned for June 14 in Central Park as an interfaith demonstration of public morality about civic conditions, had been canceled.

He said that the Roman Catholic representative on the Interfaith Council formed at his suggestion to fight evil in civic affairs had informed him that the Catholic group could not participate in the mass meeting.

The Bishop said that the Jewish group had withdrawn from the mass meeting since it would not be an interfaith meeting without the Catholics.

Reports of various committees were accepted at the convention, but a lively debate took place over a resolution for women's sufferage in the diocese.

The proposal was that women be permitted to become delegates to the annual convention, become eligible for posts as vestrymen and wardens in their parishes and members of the advisory boards of mission churches.

After a motion by the Rev. A. L. Kinsolving, rector of St. James Church, New York, that not more than one-half the delegates from any parish or mission could be women was defeated, the resolutions were adopted by the convention. Since the vote was not unanimous, the proposals must be reaffirmed by the next annual convention before they go into effect.

The convention, after another spirited discussion, approved by a vote of 139 to 68, a resolution that urged revision of the McCarran-Walter Immigration law of 1952 to remove discrimination based on "race, creed, color or national origin."

State W... To Ad...

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Rabbi Herbert Friedman

4530 N. Murray Ave.

Milwaukee.


MILWAUKEE
APR 29
10 AM
1953
UNITED STATES
2 CENTS
POSTAL CARD
THIS SIDE OF CARD IS FOR ADDRESS
Rabbi Friedman
4530 N. Murray Ave.
Milwaukee.
Wis.

Rabbi Friedman. Apr. 28-13.

Dear Sir:-

Please read the article on the Immigration Act in May Readers Digest. I think that you are thinking racially not loyally. You have no right to try to influence your congregation from the pulpit. Evidently you don't understand nor practice the separation of Church and state. You need a course in Americanism & I don't mean "maybe". Yours truly

Mrs J. M. Potter.

New York Times - April 28, 1953

The following is the text of an April 6 letter from President Eisenhower to Senator Arthur V. Watkins, Republican of Utah, proposing a Senate inquiry into operations of the McCarran-Walter Immigration Act:

Dear Senator Watkins:

Thank you for your letter of March 20 informing me of the plan of your subcommittee to hold hearings on several immigration bills now pending before it. I am particularly grateful to have your assurance that you are prepared to cooperate in the formulation and implementation of an immigration program, insofar as you can consistently do so.

It is only proper to point out to you that I have received a great many complaints that the Immigration and Nationality Act of 1952 does embody many serious and inquitable restrictions.

While I recognize that the act contains some provisions which represent a liberalizing influence in the field of immigration law and that a fundamental revision of a statute cannot be approached without searching analysis, I suggest that a study of the operation of many of the administrative provisions of the Immigration and Nationality Act of 1952 should be immediately undertaken, with an invitation to all concerned to testify regarding the provisions of which they complain.

In the State of the Union Message I pointed out that "existing legislation contains injustices." Among the administrative provisions of the law which it is claimed may operate with unwarranted harshness are the following:

1

The provisions which make inadmissible any alien who, in the opinion of the consul, is likely to become a public charge at any time in the future. This places upon the consul the burden of forecasting events which cannot be predicted and, it is claimed, would permit abuse of discretionary judgment.

2

The provisions which make ineligible for a visa any alien with respect to whom the consular officer knows or has reasonable ground to believe probably would, after entry, engage in espionage, sabotage or "subversive" activities. It is asserted that this provision vests in the consul the authority, without restraint, to determine by his own mental processes the probability of future proscribed conduct, thus permitting a possible abuse of discretionary judgment.

3

The provision which permits an immigration official to interrogate without warrant "any alien or person believed to be an alien as to his right to be or to remain in the United States." It is said that unless the word "believed" is clarified so as specifically to require "probable cause," an abuse of this authority could possibly subject any citizen to improper interrogation.

4

The provisions under which, it is asserted, naturalized citizens have only "second class" citizenship because they, as distinguished from native-born citizens, can be expatriated because of residence abroad for certain periods of time, without reference to any other conduct on their part.

5

New restriction upon granting leave to seamen while ships are in United States ports.

6

The provision which exempts from the criminal grounds of exclusion those aliens who have been convicted abroad of purely political offenses fails to define the term "political." It is asserted that it is therefore difficult for administrative officers to determine whether the "criminal" offenses for which individuals have been convicted are indeed of a criminal, as distinguished from a political, nature.

7

The provisions permitting aliens who were and are believers in nazism and fascism to enter the United States unless it can be affirmatively shown that they advocated the establishment of those ideologies in the United States.

8

Deportation provisions that permit an alien to be deported at any time after entry, irrespective of how long ago he was involved, after entry, in an activity or affiliation designated as "subversive." Such alien is now subject to deportation even if his prior affiliation was terminated many years ago and he has since conducted himself as a model American.

9

The provision which authorizes the Attorney General to suspend deportation of certain deportable aliens if "exceptional and extremely unusual hardship" is demonstrated. It is asserted, however, that these restrictive terms are not explained in the law, thus leaving the interpretation of the phrase open to administrative determination, subject to Congressional approval or "veto." It is argued that the law should more clearly state the standards upon which this discretionary relief

may be granted by the Attorney General.

The provisions which permit the continuation of up to a 50 per cent mortgage extending far into the future on the quotas of many countries. Under these provisions it is charged that Estonia has its quotas partially mortgaged until the 2116; 2014 for Greece; Poland, the year 2000, and Turkey, 1964.

It would seem desirable for the Committee on the Judiciary to investigate these complaints and the other critical comments which have developed as a result of the operation of the Immigration and Naturalization Law of 1952 with a view to achieving legislation which would be fair and just to all. I shall appreciate it if you will present these comments to the members of the committee and to the chairman of the Senate Committee on the Judiciary.

Sincerely,

DWIGHT D. EISENHOWER

April 30, 1953

Rabbi Herbert A. Friedman
Temple Emanu-El B'nai Jeshurun
Milwaukee, Wisconsin

Dear Rabbi Friedman:

While going through the Congressional Record I came upon one of your sermons on the immigration act which had been inserted by Mr. Zablocki. May I express gratitude at finding your excellent statement in the record.

It is, as you know, necessary that there be an articulate and informed expression of opinion on the immigration act from as many geographically diverse sources as possible. It is to be hoped that your letter will be a stimulus for many others of like character.

Permit me to express through you, the appreciation of a lawyer for the staunch and courageous role the American rabbinate has played in fighting for more humane legislation--not only in the field of immigration, but for human rights generally. Like other laymen I am consistently amazed that the American rabbi can be a man of so many parts and be so excellently endowed in all of them.

Sincerely yours,

Will Maslow

Will Maslow

MEMO

FOR YOUR INFORMATION –

If you have not already done so, I would appreciate your thanking Representative Zablocki.

Bob Gordon

ADL ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

Wisconsin-Upper Midwest Regional Office • 500 Madison Bldg. • Milwaukee 3, Wisconsin • BRoadway 6-7920

May 1, 1953

Representative Clement J. Zablocki
House Office Building
Washington, D. C.

Dear Clem:

In going through the Congressional Record of April 21st I was more pleased than words can express to note that Rabbi Friedman's sermon concerning the McCarran Act had been inserted.

I want to express to you my deep appreciation for the interest you have taken in seeing to it that material such as this, of major importance in the educational efforts to ammend or repeal the McCarran Act are placed where they can come to the attention of similar minded citizens.

It might interest you to know, Clem, that on Monday, May 18th at 6:30 PM at the Father Brooks Memorial Union between 30 and 40 of the top leadership, clergy and laity, of the Protestant, Catholic and Jewish faiths will gather to form a plan of action within this community to secure revision of the McCarran Act. If you find yourself in the community on that day, I know that the information you may have available and the clear picture of our Immigration policy that you can present will be more than welcome, and on behalf of these groups, I want to take this opportunity to invite you if you find it possible to attend. Thanks again for the wonderfully cooperative manner in which you have handled my frequent requests. If, at any time, I can be of assistance to you please consider me at your complete disposal.

Sincerely,

Bob

Robert Gordon
Field Representative

RG:rs

MJC MILWAUKEE JEWISH COUNCIL

REGIONAL OFFICE of ANTI-DEFAMATION LEAGUE of B'NAI B'RITH

Suite 500 - Madison Building • Milwaukee 3, Wisconsin • DAly 8-7920

SIDNEY H. SAYLES
EXECUTIVE DIRECTOR

May 1, 1953

Rabbi Herbert Friedman
Temple Emanuel
2419 East Kenwood Blvd.
Milwaukee 11, Wisconsin

Dear Rabbi Friedman:

Just as confirmation of our telephone conversation concerning the McCarran Act meeting the following is the data I could not give you completely when we spoke.

DATE: Monday, May 18th

TIME: Meeting begins promptly at 7:30 PM — dinner @ 6:30

PLACE: Father Brooks Memorial Union
620 North 14th Street, Rooms 101-103

You will receive under separate cover some material on the McCarran Act which will prove helpful to you on America's Immigration Policy and Laws and, I think, explain rather fully the deficiences of the existing McCarran Act.

Thanks for your willing cooperation in this important matter.

Sincerely,

Bob

Robert Gordon
Assistant Director

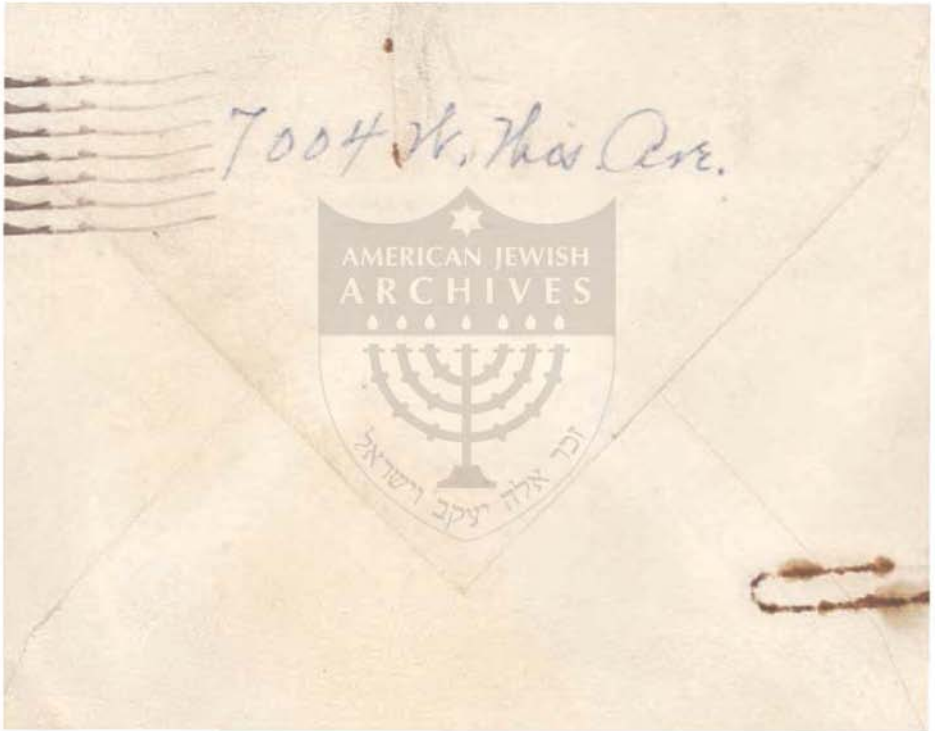
RG:rz

P.S. Just in case you find yourself free!

Rabbi Herbert Friedman

4530 N. Murray Ave.,

Milwaukee


7004 N. Thirty Ave.
AMERICAN JEWISH
ARCHIVES

July 6 - 53.

Rabbi Friedman:-

Dear Sir -

My objection to your instructions to your people was based on the complete separation of church and state. Instructing your congregation to vote as the Catholics do. Here is where our danger of so much immigration lies.

Most of our immigrants
come from Catholic
countries. With their
objections to birth control,
perhaps not in our
time, but I fear in
the future, the thought
in this country will
be controlled by the
Pope. He is their Stalin.
His cruelty unsatisfied
by threat of
by excommunication

from the Church and
Salvation.
Please read "The Road
to Survival."
Wars are brought on
by the need for room for
over-population.
Japan now recognizes
this.
With all due respect
to Pres. Eisenhower, he
is not infallible,
and must play

politics to a certain
extent.

Some of my dearest
friends are Jews, but
I am a realist and
recognize the
encroaching power of
the Catholics. I dread
even a religious
civil war. Sincerely yours truly.

Mrs. J. H.) Kathryn Potts
7004 W. 7th Ave.

MEMO

FOR YOUR INFORMATION –

Thought the attached might be helpful to you.

Bob

Bob Gordon

Fact Sheet

on the

McCarran Immigration Act

A. GENERAL

On December 24, 1952, the new Immigration and Nationality Act of 1952 became effective. This Act, officially called Public Law 414, generally known as the McCarran Immigration Act, was passed into law on June 27, 1952 both houses of Congress having overriden President Truman's veto. It purports to be a codification and consolidation of the laws pertaining to immigration and naturalization which until now had been scattered through many enactments. The main federal statutes dealing with immigration and nationality which have been superseded by the McCarran Act are the Immigration Act of 1924, the Nationality Code of 1940 and the Alien Registration Act of 1940. Another statute containing provisions on immigration and naturalization was the Internal Security Act of 1950, also referred to as the McCarran Act. The main feature of this Act was a provision requiring Communist organizations to register. The Internal Security Act also barred persons with Communist or other totalitarian affiliations from admission to the United States and from naturalization and required the deportation of aliens with such affiliations. These provisions of the Internal Security Act of 1950 have been, with certain changes, incorporated in the Immigration and Nationality Act of 1952. But, the McCarran Immigration Act also added many new restrictive provisions to our laws.

The plan to codify and consolidate the immigration and naturalization law presented our law-givers with an excellent opportunity to remove from our law pertaining to this important field various features generally felt to be inconsistent with our democratic tradition and to enact a truly modern immigration and naturalization law. Unfortunately, Congress missed this opportunity. Instead a law was enacted which not only retained most of the objectionable features of the previous law but in many important respects even worsened existing laws (as to details, see below part B of this Fact Sheet).

Both the Democratic and Republican Parties, in the election campaign of 1952, were careful to avoid being identified with the new enactment generally described as a racist, discriminatory and retrogressive measure. Both parties felt impelled to call for a revision of the McCarran Immigration Act. The Democratic platform contained a plank "pledg(ing) revision of our immigration and naturalization laws to do away with any unjust and unfair practices against national groups which have contributed some of our best citizens. We will eliminate -- the plank goes on -- distinctions between native-born and naturalized citizens. We want no 'second class' citizens in free America."

The Republican platform did not deal with immigration, but General Eisenhower, the standard bearer of that party, in a speech at Newark, New Jersey, on October 17, 1952 called the McCarran Immigration Law a "glaring example of failure of our national leadership to live up to high ideals." He pointed to some of the discriminatory features of the Act and concluded with these words: "Ladies and gentlemen, the McCarran Immigration Law must be rewritten. A better law must be written that will strike an intelligent, unbigoted balance between the immigration welfare of America and the prayerful hopes of the unhappy and the oppressed."

In view of the popular outcry against the McCarran Immigration Act, President Truman, on September 4, 1952 appointed a Commission, under the chairmanship of former Solicitor General Philip B. Perlman, directing it to make a complete study of our immigration and naturalization policies in the light of the controversies created by the enactment of the McCarran Act. The Commission conducted hearings all over the country, receiving the testimony of over 400 witnesses the overwhelming majority of whom came out for a repeal or a drastic revision of the McCarran Act. Among the many civic and religious organizations participating in the hearing were the Anti-Defamation League of B'nai B'rith and the American Jewish Committee. Lester Gutterman and Irving M. Engel, the spokesmen of these two organizations, in their testimony exposed the glaring defects in the present immigration law resulting, in particular, from its adherence to the national origins quota system, from its failure to set up an adequate review machinery in immigration matters and from its inhumane and unjust provisions dealing with deportation and revocation of naturalization.

The President's Commission is now working on its report which it was requested to submit to President Truman by January 1, 1953. It is expected that the efforts to bring about a revision of our present immigration and naturalization law will use the President's Commission's report as the starting point.

While it is necessary and proper that our immigration laws contain provisions to prevent the entry into our country of persons who might engage in espionage and other subversive activity, the McCarran Act uses this goal as a device for building an iron curtain around our shores and excluding many people who might well contribute greatly to strengthening our country. In the interests of an illusory security this Act sacrifices basic principles of democracy and humanitarianism, unduly and unnecessarily harrasses aliens now in our country, or seeking admission to it and makes such aliens and naturalized citizens exercize such basic freedoms as freedom of association, freedom of speech and freedom of press only at the risk of subjecting themselves to loss of citizenship and deportation. In the hands of a strict and unenlightened administration this law can cause untold anguish and hardship to millions of peaceful residents of our country.

B. SPECIFIC FEATURES OF THE NEW IMMIGRATION AND NATURALIZATION LAW

The following is a discussion of some of the more important provisions of the immigration and naturalization law as amended by the McCarran Act. The discussion will not be limited to those provisions newly introduced into our immigration and naturalization law by the McCarran Act, it will deal also with important features of our immigration and naturalization law developed in the past and retained in the recent enactment either without or with changes.

We approach this more detailed analysis with the conviction that our immigration policies and practices are of vital importance in preserving the health of our democratic American society, and play a major role in our country's leadership in the maintenance of a stable world order. We believe that the objectives of a sound immigration and naturalization law should be the maintenace of America's tradition of welcome to newcomers, adherence to the principle of non-discrimination on ground of race, creed or national origin; the protection of the rights of all of our citizens whether native born or naturalized,

as well as of our resident aliens; and the preservation of our standards of fair judicial process. At the same time we fully support the necessity of providing safeguards against the immigration of persons who have been found to represent a danger to the security of this nation or whose criminal record proves that admission would not be in the best interest of the country.

1. National Origins Quota System.

The Act retains and perpetuates the national origins quota system originally enacted into law 1921 and further developed in the Immigration Act of 1924. The policy underlying this system is that European immigrants should be admitted in proportion to the number of persons of their respective national stocks already here, as shown by the census of 1920. In 1920 Americans of British, Irish and German stock heavily outnumbered those of southern and eastern European stock. Furthermore, all residents with English sounding names were for the purposes of fixing the national quotas deemed to be of English or Irish stock even though they may have been of quite different stock and the English sounding name may have been adopted by them or their ancestors in the process of assimilation. As the result, the national origins quota system heavily favors immigration from western and northern Europe, in particular from Britain, Ireland and Germany, and on the other hand restricts immigration from southern and eastern Europe.

The "national origins" quota system provides annual quotas for immigrants from northern and western Europe so large that only a part of them are ever utilized. On the other hand, the quotas alloted to Eastern and Southern European countries are so small that they are heavily oversubscribed. A qualified person born in England or Ireland who wants to immigrate to the United States can do so at any time. A person born in Italy, Hungary, Poland or the Baltic states may have to wait many years before his turn is reached. The concept underlying this system is that the racial origin of an immigrant determines his desirability as an inhabitant of our country. This idea is at complete variance with the American traditions and principles based on the proposition expressed in the Declaration of Independence that "all men are created equal".

The 82nd Congress, by enacting Public Law 414, not only continued the national origins quota system, but it rejected all attempts to mitigate its racist and discriminatory features. Thus it rejected the proposal to pool unused quota numbers to make them available to immigrants from countries with over-subscribed quotas. This proposal would have made it possible to admit the full number of immigrants authorized by law, whereas under the rigid quota system, only a little more than one-half of this number reaches our shores. This is due to the fact that the large quotas allotted to immigrants from England and Ireland are never fully utilized.

The Act further failed to revise the mortgaging provisions of the Displaced Persons Act and thus, to a certain extent, alleviate the restrictions which face immigrants from eastern and southern Europe. The Displaced Persons Act of 1948 charges persons admitted to the United States under that Act against future quotas of the countries of their origin. As a result, half of the quotas of states with small quota numbers will be unavailable well into the next century (Latvia until 2274, Poland until 1999, etc.). The McCarran Act retains and perpetuates this harsh and restrictionist feature of the Displaced Persons Act.

These proposals would have somewhat mitigated the injustices inherent in the "national origins" quota system without however eliminating the system itself. To eliminate racism and discrimination from our immigration law the national origins quota system itself must be eliminated. Various organizations, including the Anti-Defamation League and the American Jewish Committee have recommended just that. They have proposed as a replacement for the national origins quota system, the American principle of "first come - first serve". In other words, visas should be assigned to immigrants, without regard to their national origins or places of birth;while preference should be given to the uniting of families and to persons in special need because they are the victims of persecution abroad, any remaining visas granted to persons outside of these preference categories should be allotted in the order in which the immigrants' applications are filed at any consulate of the United States.

2. Discrimination against Asiatics

While the McCarran Act in general retains the national origins quota system it departs from it in situations where its application might result in even a slight increase of immigration by persons of Asiatic origin. One improvement wrought by theAct is that it eliminates the previous absolute ban on immigration from most Asiatic countries and allots nominal quotas of 100 to each of these countries and a further annual quota of 100 to the so-called "Asia-Pacific Triangle" covering most of the area from which immigration had been barred. Although each of these areas is granted only a nominal quota of 100, the Act contains two provisions which minimize immigration of Asiatics. It limits immigration from the whole of this area to 2,000 a year. Furthermore, it provides that persons born outside the Triangle and "attributable by as much as one half of his ancestry" to a people or peoples indigenous to the Triangle are not to be assigned to the quota of the country in which they are born, as is the rule under the national origins quota system,but to one of the Asia-Pacific nominal quotas. Under this racist and discriminatory provision a child of a Chinese father or Chinese mother though born in England cannot be admitted to the United States under the British quota, as are non-Asiatics born in England, but must seek an immigration visa under one of the nominal Asia-Pacific quotas.

3. Discrimination against West Indians

Under the immigration law in force before enactment of the McCarran Act, immigrants from the European dependencies and colonies in the western hemisphere were chargeable to the quotas of their governing country. Under this system, a substantial number of persons could immigrate to the United States from the British West Indies since they were chargeable to the large and never fully utilized British quota. This immigration from the West Indies was the main source of Negro immigration into the United States. The McCarran Act reduced immigration from this area to a mere trickle by a new provision that not more than 100 persons yearly could immigrate from any single dependency. This is the first time that a provision actually discriminating against members of the Negro race has been introduced into our immigration law.

4. Requirement that applicants for visas state race and ethnic classifications.

Under the law as it stood prior to the adoption of the McCarran Act, every prospective immigrant had to state his race on his application for a visa. The McCarran Act tightens this provision by requiring every applicant to state not

only his "race" but also his "ethnic classification." The danger inherent in the requirement that every immigrant has to furnish information regarding his "race" and "ethnic classification" is that these data could be used to discriminate against immigrants because of their race or ethnic origin.

Furthermore, the very term "ethnic classification" is vague and indeterminate. Anthropologists and sociologists disagree substantially as to the meaning of the term. Hence the new requirement adds another element of confusion and difficulty to our immigration laws.

5. Immigration of Communists and Other Totalitarians

Under the Internal Security Act of 1950, all present and former members of a Communist or any other totalitarian organization, including the Nazi or Fascist party, were denied admission to the United States. In 1951, Congress passed a law, Public Law 14, exempting involuntary members of a Communist or totalitarian party from the ban on immigration to the U.S. The Act provided that the ban should not apply to former members of a Communist or totalitarian party who joined the party when under 16 years of age or by operation of law or for purposes of obtaining employment, food rations, or other essentials of living. By virtue of this Act the ban on immigration to the U.S. no longer applied to every past Communist, Nazi, or Fascist, but only to those who had become such voluntarily. Present members of such parties, of course, continued to be excluded.

The McCarran Immigration Act, in addition to retaining this exception in favor of former involuntary members, introduced a new exception permitting the admission of persons who since the termination of their membership in a Communist or other totalitarian party have been, for at least five years, actively opposed to the doctrines of such party provided their admission would be in the public interest.

Up to this point, the McCarran Act treats Communists and other totalitarians the same. However, the Act goes on to redefine the term "other totalitarian party" by limiting it to organizations "which advocate the establishment in the United States of a totalitarian dictatorship or totalitarianism." This provision has been interpreted by the State Department as permitting the immigration of all ex-Nazis and ex-Fascists on the theory that the movements of which they were members advocated totalitarianism in Germany and Italy, respectively, but not in the United States. It should be observed that under the new definition not only former Nazis and Fascists but also present neo-Nazis and neo-Fascists are admissible. Past and present Communists, however, continue to be excluded apart from the exception referred to in the preceding paragraph.

6. Preferences for "highly skilled" persons

The method of allocating immigration visas within each national quota has been greatly modified by the McCarran Act. The law as it was until now granted preference to two groups: to close relatives of citizens and to skilled agricultural workers. Members of those groups had a priority over other immigrants in the allocation of 50% of each quota. The other 50% as well as portions of the first half not used up for members of preference groups went to the remaining applicants falling within the particular quota, in the order of their application.

Under the McCarran Act, 50% of each quota is available to "immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States" and to members of their families. The remaining 50% of each quota are made available to close relatives of citizens and resident aliens. Persons who do not fall within any of the groups mentioned - members of the so-called non-preference group - are eligible for visas only insofar as the quota under which they fall in accordance with their national original are not utilized by one of the preference groups.

The desirability of selecting persons with special skills for favored treatment is open to serious doubt. The whole concept of "selective immigration" as developed in the McCarran Act is objectionable on the ground that it tends to classify the immigrant as an economic commodity and to lose sight of the fact that human beings are involved. A person admitted because he has some needed skill is under pressure to work at that skill, regardless of other more desirable opportunities he may have. By this device there is re-introduced into our law the concept of contract labor which has long been repudiated as inhumane, un-American and a form of human slavery or peonage.

A system of "selective immigration" furthermore decreases the chances for the immigration of young men and women who before emigrating had no opportunity to develop a highly specialized skill. Many immigrants who made substantial contributions to the American cultural scientific or economic life acquired their special skill only after they arrived in this country. Men such as William S. Knudsen and Spyros Skouras might never have been admitted to the United States under a system which discriminates against the "ordinary immigrant" in favor of highly skilled immigrants.

Finally, it should not be overlooked that any system of "selective immigration" necessarily must vest in some authority power to select the immigrants in accordance with the standards set up by the law. While the McCarran Act gives this power to the Attorney General, the actual decisions as to the admissibility of immigrants under the preference for highly skilled persons is left, of course, to subordinate officials of the Immigration Service. Hence, this system opens the door to arbitrary decisions by immigration officials who may not have the specialized knowledge to determine whether or not a person is highly skilled in his particular field.

Professors and teachers who until now were entitled to non-quota status lose their privilege and will be eligible only within the limits of their national quotas. They may be granted preferred status within their quota if they are able to establish their qualification under the "highly skilled" clause. This, too, is an additional restrictive step.

7. President's Power to Suspend Immigration

The McCarran Act grants the President of the United States the power to suspend the immigration at any time "of all aliens or any class of aliens as immigrants or non-immigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate" if he finds that the entry of any aliens or class

of aliens would be detrimental to the interests of the United States. The exercise of this power is left to the uncontrolled discretion of the President. Under previous law, the President had this power only during war time and in time of national emergency.

8. Broadening of Powers Given to Administrative Officials

The McCarran Act grants new broad powers to immigration officials, consuls and the Attorney General's office by providing that the "opinion" or "satisfaction" of these officials is the basis for exclusion or deportation. An effective review of administrative errors is prevented by such provisions. Furthermore, the Act fails to set up a visa appeal board with the power to review denials of immigration visas by American consuls. The existence of such a visa appeal board is necessary as a safeguard against arbitrary denial of visas by a consul, which may condemn an applicant to a life of perpetual homelessness. Such a visa appeal board would also insure uniform application of the immigration laws by American consuls all over the world.

Another shortcoming of the Act is that it fails to give statutory basis to the Board of Immigration Appeals. This board, created by administrative regulation, has proved its usefulness as a body reviewing the exclusion and deportation of aliens by immigration officials. The fact that this board is not created by statute enables the administration to abolish this valuable institution at any time in the future.

9. Deportation

Our immigration law provides for deportation of aliens on a number of grounds. For example, aliens may be deported if they commit serious crimes, if they lead an immoral life, if they are found to be subversive, if they become public charges, etc. In providing for deportation on these and other grounds, the law to a large extent has ignored the impact of deportation upon the family of the resident alien. Among the evils that may befall a person, deportation is one of the most disastrous. Justice would require that an alien, once admitted for permanent residence, should be free to live here on the same basis as all others without subjecting himself to possible banishment if he makes a mistake, as punishment added to what he may be subject to for his misdeed. In the exceptional cases where the interest of the United States clearly requires deportation, such deportation should be recognized as a drastic punishment and surrounded with all the constitutional and statutory safeguards available to those involved in criminal proceedings.

The McCarran Act far from eliminating or mitigating existing defects in our law dealing with deportation of aliens introduces a number of new, harsh provisions in this field. Thus, it extends the number of grounds on which an alien residing in this country may be deported. Some of the new grounds for deportation are trivial. For example, an alien can now be deported who fails to notify the Attorney General of a change of address within 10 days, unless he can establish "to the satisfaction of the Attorney General" that such failure was reasonably excusable and was not willful. This drastic provision puts an alien, once he has allowed the 10 days to pass, at the mercy of the Attorney General.

Furthermore, the Act offends basic requirements of justice and fair play by making most grounds for deportation retroactive, so that persons can be deported for acts which were not grounds for deportation at the time when they arrived in this country.

In addition, the Act eliminates existing statutes of limitations in the case of a number of grounds for deportation so that a person once deportable remains deportable for the rest of his life regardless of how many years he has been a peaceful law-abiding resident of this country.

The combination of retroactivity and elimination of statutes of limitation in the present law dealing with deportation leads to cruel results. An alien, who in this country once was affiliated with the Communist party or any of its subsidiary organizations is and remains deportable for the rest of his life, although he may have repudiated his affiliation many years ago and like many former Communists, may have become an ardent and active enemy of Communism. This inhuman treatment of reformed members of the Communist Party is also bad policy. It tends to make every person in such situation a prisoner of his evil associates thus depriving us of the opportunity to wean mistaken converts to Communism back to democracy.

The McCarran Act also curtails drastically the possibility of granting an alien suspension of deportation in hardship cases. Before enactment of the McCarran Act, deportation of an alien could be suspended either if it would result in serious economic detriment to other persons or if the alien has resided in this country for the last seven years. Under the new Act, deportation can be suspended only in cases of "exceptional and extremely unusual hardship to another person".

10. Status of Naturalized Citizens

The McCarran Act has broadened the grounds on which a naturalized person may be deprived of citizenship by revocation of his naturalization. The Nationality Act of 1940 permitted revocation where naturalization was obtained by fraud or was procured illegally. The McCarran Act relieves the Government of the burden of establishing fraud or illegality in the naturalization proceedings and permits revocation of naturalization on the showing of "willful misrepresentation" or "concealment of a material fact". The report of the Senate Judiciary Committee recommended this change of language on the ground that concealment of a material fact or willful misrepresentation "is more easily proved than allegation of fraud or illegality". To facilitate denaturalization proceedings means, of course, to jeopardize the citizenship of a large number of naturalized citizens despite the fact that their naturalization procedure was untained by fraud or illegality.

The dangers inherent in making "concealment of a material fact" a new ground for denaturalization are increased by the fact that the McCarran Act also greatly expanded the grounds on which naturalization of a person may be refused. The Act thus raised to the level of "material facts" a number of circumstances which, prior to the enactment, were immaterial. For example, the new law provides expressly that the naturalization court, in determing whether a petitioner for naturalization is of good moral character, is not limited to the petitioner's conduct during the five years preceding the filing of petition but may take into consideration as a basis for such determination the petitioner's conduct and acts at any time prior to that period. The previous law contained no such provision. If, therefore, in the future a petitioner for naturalization fails to draw the Court's attention to some happening many years back which, in the opinion of the authorities, may have a bearing on his character, his naturalization may be revoked perhaps many years after naturalization on the ground that during his naturalization proceedings he failed to disclose a "material fact."

The McCarran Act retains the provision placed in our law by the Internal Security Act of 1950, to the effect that a person who, within five years after naturalization, becomes a member of or affiliated with a subversive group is presumed not to have been attached to the principles of the Constitution at the time of his naturalization and in the absence of countervailing evidence, may be deprived of his citizenship. In other words, the law says to all naturalized citizens that if, within the first five years after their naturalization, they engage in political activities or join organizations, they do so at their peril.

There is another new provision in the Act which puts the naturalized citizen in greater jeopardy than the native-born. It is a provision that the refusal to testify on the part of a naturalized citizen, within 10 years following his naturalization, before a Congressional Committee concerning his subversive activities, if resulting in a conviction of contempt, is to constitute a ground for the revocation of that person's naturalization.

The fact that naturalized citizens may lose their citizenship for acts not affecting the status of native-born citizens stamps naturalized citizens as second-class citizens. This distinction between two groups of citizens, one more secure and the other less secure in their citizenship, is in clear contrast to the American concept of democracy which is based on the principle that all citizens are equal. Such differentiation was unknown to the authors of our Constitution; Chief Justice Marshall said in 1824: "The naturalized citizen becomes a member of society, possessing all the rights of a native citizen, and standing in the view of the Constitution, on the footing of a native." This statement may be contrasted with the legal situation under the McCarran Act which not only perpetuates the concept of second class citizenship introduced into our law by previous legislation but strengthens it even further by providing new grounds under which naturalized citizens may be deprived of their citizenship and deported.

Broadway 1-5729

Charles L. Goldberg
Attorney at Law
502 First Wis. National Bank Bldg.
Milwaukee 2, Wis.

April 7, 1953.

Rabbi Herbert Friedman,
4530 North Murray Avenue,
Milwaukee 11, Wisconsin.

Dear Rabbi:

I call your attention to the article in the April 1953 edition of the Milwaukee Bar Association "Gavel" on the McCarran Act, commencing on page 6. I thought you might be interested in the article because of your recent sermon on the subject.

Sincerely,

CLG:LB
Encl.