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Statement of

Rabbi Simon G. Kramer

before the

President's Commission on Immigration and Naturalization

regarding

Basic Concepts of U.S. Immigration and Naturalization Policy

and

Deficiencies in U.S. Immigration and Naturalization Law

Submitted in behalf of

Synagogue Council of America

and

National Community Relations Advisory Council

comprising

American Jewish Congress

Central Conference of American Rabbis

Jewish Labor Committee

Jewish War Veterans of the U.S.A.

Rabbinical Assembly of America

Rabbinical Council of America

Union of American Hebrew Congregations

Union of Orthodox Jewish Congregations

United Synagogue of America

and

Twenty-seven Local Jewish Councils throughout

the U.S.A.

New York City

September 30, 1952

STATEMENT OF
RABBI SIMON G. KRAMER
at
HEARINGS OF PRESIDENT'S COMMISSION ON IMMIGRATION
AND NATURALIZATION

This statement is submitted on behalf of the following organizations: the Synagogue Council of America, which includes rabbinic and synagogal groups representing the three wings of Jewish religious life in this country as follows: Central Conference of American Rabbis; Rabbinical Assembly of America; Rabbinical Council of America; Union of American Hebrew Congregations; Union of Orthodox Jewish Congregations; and the United Synagogue of America; and Jewish community relations organizations, both national and local, which are engaged in programs to foster interreligious and interraical amity in furtherance of the principle that all men are to be dealt with justly and equally in total disregard of race, creed, religion or ancestry. These organizations, affiliated in the National Community Relations Advisory Council, include the American Jewish Congress, the Jewish Labor Committee, the Jewish War Veterans of the U.S., Union of American Hebrew Congregations
/and 27 local Jewish councils throughout the U.S. - including one regional council in the Southwest, embracing parts of three states, two state councils in Minnesota and Indiana, and local councils in Alameda and Contra Costa Counties, California; Akron, Ohio; Baltimore, Maryland; Boston, Massachusetts; Bridgeport, Connecticut; Brooklyn, New York; Cincinnati, Ohio; Cleveland, Ohio; Detroit, Michigan; Essex County, New Jersey; Hartford, Connecticut; Indianapolis, Indiana; Kansas City, Kansas; Los Angeles, California; Milwaukee, Wisconsin; New Haven, Connecticut; Norfolk, Virginia; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Rochester, New York; St. Louis, Missouri; San Francisco, California; Washington, D.C.; and Youngstown, Ohio.

This statement is addressed to an appraisal of the general assumptions upon which our immigration system is built and from which its major inadequacies derive, rather than to a detailed resume of each of its specific faults. The hearings and congressional debates on the McCarran-Walter immigration bill permitted private agencies, at least partially, to express criticism of individual sections of the present law and the McCarran-Walter measures which have since been enacted as the Immigration and Naturalization Law of 1952 and which will become effective on December 24 of this year. Because of the failures of the last Congress those criticisms remain tragically in point. At the same time, much of the discussion in this field has tended to obscure consideration of basic immigration principles. Recent proposals have been in the nature of cosmetic legislation aimed, like cosmetic surgery, at patching and prettying an essentially unsound condition, without appreciably changing its underlying character. We have become so preoccupied with a strategy of tinkering that we have lost sight of the fact that concepts lying at the heart of our immigration system are incredibly out of joint with the knowledge and needs of our time and with the hopes and beliefs of the vast majority of the American people.

These concepts may be grouped, as is done in this statement, under the following headings: national origins quota system, deportation, inequality between native-born and naturalized Americans and opportunity for appellate review.

The organizations which join in this presentation have no special private cause to plead, they have no special self interest in the improvement of our immigration laws save that of Americans concerned with the reformulation of basic laws to accord with democratic principle. It is a tragic fact that such betterment neither primarily nor directly will redound to the benefit of prospective Jewish immigrants or to the

special advantage of the Jewish community in this country. More than six million Jews in Europe were exterminated in Nazi gas chambers and concentration camps; another three million remain irretrievably locked behind the Iron Curtain with no foreseeable prospect of flight. The remnants of world Jewry are largely scattered islands steadily shrinking in size, mostly destined for migration to Israel. Our concern with immigration laws is of a different character.

Immigration laws crystallize and express a society's basic human values. They deal with our relationship with people other than our immediate neighbors. Such laws affirm the degree of our acceptance or rejection of the essential quality of all human beings. They codify our prejudice or our freedom from prejudice. They reveal the measure of correspondence between our professed ideals and our practices. In our endeavor to increase this measure of correspondence, it would be unintelligent and profligate deliberately to blind ourselves to the body of social and scientific knowledge and experience we have acquired since 1924. The many urgent problems of migration and resettlement now demanding immediate solution prohibit continued indulgence in artificial respiration of the phobias, fears and phantasies of some 25 or 50 years ago. Concepts like the national origins quota system or deportation have hardened over the years until, they have come to be regarded as somehow sacrosanct and immutable. Since 1924 we have maintained by default a method for the selection of immigrants and for the treatment of aliens and naturalized Americans which flies arrogantly in the face of everything we know and have learned, and which stand as a gratuitous affront to the peoples of many regions of the world. The welfare of this country and its people requires that we put aside our palliatives and half-way measures and that we come to grips with those fundamental central provisions of our immigration laws which have been a source of national embarassement in the conduct of

our foreign policy and which have produced immeasurable heartbreak, injustice and waste.

One last word is in order before turning to our specific recommendations. No legislative amendments, no matter how cogent, can be implemented or made meaningful unless they are accompanied by recognition of the immigrant as a self-respecting, sincere, and worthwhile human being. There has been growing resentment of liberalized immigration as being the nature of a bad bargain, with all the benefits flowing to the alien and all the liabilities accuring to ourselves. We have thereupon set about to make our terms in this bargain as stringent as possible just to prove to ourselves that we are not being taken in. Without discounting the significant contributions this country has made under its general immigration laws, we must at the same time recognize that what has been done has been done grudgingly. Our immigration laws have popularly come to be regarded and administered as a kind of obstacle course designed to trip up those who seek admission. Implicit throughout our immigration law is poorly disguised hostility to immigration and to immigrants. Indeed, it is primarily this spirit which is codified and made more emphatic in the McCarran immigration measure adopted by the 82nd Congress.

We have an obligation to protect ourselves against those who seek to enter the US for purposes of subverting our democratic system of government. In addition, we are compelled to set up some principles of selection to choose the comparative few out of the many who wish to enter. But these principles of selection must not be motivated by fear or dislike. Xenophobia has no place in a vigorous and confident democracy. More important than any other changes which might be recommended by this Commission is a change in official

attitude from one of suspicion to one of welcome. Immigration is not only a humanitarian gesture. It expresses our national need for manpow er to maintain the strength and vigor of our economy. We must recast our thinking and begin looking upon the immigrant as a dignified human being who should be made to feel at home and permitted to take his place among us wi thout subjection to unending ordeals, tests and challenges. If we are to meet our responsibilities justly, we must stop daring the immigrant to get here and start inviting him to come.

A. National Origins Quota System

In brief, the national origins formula adopted in 1924 and employed ever since, admits a total of approximately 150,000 people a year and except for nations of the western hemisphere fixes maximum quotas for each country. Quotas range from 100 to 65,000 and each country's quota is based on a percentage of persons of that national origin resident in the United States in the year 1920.

Under present quota allocations over 70 percent of the number of visas available annually are allotted to natives of north and western European countries. In the years 1910-1914 immigration from southern and eastern Europe was more than four times as large as that from northern and western Europe. Yet under the permanent quotas of the 1924 Act five times as many immigration quotas are assigned to northern and western Europe as are allotted to eastern and southern Europe.

The national origins formula was no legislative accident. The end of World War I brought with it an intensified demand for sharp limitations upon immigration. The quest for "normalcy" which dominated the time was associated with the rise of isolationism and of antipathy toward the peoples of Europe and the rest of the world. Rumors were widespread that the United States would soon be inundated by a flood of new immigrants from a devastated Europe. Restrictionists pointed to the arrival of 802,228 immigrants in the fiscal year of 1921, 65.3 percent of which came from southern and eastern Europe, as proof that literacy tests and other comparable tests of personal physical, mental and moral qualification, failed to achieve a lessening of the flow of new immgration. These arguments were strengthened and made persuasive in the atmosphere of a severe post war recession and the emergence of the bigoted Ku Klux Klan as a political force.

Congress thereupon quickly passed the first quota act of 1921 limiting immigration to an annual total of approximately 350,000 and setting a ceiling to the number of any nationality admitted at three percent of the foreign born persons of that nationality who resided here in 1910. The 1921 act, however, was drawn only as an emergency, makeshift measure. Not until 1924 was the national origins formula enacted and our quota system placed on a new and permanent basis.

Even cursory review of legislative debate in 1924 discloses that the authors of the quota plan deliberately, carefully and consciously contrived to encourage immigration of the English, French, Irish, Germans and other Western Europeans and to discourage all other immigration. Resting upon a theory compounded of bigotry and ignorance they argued that persons of other national origins represented inferior biological stocks and possessed ethnic qualities making them unassimilable. The pages of the Congressional Record of those days reflect an intense preoccupation with race and blood, a preoccupation which today would seem monstrous. A report was submitted by Dr. Harry Laughlin, appointed in 1922 by the House Committee on Immigration to study the biological aspects of immigration and reportedly cited during debate by those who favored the national origins formula. The Laughlin report asserted:

> "Our outstanding conclusion is that making all logical allowances for environmental conditions which may be favorable to the immigrant, the recent immigrants (southern and eastern Europe) as a whole present a higher percentage of inborn socially inadequate qualities than do the older stocks... The differences in institutional ratios by races and nativity groups found by these studies represent real differences in social values, which represent, in turn, real differences in the inborn values of the family stocks from which the immigrant springs."

Senator Reed who introduced the national origins formula into the Senate and who then served as Chairman of the Senate Committee on

Immigration revealingly declared during hearings on the immigration bill conducted by his Committee that : "I think most of us are reconciled to the idea of discrimination. I think the American people want us to discriminate... Our duty is to the American people and we owe no duty to be fair to all nationals."

At the time of its adoption, there was no misunderstanding on anyone's part as to the significance and objectives of the national origins formula. A vigorous minority report of the House Committee bluntly named the national origins plan for what it was and condemned it for imposing an arbitrary and adventitious test out of keeping with national policy:

> "The obvious purpose of this discrimination, however much it may now be disavowed, is the adoption of an unfounded anthropological theory that the nations which are favored are the progeny of the fictitious and hitherto unsuspected Nordic ancestors, while those discriminated against are not classified as belonging to that mythical ancestral stock. No scientific evidence worthy of consideration was introduced to substantiate this pseudo-scientific proposition. It is pure invention and the creation of a journalistic imagination."

Then, as now, the national origins formula was founded on the dual premise that racial strains other than those which might roughly be grouped as Anglo-Saxon have a contaminating affect upon the people of this country. And, secondly, that the non-Anglo-Saxon groups compromise an indigestible lump in the life stream of our community, detrimental if not fatal to the creation of a distinctively American tradition.

Were it not for the continued support accorded the national origins plan and were it not for the shocking statements made by supposedly knowledgeable men on the floor during debate on the McCarran-Walter bill, one would assuredly think it unnecessary in this day and age to elaborate the point that from a scientific view, doctrines of Nordic or

Anglo-Saxon ancestry are sheer undiluted hokum. Because of these statements, however, and at the risk of needlessly reiterating truisms, it should again be recorded that the unanimous testimony of physical anthropologists is that the concept of a "pure race" is nothing more than an abstraction, bearing no concrete relation to the real world. No pure race can be found in any civilized country. Racial purity is restricted at best to remnants of savage groups in isolated wildernesses. The present races of man have intermingled and interbred for so many thousands of years that their genealogical lines have become inextricably confused. The concept of race is at the most a zoological device whereby indefinitely large groups of individuals of more or less similar physical appearance and approximately similar hereditary background are classified together for the sake of convenience. In the words of Professor Ashley Montagu, "not one of the great division of men is unmixed, nor is anyone of its ethnic groups pure... all are a mixture."

Moreover, even conceding for purposes of classification the existence of separate and distinct races, there is no proof whatever that mental capacity, moral sensibility or cultural achievement are a function of race. It is evident to the scientist, if not to the legislator, that each racial type runs the gamut from idiots and criminals to geniuses and statesmen. And, no racial type produces a majority of individuals at either end of the scale. So far as is known there are no racial monopolies either of human virtues or of vices.

Scientific study and social experience have surely withered these racist fictions with the finality of an atomic blast. It is paradox-

ical that America, which prides itself on its loyalty to the dictates of scientific knowledge and discovery, should continue to base so significant a portion of its legal and legislative structure on foundations thoroughly and irrevocably exploded by scientific finding.

Recognizing the stupidity of alleging a biological ranking among racial groups, some restrictionist spokesmen have attempted instead to stress the value of the national origins formula as expressing the ease with which the various peoples submit to cultural assimilation. Setting aside for a moment the question of cultural homogeneity as a desirable national objective, it is worth pausing to examine a few of the old wive's tales that have evolved in this connection.

The allegation that the new immigrants from South and Eastern Europe depress wage levels and resist unionization is answered by the rise of the International Ladies' Garment Workers Union, the Amalgamated Clothing Workers Union and other trade union organizations which have brought about a stabilization of employment conditions

and industries into which newer immigrants flow. Lastly, the frequent allegation that Southern and Eastern Europeans have tended to congregate in cities is an obvious distortion of the fact that urbanization is a characteristic of modern industrial life, by no means confined to immigrants. Mechanization of farms has led to a shift of population to urban centers. Moreover, insufficient emphasis has been given to foreign colonies as stepping stones to assimilation. In time immigrants from such colonies tend to distribute themselves generally throughout America. Analysis of available statistics indicate that since 1910 immigrants from southern and eastern Europe have not concentrated in urban areas to a greater extent than other groups.

The national origins quota system incorporates into law a network of unfounded estimates of cultural assimilability. It wholly disregards the phenomenon of cultural change. It assumes, for example, that our national institutions bear the stamp of a particular nationality in the same proportion that persons of that national descent bear to the whole population. But cultures are not amenable to such analysis any more than plants, animals or humans can be viewed as a result of a simple addition of the chemical compounds they absorb. The vast developments which have taken place in American life throughout our history are not the mechnaical result of simple additions from elements of immigrant cultures but rather the evolution of a new and distinctive culture in response to the demands of a new environment.

To use but one illustration, the new German quota that will come into effect under the McCarran law is 25,814. It is the second largest in size ranking after that of Great Britain and northern Ireland (65,361). Quotas for Italy, Greece and Turkey are 5,645, 308 and 225 respectively. This discrepancy can find no warrant in the theory that

it results in the selection of immigrants from countries whose traditions, languages and political systems are akin to ours. It would be absurd to claim that the Germany which twice precipitated the world into war, which was warped by Nazi propaganda for more than a decade prior to 1933 and molded by 12 years of Nazi power, is culturally closer to America than Italy, Greece or Turkey. And if Germany is closer, is the degree of propinquity 80 times greater than in the case of Greece, 4 times greater than in the case of Italy and 115 times greater than in the case of Turkey?

That northern and western Europeans adjust to American life better than eastern and southern Europeans is a baseless assertion. Those who insist upon assimilation by the obliteration of all foreign traits with the utmost speed and thoroughness have ignored the development and enrichment of our cultural life which has accrued from the adaptation of ideas and customs of European or other origin. As Professor Franz Boas has said: "The social resistance to Americanizing influence is so weak that it may rather be regretted that we profit so little from the cultural heritage of the immigrants than that we should fear their modifying influence upon American thought and sentiment."

America's richness has not been merely our material resources, amply endowed though we are. It has been, even more, our diversity of peoples and cultures and our unique ability to fashion a creative national unity out of that diversity. That has proved to be our strength as well as our richness. Totalitarianism carries within itself the seeds of its own destruction through the mechanical uniformity it seeks to impose, for imposed uniformity must ultimately result in social and human degeneration. Uniformity can emerge not only from legal or physical coercion, but as a result of rigidly limiting the human resources on which we should be free to draw. The "American

type" has not been nourished at a single fount; it has drawn from many springs, and it must continue to draw from many springs if it is to be enriched - indeed, if it is to remain healthy.

The failure of successive legislatures to expunge the national origins system from our statuteshas resulted in the retention of a series of preferences, priorities, bars and prohibitions which stamp a seal of inferiority upon persons of other than Anglo-Saxon origin. For all of its highly-advertised purging of racism from our immigration laws, closer inspection of the McCarran Law, Public Law 414, reveals that it contains such provisions as the section establishing the "Asia-Pacific Triangle" (Section 202(b)) limiting annual immigration from countries in that area to a maximum of 100 a year, with no reference to any formulas or figures and with no rationale save that of antipathy to persons coming from that part of the world.

Indeed, the new law is so thoroughly immersed in racist feeling that for persons deriving from the "Asia-Pacific Triangle" usual procedures are exactly reversed. Country of birth for this group is made irrelevant and the fact of racial ancestry becomes the single important criterion upon which admissibility depends. A native Englishman, even one of whose parents derived his ancestry from China, Japan, Korea or other countries within the so-called "Asia-Pacific Triangle" is not permitted to enter this country under the ample British quota; he is compelled to seek admission under the limited quota of 100 for the "Asia-Pacific" country. Public Law 414 thus imposes an inescapable onus upon some racial groups, never to be avoided no matter to what ends of the earth their members may travel. Negro immigration, in like fashion, is carefully restricted by denying certain dependent areas in the West Indies, for the first time, the right to use quotas belonging to the mother country. Moreover, quotas

under Public Law 414 continue to be premised upon the 1920 census, a device clearly intended to freeze if not paralyze the composition of our population. Because those areas of the world whose peoples are most urgently in need of resettlement and most deserving of assistance have among the lowest of the quotas and because these quotas are in almost every case oversubscribed for years to come, our present immigration laws are more ironic than helpful. All of these inequities, along with a host of others, would be removed at one stroke with the elimination of the quota system.

In support of the national origins system it is frequently urged that given the need for some quantitative restriction of immigration, there exists no other feasible method of apportionment. Surely, human ingenuity is not so feeble. To claim that the existing discriminatory and arbitrary scheme is just because no other alternative can be devised is to confess to an extraordinary lack of imagination. Without, by any means, exhausting the alternatives the following changes in the method of apportionment might be suggested:

1. Distribution of visas on a first-come, first-served basis with preferences, for relatives of citizens or legal residents, and victims of racial, religious, or political persecution and those who possess special skills. Existing laws set minimum qualifications for admission. Those who are physically, mentally or morally unfit may not enter. There is thus reasonable assurance that those who do qualify for entrance are sound human beings. It is perfectly

practicable to control the annual issuance of visas from Washington. The present large British quota of over 65,000 is currently being administered on a first-come, first-served basis. There is no reason this could not be done for the over-all quota. The advantages of the system of course lie in its simplicity, the abolition of the discriminatory bias of the national origins formula and the increased opportunity for obtaining persons with needed skills through broadening the geographical sources of immigration. Moreover, emergency situations could be handled by executive order creating special priorities within the non-preference class.

Abolition of the national origins quota system does not necessarily entail increasing the number of immigrants to be admitted yearly. We are speaking here not of the size of the loaf but to the evenness and wisdom of the slices. It should be noted, however, that once the waste intrinsic in the national origins plan is eliminated, there will ensue an automatic increase in the number of persons eligible for admission. At present, for example, Great Britain is allowed almost half the available visas and yet, year after year, it fails to use more than a small percentage. The remaining visas now are lost. Under a plan which looks towards the personal qualifications of the individual rather than to the extraneous fact of his place of birth, we could be assured of maximum use of the yearly visa allocation.

2. Utilization of a flexible system of apportionment by administrative determination. Once the national origins quotas are dropped, it would be 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. This commission's determinations

would be based upon the absorptive capacity of our economic and social system and would allow periodic readjustment of the total to be admitted each year. There is nothing hallowed about the 150,000 annual visa figure. Nor is there any reason ever to fix a final immigration ceiling to remain in effect for all the time. The dangers of permitting apportionment of visas by a commission lie in the possibility that inadequate or improper Congressional standards and lack of opportunity for review of administrative determinations would permit the commission to allocate quotas in conformity with its own prejudices, or the prejudices of other special groups rather than with individual merit and national needs. However, possibility that an illiberal agency might thus exploit this opportunity to reduce annual immigration could be precluded by establishing the present figure of 150,000 annual visas as a minimum. We would then have a firm floor and a flexible moving ceiling which could be made responsive to our domestic economic health and to our responsibilities abroad.

We are, of course, cognizant of the problem of refugees and surplus populations to which President Truman drew attention in his message to Congress last March 24. In our view, these dislocated peoples represent a continuing emergency which will harass the free world for many years and possibly generations to come. It is our conviction that this problem should not be approached on the basis of piece-meal emergency legislation. It is possible within the bounds of our permanent immigration laws 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 persons who are persecutees or refugees.

The world situation urgently requires that the national origins system be eliminated. Once this is accomplished we are then equipped to meet emergency needs within the framework of a just, humane, and flexible immigration system.

B. Deportation

The concept of deportation as employed in our basic immigration laws is not less in need of drastic revision. The present law stands in flat opposition to the principle that once a person is admitted into the United States for permanent residence, he should have the privilege of remaining in this country unless his immigration was based on fraud or illegal entry. Deportation used as a penalty is inhumane and medieval. It frequently punishes persons entirely innocent, such as members of the immediate family of the deportee. An alien who does wrong should be punished for his wrong the same as a citizen but the punishment should not carry with it the additional penalty of "banishment."

Immigrants who come to this country are not here on consignment. Those persons who pull up their roots and rearrange their lives to come to the United States under our laws and under a system of qualifications which we draw and which we administer are entitled to believe that once here they will be allowed to remain and that they will be dealt with justly and equally. This of course does not imply that they are not to be penalized or held fully accountable for their crimes or their mistakes. It does mean that they are not to be assessed with penalties higher in degree or in character from those imposed on native Americans for like acts.

We must admit to a measure of responsibility for persons entering this country from the moment they disembark. Immigration is a profound experience. It entails the breaking up of pre-existing ties and the reconstruction of a whole life. Immigrants who fail are as much our problem as native Americans who fail. The immigration system must not be made to bear a burden properly residing in our economic institutions, our communities and neighborhoods, or in our schools. It is much too easy a solution to slough off responsibility simply by sending the alien back where he came from, rather than recognize our own implication in his failure.

The United States Supreme Court has asserted that loss of the right to remain in the United States, technically not a criminal penalty, nevertheless partakes of the nature of such penalties and in most cases imposes an even more serious injury. Deportation usually entails the breaking up and separation of the family unit. Innocent dependents who remain behind are the prime sufferers when the head of the family and the sole source of income and livelihood is expelled.

Compounding of penalties for immigrants has no basis in American life. Theoretically all persons who reside within our borders are entitled to identical treatment. And indeed it is a radical and dangerous practice to initiate a system of caste among our residents. No one denies that those who initially obtain entry into this country illegally or by virtue of deceit or fraud should not be entitled to capitalize on their duplicity and should be made deportable. With the sole exception of fraudulent entry, we must concede tenure to immigrants once they have been admitted permanently, otherwise liberty is a meaningless term. Elimination of the notion of deportation as a penalty would initiate a single system for the punishment of wrong doers and would compel our courts and our administrative bodies to bring practice into line with theory and grant to all persons within our borders equal standing under our laws.

Public law 414 completely departs from this principle. Under that law immigrant culpability for a variety of acts, many of them minor, inexorably results in deportation. Thus, the new law permits expulsion of an alien who becomes a public charge even though at the time of his entry there was no reason to believe or anticipate that he would encounter financial or employment difficulties. (Section 241 (a)(8) Immigrants thus are made to bear the brunt of inadequacies and faults inhering not in themselves but in our domestic conditions.

Similarly, Public Law 414 permits deportation of any person who is institutionalized in a mental hospital within five years of entry even though his illness failed to manifest itself prior to his arrival in the United States. (Section 241 (a)(3)) Provisions which deal more harshly with persons suffering from mental conditions than with those who are physically ill have little validity or justification in what is presumably an era of enlightened medicine.

Still another section of McCarran's law provides that in addition

to regular criminal penalties, and after their sentences have been completed aliens convicted of crimes involving moral turpitude, in some cases no matter for how many years they previously have been resident of the United States are made deportable. (Section 241(a)(4) In a comparable provision, where an alien has violated one of a group of Federal laws, the Attorney General is empowered to deport the alien in the event he findshim to be "an undesirable resident," a term obviously lacking in precision and definiteness and inviting administrative abuse. (Section 241(a)(17).

We hold no brief for the criminal, the wrong doer, the narcotics user, the subversive or the alien who seeks through immoral means to obtain personal advantage. At the same time we recognize that this country is necessarily implicated in his actions. The criminal alien represents a menace, but it differs in no discernible character, quality or degree from the menace represented by the criminal native-born. The reconstruction and rehabilitation of defective, sick individuals is a job for our entire community. It is not one which lies within the province of the immigration system. It is not one which can be avoided by the simple means of ejecting those whom we find unpleasant. The marriage of the immigrant and of the United States is presumably one premised on sincerity on the part of both and it is marriage for better or for worse. The use of deportation as a means of coercing conformity or of inflicting extra-judicial punishment is a repudiation of the principle of equality.

C. Inequality Between Native-Born and Naturalized Citizens

Distinctions between native-born and naturalized citizens in our immigration laws must be eliminated as contrary to the spirit of the Constitution. The naturalization process should be so devised as to insure that before a person is naturalized, he is genuinely attached

to the governing principles of this country. Thereafter, certificates of naturalization should not be cancelled, save upon a showing of fraud.

The stamp of a free and secure society is its abjuration of all forms of limited citizenship. Our courts have declared that under our Constitution, a naturalized citizen stands on an equal footing with a native-born citizen, in all respects save eligibility for the presidency. They have explicitly rejected the notion that "the framers of the Constitution, intended to create two classes of citizens, one free and independent, one haltered with a life-time string attached to its status." The naturalized citizen, being invested with all the rights of citizenship has been held no more responsible for anything he may say or do, or omit to say or do, after assuming his new character, than if he were born in the United States.

This guarantee of equal rights to naturalized Americans is not a doctrine recently come by or lightly held. It is of the very fabric of our history. Chief Justice Marshall long ago definitively declared that a naturalized citizen becomes "a member of the society, possessing all the rights of a native citizen and standing, in the view of the Constitution, on the footing of a native. The Constitution does not authorize Congress to enlarge or abridge those rights. The simple power of the national legislature is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual." Osborne v. U.S. Bank, 22 U.S. 738, 827. The grant of American citizenship is not a partial grant and it is not a grant upon a condition subsequent.

Public Law 414 flaunts this principle. For identical acts it metes out harsher penalties to naturalized Americans than to native Americans. Section 340(a) provides that refusal to testify on the part of a naturalized citizen, within ten years following his

naturalization, before a congressional committee concerning alleged subversive activities, and which results in a conviction of contempt, shall be grounds for revocation of naturalization. Similarly, Section 340(c) repeats provisions placed in our law by the Internal Security Act to the effect that a person who was naturalized and who within five years becomes a member of, or affiliated with a subversive group, is thus presumed to have obtained naturalization through fraud. Thus actions which when performed by native born citizens are either non-penal or are, at the most, minor crimes, become the basis for the imposition of the most grave and severe punishment of all, the loss of American citizenship.

Finally, Public Law 414 re-enacts those sections of the Nationality Act of 1940 which expatriated naturalized Americans merely because of residence abroad for a period of five years or more while permitting native Americans to remain away indefinitely, without loss of penalty. The State Department repeatedly has testified that in its opinion these provisions bear no reasonable or perceptible relation to our national interest. The expatriation statutes symbolize the suspicion felt toward the alien, and the unjustifiably rigorous standards of conduct demanded of him. If our professions of equality are to be seriously regarded, all grants of preferential treatment of the native-born, whether direct or indirect, must be erased from the body of our law.

D. Opportunity for Appeal and Review

The core of the American system of justice is that each person shall be accorded a fair hearing. Public Law 414 fails to accord 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. Even more, it explicitly denies opportunity for further inquiry to any alien who

may appear to the examining officer to be excludable under paragraphs 27, 28 and 29 of Section 212(a), relating to subversive classes (Section 235(c)) - a discretion that is contrary to normal democratic procedures. Where the exclusion is for security reasons, and it is deemed vital to protect the government's sources of information, it is imperative that the alien, at least, be accorded a chance, in accordance with normal standards of American justice, to plead his side of the story and bring any witnesses he may desire. Further, it is necessary that the existing non-statutory Board of Immigration Appeals be retained and made statutory, and that the existing procedure be retained, whereby appeal may be made to the Commissioner of Immigration and Naturalization from a decision of a lower official to exclude an alien, and from the latter's decision, if adverse, to the Board of Immigration Appeals. The Board of Immigration Appeals should be written into the law and not remain at the mercy of administrative decision.

Under present law, consular officials have an absolute right to deny issuance of a visa, and there is virtually no means whereby an interested American citizen or organization may obtain a hearing to put in question the correctness of the action of the consul. While the Department of State may require a report of the consul, final discretion lies with the latter, the Department's participation being limited to an advisory opinion. To prevent prejudice, arbitrariness or caprice in the award of visas, and in the grant of the all-important opporunity for immigration, we urge legislative provision for the establishment of a Visa Review Board empowered to review and reverse consular decisions to issue or deny visas. Such Board should provide an opportunity for an American citizen or organization interested in bringing an alien to this country to appeal on his behalf. Measures

addressed to these objectives will surround the immigration process with the protection and safeguards it merits.

CONCLUSION

The eloquent affirmation of the Declaration of Independence that "all men are created equal" expresses the cardinal democratic belief that all persons are to be regarded as equally capable of intelligence, freedom, and social usefulness, that every individual can claim the right to be judged on his own merits. The immigration policy enacted in 1924 was a repudiation of that doctrine, for it asserted that persons in quest of the opportunity to live in this land were to be judged according to breed like cattle at a country fair and not on the basis of their character, fitness, or capacity.

This Commission has a significant opportunity to recommend the shaping of our immigration and naturalization laws so that they may better conform to American ideals and experience, which require equal treatment of all persons and the fullest guarantees of basic civil liberties. In the light of our knowledge and aspirations and indeed the needs of the nation, the national origins quota system and the concept of penal deportation must be abolished and the internal administration of our immigration processes must be improved. Our immigration and naturalization laws must be purged of every taint of racial, religious and ethnic discrimination. Nothing less than this is worthy of a freedom-loving people.

Respectfully submitted,

Of Counsel:

Philip Baum

Rabbi Simon G. Kramer, President
Synagogue Council of America

for the

Synagogue Council of America
National Community Relations
Advisory Council

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

TO NCRAC Membership and CJFWF Communities

FROM Albert E. Arent, Chairman, NCRAC Committee on Immigration

DATE January 23, 1953

SUBJECT Immigration

Enclosed please find the following:

1) A copy of the report of the NCRAC Committee on Immigration which was submitted to the NCRAC Executive Committee on January 20. As you know, the Executive Committee of the NCRAC met for the purpose of receiving reports from each of the NCRAC standing committees and, in accordance with the decision of the Tenth Plenum, developing an integrated program for Jewish community relations work in 1953. The report of the Immigration Committee was adopted by the Executive Committee which accorded a high priority in the total community relations program to the issue of United States immigration policy.

You will note that the Report includes among its specific program suggestions, the development of community-wide committees on immigration at the state or local level. You may be interested to know that such committees are in the process of being established in New Jersey, Philadelphia, Boston and elsewhere. The Michigan Committee on Immigration has been functioning effectively for some time. We believe that such committees represent highly effective instrumentalities for broad community educational efforts in behalf of liberalizing U.S. immigration policy.

2) A copy of an outline for a community program which can be carried on by a community-wide Committee on Immigration or by the individual religious, racial and civic groups interested in the issue of immigration, where no such machinery can be created. This outline is the result of discussions in the NCRAC Committee on Immigration and similar discussions at a number of community meetings for Jewish organizations. We recognize this outline may require modifications and changes in accordance with local needs and resources.

3) An outline of major principles which NCRAC agencies believe should be incorporated into U.S. immigration law. This detailed statement which was worked out in the NCRAC Committee on Immigration is substantially in accord with the recommendations of the President's Commission on Immigration and Naturalization although it differs in certain respects. This is sent to you as a guide in the hope that it may be helpful in connection with your educational efforts.

We would appreciate being kept informed of local developments including, if possible, copies of all statements by organizations or individuals, newspaper stories and editorials and similar items.

Please do not hesitate to call upon the NCRAC and its member agencies for such assistance as may be desired.

A.E.A.

bk
Encs.

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

PROGRAM RECOMMENDATIONS FOR 1953
of the
COMMITTEE ON IMMIGRATION

Albert Arent, Chairman

During the past year, the issue of immigration has assumed a top priority in the field of Jewish community relations. This happened not because of a conscious assessment of priorities for the field - but partly because the continuing bottleneck on federal civil rights legislation released energies and resources for other issues like immigration; and, even more, because of the momentum of events themselves in Washington and elsewhere, which resulted in the issue of immigration becoming a major public issue. In the view of the committee, efforts to revise the McCarran Act should continue to receive a top priority in the Jewish community relations program for 1953. The committee recommends this priority not because of Jewish self-interest - there will be no great increase of Jewish immigration as a result of liberalized immigration - but because the task of expunging racism from basic U.S. immigration law warrants the concentrated energies of Jewish agencies operating in the field of community relations. So long as our basic objective is the preservation and extension of democracy, we must continue to expend our best efforts, along with other groups in American life, to make sure that U.S. immigration policy and law is not shaped by zenophobia and reckless anti- Communism but by our fundamental principles of equality and by our foreign policy needs in the cold war.

Does the practical situation warrant such a priority? It is true that the McCarran Act was adopted by a resounding vote over President Truman's veto. However, there are a number of reasons why, in our view the possibility of revising the McCarran Act is brighter today than it has been in the past. The debate in the 82nd Congress attracted considerable public attention and advocates of liberal immigration won support from a number of influential groups and newspapers. During the recent political campaign, immigration became, almost by accident, one of the most potent and controversial issues - eliciting from both Presidential candidates, direct attacks on the McCarran Act and forthright pledges to rectify it. In addition, despite the general Conservative trend, a number of ardent supporters of the McCarran Act were defeated and were replaced by persons of more enlightened immigration views; and, on balance, the liberal immigration forces in the Congress seem to have gained some additional strength. In the meantime, the President's Commission on Immigration was conducting well-publicized public hearings throughout the country and on January 1 issued a report which combined a raking indictment of Public Law 414 with a plea for a complete rewriting of U.S. immigration law. These events have focussed tremendous public attention on and interest in the issue of immigration. Finally, and of possibly even greater potential significance - there is at the moment a united front of the three major faiths, joined by an increasing number of nationality, fraternal, labor and veterans groups, working together in a united effort to win basic changes in our immigration policy. This united front may collapse if the legislative prospects for basic amendments appear poor in the course of this session, in which case some of the faith groups will push for

emergency legislation. Whether or not it will be possible to achieve fundamental revisions in the McCarran Act in this session, it appears that this is a most opportune moment to press a vigorous campaign to stimulate public opinion on the issue of immigration.

With this background, your Immigration Committee recommends the following program in this area for 1953:

I. Amending Public Law 414

1. Continue, through the Policy Committee on Immigration and in other ways to cooperate with other religious groups - Protestant, Catholic, Lutheran - in joint educational efforts in connection with Public Law 414. In the Policy Committee, which includes a number of voluntary immigration agencies as well as nationality and faith groups, we have hammered out a joint policy which urges basic amendments in the McCarran Act, including elimination of the national origins quota system. We will continue in these joint efforts so long as the united approach is upheld and we are not asked to compromise on fundamental principles.

2. The recommendations of the President's Commission on Immigration, which accord in substantial measure with the recommendations made by the NCRAC agencies to the Commission during the hearings, offer an excellent opportunity for building a public education campaign on immigration. Accordingly, the Committee recommends that NCRAC agencies support and promote the report of the President's Commission on Immigration utilizing mass media nationally and locally, such as radio, television, newspapers, magazines as well as forums, institutes, sermons, discussions to focus public attention on the inequities of Public Law 414.

3. It is important that this effort not be considered a Jewish issue. While anything comparable to the costly Citizens Committee on Displaced Persons is beyond our present resources and possibilities, the possibility of an effective inter-sectarian action group on a less ambitious scale is strengthened by the present cooperation of all faith groups and many nationality groups in a united effort. Should such a committee be formed, the Committee recommends that efforts be made to assign a staff member of an NCRAC agency to the full-time task of secretary to that committee. Accordingly, the committee recommends that efforts be directed towards reviving and strengthening an inter-sectarian National Citizens Committee on Immigration along the lines of the Committee to Improve U.S. Immigration Law which functioned earlier in 1952.

4. It is further recommended that the CRC's stimulate the development of similar inter-sectarian committees on immigration on the local and regional level. A number of such committees have already been formed and

the impetus of inter-sectarian cooperation in the public hearings may well lead to many others.

5. Intensify the preparation and circulation of educational material on the field of immigration. In this connection, the Committee recommends that NCRAC legislative information bulletins be published and that popular materials on the national origins quota system and other evils in the act should be encouraged. The Committee notes that the American Jewish Congress is now preparing a pamphlet for popular consumption.

II. Administration of Public Law 414

1. It is expected that efforts to correct the McCarran Act will not be of short duration and that much of Public Law 414 will be on the statute books for many years. The administration of this act will pose many problems for Jewish community relations agencies. It can be anticipated that among them will be problems affecting

a. Possible unauthorized listing of Jews as Jews on visa forms

b. Possible anti-Semitic aspects in particular deportation, denaturalization, or exclusion cases

c. Admissability of Nazis

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

COMMITTEE ON IMMIGRATION MATTERS

Outline of Major Provisions for a Revised
Immigration and Nationality Law

The following outline is offered as a basis for a revised immigration statute.

I. The Unified Quota System

A. The National Origins Quota system should be abolished. Quotas should no longer be allocated according to place of birth.

B. Immigration visas should be allocated on a category basis using four categories. Within each category the rule "first come first served" should be observed. The categories should be:

(1) Immigration to reunite families. Visas should be granted to close relatives of citizens or of aliens submitted for permanent residence.

(2) For refugees, persecutees and stateless persons. This category would permit preferences for areas or peoples requiring emergency attention.

(3) Immigration to aid American foreign policy. This category could be used, for example, to provide visas to countries whose population pressure is upsetting political stability.

(4) For "new seed" immigration. To insure continued flow of immigration of persons not in any specified category.

It would not be necessary permanently to fix the percentages granted each of these categories. Authority to adjust the number of visas granted each year pursuant to these priorities should be left to the discretion of the National Immigration Commission (described below). The unused portion of each

category should become available to the other categories. For the next three years, 100,000 of these visas a year should be allocated to categories 2 and 3 jointly in order to be of immediate assistance to the emergency refugee problem. Initially each category should be granted 25 per cent of the annual quota, wi th the National Immigration Commission authorized to redistribute these percentages and to reduce any category in any given year, provided that it receives at least ten per cent of the annual visa allocation. The minimum granted any category would thus be ten per cent of the annual quota if needed and the maximum granted any preference quota in any one year would be seventy per cent of the total annual quota.

C. The existing non-quota system should remain untouched so that non-quota immigrants would be admitted outside of the new unified quota system. Also persons born in the Western Hemisphere should be treated alike, regardless of race or the political status of the country or colony. Thus, the natives of Jamaica would not come under a separate quota but be non-quota. University professors and other persons of distinguished and recognized skill and merit should be admitted on a non-quota basis.

D. Race should not be considered in any way in determining eligibility. Persons of Asian ancestry or half-Asian ancestry would be on a par with all others.

II. <u>Numbers to be admitted</u>

Present annual immigration quotas are now fixed at one-sixth of one per cent of the population of each national group in the United States in 1920. In determining future immigration, one-sixth of one per cent of the total population as of the latest

census should be used as the minimum number to be admitted in any one year. Using the 1950 census, this would increase minimum annual immigration from about 154,000 to about 251,000. Maximum annual immigration should be set at one-quarter of one percent of the total population. As of 1950 the maximum ceiling would be 378,000. (Using one-fifth of one per cent the ceiling would be about 300,000.) This would provide statutory authority for immigration visas ranging from about 251,000 to about 378,000 a year. The exact numbers between the minimum and maximum to be admitted in any given year or period of years would be based upon the absorptive capacity of our economic and social system and the urgency of our responsibilities abroad. The National Immigration Commission would determine this figure initially and would be permitted to readjust the figure periodically. The Commission would be required to consult with appropriate government and private agencies in making this determination.

III. National Immigration Commission

A. All visa, exclusion, deportation, and naturalization functions should be removed from the Justice and State Departments and be transferred to a separate, independent, bipartisan five-man administrative Commission, appointed by the President and confirmed by the Senate. Personnel of the existing Immigration and Naturalization Service would be transferred to the National Immigration Commission. The visa functions of the State Department's consular staff would be discontinued and issuance of visas would become the sole responsibility of the National Immigration Commission.

B. The Commission should have the following functions:

(1) Within the limits prescribed by statute, to fix and adjust at intervals the number of immigrants to be admitted

within any year or given period of years.

(2) To adjust percentages allotted each category within the limits prescribed by statute.

(3) Conduct continuing demographic and immigration studies.

(4) Establish and maintain machinery for an intra-departmental system of appellate review by means of a statutory Board of Visa and Immigration Appeals.

(5) To establish the basic policies for the administration of the Immigration and Nationality Act, leaving to a Superintendent of Immigration and Naturalization the execution of these policies.

IV. Deportation:

A. No deportation shall be allowed, except in cases of fraud, illegal entry or continued stay after expiration of a temporary visa and, in any event, no deportation for these offenses after five years stay in the United States.

B. The alien would be entitled, as at present, to a full administrative hearing, with right to appear by counsel, examine and cross-examine witnesses, to argue orally and to submit briefs to the hearing officer. Thereafter, he would have the right to appeal to the Board on the record, to argue orally and to submit briefs. From an adverse decision of the Board he should have a right of appeal to the Federal Circuit Court of Appeals of the circuit of his residence. The scope of judicial review would be the same as that fixed by the Administrative Procedure Act. The alien would also have a right, after judicial review, to appeal to the Commission to exercise its discretion where his stay in the United States depended upon a statutory exercise of discretion.

V. Appeals

A. Visas. Each applicant denied a visa should have the right to an administrative (but not judicial) review of the visa officer's decision. The review would be based on an examination of the complete file of the applicant compiled by the visa officer, without the right of oral argument but with leave to submit briefs or additional documentary evidence. The decision of the Board of Visa and Immigration Appeals would be final and not subject to review by the National Immigration Commission or the courts.

B. Deportation

See IV B.

C. Exclusions. Aliens should have the right to a full administrative hearing and judicial appeal in exclusion cases, similar to that provided for in deportation cases. In security cases, however, where the government's evidence cannot be disclosed without revealing the identity of confidential informants, no administrative hearing shall be held but such evidence in affidavit form shall be submitted ex parte to a Federal District Judge. The Judge shall thereupon afford a hearing to the alien to be excluded, apprising him of the substance of the charges and allowing him an opportunity to testify, call witnesses, offer affidavits or other evidence, argue orally and submit briefs. The Judge shall only disclose so much of the substance of such affidavits as in his opinion will not identify the informant.

D. Other Immigration Matters. Any other immigration decision adverse to the applicant may be appealed to the Director of Immigration and Naturalization who may reverse any decision of any subordinate.

VI. Denaturalization

All grounds for denaturalization should be abolished, except for fraud in the original proceedings, and in any event not after five years of citizenship.

VII. Distinctions between native born and naturalized citizens

All distinctions between American citizens should be eliminated including the elimination of the expatriation provision that deprives naturalized citizens of their American nationality if they stay abroad, either in their country of birth or in any other foreign country, except where the citizen by his stay abroad acquires, as a result thereof, a dual or other nationality.

VIII. Miscellaneous

(1) The definition of totalitarian should be extended to include Nazi and Fascist as well as Communist organizations, affiliates and members.

(2) Questions relating to the racial, religious or ethnic classifications of immigrants or visa applicants should be prohibited on all visas or immigration forms.

1/21/53

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

Suggested Activities for Local Programs on U.S. Immigration Policy

I. Mechanism

A. Establishment of a local or state community-wide "Citizens Committee to Revise McCarran Immigration Law" or "Committee on Immigration" with representatives of religious, nationality, civic, labor and veterans groups, under the chairmanship or co-chairmanship of prominent civic or religious leaders. Sub-committees of such a group might be appointed to set up a speaker's bureau, prepare and distribute materials and literature, secure necessary financing, and conduct other necessary aspects of the public relations campaign.

II. Suggested Program of Activities

A. Channels for bringing this issue to the attention of the community include the following activities, all of which should be well publicized.

1. Forums and conferences at organization, neighborhood, and community-wide level. Local Congressmen should be invited to speak to community-wide meetings and, if they cannot attend, to send their views in a message or telegram.

2. Discussions, interviews, and debates over local radio and T.V. stations and discussions by commentators.

3. Local general as well as minority, foreign-language and sectarian press. This would include letters to the editor, favorable editorials, feature stories, etc.

4. Joint inter-faith statement and press conference by leaders of religious groups in the community.

5. Resolutions by local service organizations (Lions, Kiwanis); labor groups, bar association if possible; veterans groups; civic associations.

6. Sermons by clergymen of all faiths.

7. Formal proclamations by governors and mayors.

8. Resolutions by city councils and state legislatures memorializing U.S. Congress to revise the McCarran Immigration Act.

B Themes for above activities

1. Report of President's Commission on Immigration

2. Significance of a humane U.S. immigration policy to reinforce our foreign policy needs in cold war against Communism.

3. Local case histories on evils of McCarran Act.

4. Racist implications of McCarran Act.

C. Where possible, activities can be tied in with special days and celebrations. Examples for forthcoming weeks are:

1. Lincoln's Birthday

2. Brotherhood Week

3. Washington's Birthday

D. It may be desirable to tie activities in with local historical sites and traditions of significance. Examples are (1) Boston - Plymouth Rock; (2) New York - Statue of Liberty; (3) Philadelphia - Liberty Bell; (4) Washington, D.C. - Washington Monument - Lincoln Memorial; and (5) San Francisco - anniversary founding of U.N. (symbolizing U.S. world leadership) etc.

1/23/53

Boston College
Chestnut Hill 67
Massachusetts

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January26, 1953

Dear Mr. Cohen,

May I ask you to overlook the informality of this note - and to accept it as evidence of my anxiety to accomplish a two fold purpose.

1) Mr. Robert Segal, with whom I have just finished speaking on the phone, informed me that he believed you would be pleased to receive an invitation to our Immigration Institute - and that you could contribute much to our discussions.

I am most happy to extend this informal greeting with the hope that you find it possible to be with us. I know you journeyed to St. Louis and that your observations were most helpful and appreciated. We'd be delighted to profit by your knowledge of the subject and ability to express yourself thereon.

2) This second purpose spoken of has to do with any recommendations you may have to make on the conduct of the Institute. I know it's late to seek such advice but I've long wanted to get an expression of "ways and means" to make our presentation most profitable to all concerned.

Dr. Mihanovich was generous in a couple of early letters and he'd have been more so if I'd contacted him more often. As one who sat thru the St. Louis sessions, I believe you are equipped to make some observations that could be of great advantage.

If you find the opportunity, be sure I'd be most appreciative of fulfillment of purpose #2; it's unnecessary to add that we sincerely hope that you find it possible to join us, February 6-8.

Sincerely,

/s/

Rev. James L. Duffy, S.J.

THE BOSTON INSTITUTE
on
NATIONAL
IMMIGRATION POLICY

Sponsored by

Archdiocese of Boston
and
Boston College

February 6-8,1953

Friday, February 6, 1953
8:00 P.M. John Hancock Hall
Chairman, Anthony Julian, Attorney
Past Grand Venerable, Mass. Lodge of the Sons of Italy

ADDRESS OF WELCOME.....Very Rev. Joseph R. N. Maxwell, S. J.
President of Boston College
PURPOSE OF THE INSTITUTE.....The Most Rev. Richard J. Cushing,D.D.
Archbishop of Boston

General Topic: Europe's Tragedy

"THE UPROOTED", Who They Are and Whence They Come...Irving M. Engel
Chairman, Executive Committee, American Jewish Committee, New York,N.Y.

THE ROLE OF VOLUNTARY AGENCIES:
Past Accomplishments and Present Functions.....Roland Elliott
Church World Service, National Council of Churches, New York, N.Y.

MEETING THE CHALLENGE - Human International
Cooperation.....James J. Norris
European Director, War Relief Services; Chairman International
Migration Committee, Frankfort, Germany

Saturday, February 7, 1953
10:30 A.M. John Hancock Hall

General Topic: America's Answer, The McCarran-Walter Act
Presiding: Rev. Louis S. Bilicky
Chairman, Professor Harry Doyle
Department of Government and History, Boston College

GENESIS AND CONTENT OF THE ACT.....Oscar Handlin
Department of Social Relations, Harvard University

DISCUSSION

Saturday, February 7, 1953
1:30 P.M. John Hancock Hall

Presiding: Rev. Guido L. Palotta
Chairman, Rev. William J. Kenealy, S.J.
Dean, Boston College School of Law

ADMINISTRATIVE IMPACT OF THE ACT:
The Human Equation, Administrators - Administered..Louis L. Jaffe
Law School of Harvard University
Chairman, Committee on Administrative Law,
American Bar Association

Saturday, February 7, 1953
3:30 P.M. John Hancock Hall

Panel Discussion
Presiding: Rev. Albert C. Abracinskas
Chairman, Rev. Robert J. McEwen
Boston College School of Business Administration

ECONOMIC FACTORS.....Vincent P. Wright
Boston College School of Business Administration

SOCIOLOGICAL FACTORS.....Rev. Paul W. Facey, S. J.
Chairman, Department of Sociology, Holy Cross College

POLITICAL FACTORS.....Rev. William L. Lucey, S. J.
Chairman, Department of International Relations,
Holy Cross College

DISCUSSION

Sunday, February 8, 1953
3:00 P.M. John Hancock Hall

Presiding: Rt. Rev. Ladislaus A. Sikora
Chairman, Very Rev. Msgr. Francis J. Lally
Editor, Boston Pilot

THE McCARRAN-WALTER ACT WEIGHED IN THE
LIGHT OF CATHOLIC PRINCIPLE.....Rt. Rev. Msgr. John O'Grady
National Catholic Charities, Washington,D.C.

THE McCARRAN-WALTER ACT WEIGHED IN THE
LIGHT OF AMERICAN TRADITION.....Hon. Dennis J. Roberts

PRESENTATION OF PRIZES TO
ESSAY WINNERS.....Rt. Rev. Msgr. Cornelius T. H. Sherlock
Diocesan Superintendent of Schools

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THE BOSTON INSTITUTE

on

NATIONAL

IMMIGRATION POLICY

CONCLUSIONS:

The free nations of the world, under the leadership of the United States, are engaged in a world-wide ideological struggle to preserve freedom and free institutionsfrom the onslaught of the totalitarian communist forces of darkness and tyranny. In the context of this struggle, which could well determine the type of world man must live in for centuries to come, American immigration policy becomes a critical issue.

American immigration policy can serve as an instrument in furtherance of American foreign and domestic policies, or it can obstruct the attainment of our foreign and domestic policy goals.

Present American immigration policy is inimical to the best interests of the United States, since it is founded upon a philosophy of distrust and hostility to aliens and potential immigrants from allied countries and potential allies in the struggle against communism. Moreover, it goes counter to the domestic manpower needs of our country in light of our expanding economy and the defense mobilization program.

It is recognized that immigration must be limited by the absorptive capacity of our nation and the safeguards which are necessary to the health, morals, and security of the United States. Beyond these necessary limitations, it is in the best interests of our country to adopt a positive immigration policy - one which will welcome immigrants rather than deter them.

The Immigration and Nationality Act of 1952 (the McCarran-Walter Law) should be revised without delay. The law is restrictive and discriminatory. It is badly drafted, confusing, and in some respects unworkable. In particular,-

1. The national origins quota system as a formula for the admission of immigrants should be eliminated;
2. The retroactive and unduly harsh deportation provisions should be considerably tempered;
3. Statutes of limitation, which have been eliminated, should be reestablished;
4. Adequate appellate procedures should be provided in keeping with American concepts of law and justice;
5. Equal rights under the law should be accorded to naturalized citizens.

The United States should be encouraged to continue and enlarge its support of international groups and programs working toward a solution of the worldwide problems of over-population and the tragic plight of the uprooted and the homeless which can only be solved through international approaches. Two emergency problems, however, require particular attention. They are:

a) The problem of the thousands of persecuted who have escaped from the oppression of communism to find asylum in the free world, and
b) The problem of over-population in Italy, Greece, the Netherlands, and West Germany.

Partial relief is possible in these two problem areas through immigration, preferably through an immediate change in the basic immigration law, or if necessary, through emergency legislation. In this way, the United States would set an example for other nations to follow.

RECOMMENDATIONS:

1. The educational program, already begun in Catholic circles, should be continued and intensified in order to inculcate a Christian and democratic attitude toward immigration.

2. All Catholic organizations, educational, veterans, civic, and fraternal, should assist in this educational program in cooperation with other groups which are like-minded on the issue of immigration where possible, or independently if necessary.

3. The following are illustrative of the kinds of activities which should be undertaken to the extent possible:

a) Active participation with other reputable groups in the establishment and the programs of state, city, and neighborhood "committees on immigration policy."

b) Development by national organizations of program aids, such as speakers, printed materials, and discussion guides for use by local branches.

c) Forums and discussions at local branch meetings with the adoption of appropriate resolutions which should be sent to the press and to the White House and key members of Congress.

d) Letters to the White House commending President Eisenhower for his statement calling for revision of Public Law 414 and urging him to use his good offices with Congress to carry out his suggestions.

e) Letters to and visits with Congressmen and Senators urging them to support the President's demand for revisions to the McCarran Immigration Act. Commendation would be in order to indicate support for those Senators and Congressmen who are committed to changes in the law.

f) Strive for appropriate action in non-sectarian organizations with which individuals are affiliated. Thus, labor unions, service organizations, veterans groups like the American Legion and VFW, bar associations, etc.

g) Stimulation of feature stories and editorials in the Catholic, general, and the foreign language press.

h) Use of available radio and TV time and attempt to secure new time for discussions of the immigration issue.

i) Efforts to have the state legislature and the City Council memorialize the 83rd Congress to enact revisions to P.L. 414.

j) Make the immigration issue the central theme of forthcoming patriotic and civic holidays and occasions. Thus, Lincoln's and Washington's birthdays, Brotherhood Week, talks and meetings.

k) Lectures and discussions of the immigration issue in adult education courses.

February 8, 1953

BOSTON INSTITUTE ON NATIONAL IMMIGRATION POLICY

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Outline of Extemperaneous Presentation Made by
Jules Cohen on behalf of Jewish Organizations

In advance of the Boston meeting, I had talked with Rabbi Simon G. Kramer who said I could also speak in his name. In addition to the usual nice things which a chairman says about a speaker, Father Duffy introduced me as follows: "Jules Cohen is the national co-ordinator of the National Community Relations Advisory Council, which is a policy-making and co-ordinating agency for 34 national, state and local Jewish religious and civic organizations, including the Jewish Community Council of Metropolitan Boston. Mr. Cohen is also here on behalf of Rabbi Simon G. Kramer, president of the Synagogue Council of America, which is the co-ordinating agency for the six rabbinic and congregational national bodies comprising the Orthodox, Conservative and Reform branches of Judaism."

After thanking the chairman and the Institute for the invitation and the privilege to participate, I commented on the fact that I had to miss the sessions Friday night and Saturday morning because of the Sabbath stating that I was sure that this group would understand and excuse my absence. (In advance of the session Saturday afternoon I had told Father Duffy that I was able to be present for the afternoon session only because the discussion could be considered in the nature of an "Oneg Shabbat").

The substance of the talk went about as follows:

The group was informed that Jewish organizations recognize that immigration into the United States must be limited by the absorptive capacity of the country and the safeguards which are necessary to the health, morals and security of the nation.

The principles underlying Jewish interest in a constructive immigration policy were then touched upon: 1) ethical and moral grounds in keeping with the teachings of Judiasm, 2) the best interests of the U.S. in light of our expanding economy and our foreign policy especially as it relates to the struggle with communism, 3) Jewish traditional abhorrence of all forms of discrimination. The fact that a transition was taking place in the U.S. as regards immigration was mentioned and it was suggested that we would have to recognize that the "image" of the immigrant can no longer be that of the Jewish immigrant but rather that of a Christian. In this connection, I stated that Jews will no longer come into the U.S. in large numbers due to (1) the Nazi genocide, (2) most future immigrants will go to Israel. It was made clear however that, in spite of these circumstances, Jews have joined with our Christian friends in striving for a positive immigration policy since the security and status of all groups in the U.S. depend upon the

extent to which American democratic concepts of equality and justice are practiced or violated. The point was then made that the McCarran-Walter Act violates these principles both as regards its underlying philosophy and many of its specific provisions, as had been so clearly brought out by other speakers at this Institute.

On the question of strategy, I stated that the position of the Jewish organizations is similar to that of the Catholic church, namely we recognize the emergency problem of the refugees, escapees, etc. and by changing Public Law 414 and replacing the national origins quota system with a flexible formula for admissions, we could achieve both a positive immigration policy and, at the same time, make provision for present and future emergencies. I pointed out this is parallel to the position taken by the Board of Bishops in its statement of November 10, 1952.

Commenting on desirable revisions to the McCarran immigration law, I stated that Jewish organizations are not urging repeal but considerable revision. Regarding the nature of the revisions, I commented on the outline which was developed in the NCRAC, copies of which I had brought with me and had given to Father Duffy and other key people. I said that our position was substantially similar to that of the President's Commission and merely mentioned a few of the differences.

A few moments were then devoted to an analysis of the prospects of securing revisions of P.L. 414. I took the position that the real obstacles are still apathy and ignorance on the part of the public and Congress which McCarran and Walter exploited to the fullest. Despite the opposition, I suggested that prospects were good for securing revision provided that the private organizations stick together and intensify the educational program. It was also suggested that we are in a better position now as against a year ago inasmuch as the positions of private organizations are much clearer. In this connection, I cited the statement by the Board of Bishops, the Jewish groups, that of the National Council of Churches, etc; and the position taken last week by the National Lutheran Council. These positions by the major religious groups were beginning to filter down as evidenced by the public positions recently adopted by the National Council of Catholic Women and the YWCA. I stated also that cooperation among the private organizations is also better, citing the statement of principles developed in the Policy Committee on Immigration; the Conference of Organizations sponsored by the Policy Committee on January 9; the letters to local affiliates by the three national religious groups re: visits to Congressmen during the Christmas holidays and finally the fact that the Policy Committee is beginning to consider the preparation of printed materials for use throughout the country. As a further argument that the prospects were good, I also referred to the greater awareness on the part of the public and Congress as compared with last year, due largely to the hearings and report of the President's Commission (in particular Msgr. John O'Grady) and President Eisenhower's statement re: immigration, in his State of the Union message.

The presentation was concluded with a suggested program of activities along the lines of intensifying educational activities through active participation in state and local "Committees on Immigration" and within the respective organizations. A series of activities were proposed which will not be repeated here since they are incorporated in the "recommendations" section of the draft of "Conclusions and Recommendations" a copy of which is also appended to this report.

2/10/53

National Community Relations Advisory Council

9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

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TO NCRAC Membership and Immigration Committee

FROM Jules Cohen, National Coordinator

DATE February 11, 1953

SUBJECT Report on Boston Institute on National Immigration Policy sponsored by the Archdiocese of Boston and Boston College

Enclosed is a report of the Institute on National Immigration Policy which was held in Boston this past weekend. The Institute was sponsored by the Archdiocese of Boston and Boston College. Bob Segal and I attended this conference for the Jewish Community Council of Metropolitan Boston, the NCRAC and Rabbi Simon G. Kramer, President of the Synagogue Council of America.

This report is being sent to you on a <u>confidential basis</u> and not for publication.

J. C.

bk
Enc.

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

CONSTITUENT ORGANIZATIONS

National Agencies

American Jewish Congress
Jewish Labor Committee
Jewish War Veterans of the United States
Union of American Hebrew Congregations

Local, State, and Regional Agencies

Akron Jewish Community Council
Jewish Community Relations Council for Alameda and Contra Costa Counties, California
Baltimore Jewish Council
Jewish Community Council of Metropolitan Boston
Jewish Community Council, Bridgeport, Conn.
Brooklyn Jewish Community Council
Community Relations Committee of the Jewish Federation of Camden County, N.J.
Cincinnati Jewish Community Council
Jewish Community Federation, Cleveland, Ohio
Detroit Jewish Community Council
Jewish Community Council of Essex County, New Jersey
Community Relations Committee of the Hartford (Conn.) Jewish Federation
Indiana Jewish Community Relations Council
Indianapolis Jewish Community Relations Council
Community Relations Bureau of the Jewish Federation and Council
of Greater Kansas City
Community Relations Committee of the Los Angeles Jewish Community Council
Milwaukee Jewish Council
Minnesota Jewish Council
New Haven Jewish Community Council
Norfolk Jewish Community Council
Philadelphia Jewish Community Relations Council
Jewish Community Relations Council, Pittsburgh
Jewish Community Council, Rochester
Jewish Community Relations Council of St. Louis
Southwestern Jewish Community Relations Council
San Francisco Jewish Community Relations Council
Jewish Community Council of Greater Washington (D.C.)
Jewish Community Relations Council of the Jewish Federation of Youngstown, Ohio

C O N F I D E N T I A L C O N F I D E N T I A L

Report on

Institute on National Immigration Policy

Sponsored by the Archdiocese of Boston and Boston College

Held February 6-8, 1953
John Hancock Hall
Boston, Massachusetts

General Information: The Boston Institute on National Immigration Policy was the second Institute of its kind sponsored by official Roman Catholic Church circles. The first such institute was held in St. Louis last October and was sponsored by Archbishop Ritter and St. Louis University. The Boston Institute was sponsored by Archbishop Cushing and Boston College. Msgr. John O'Grady initiated both Institutes and is hoping to stimulate other such institutes elsewhere.

At the suggestion of Robert E. Segal, Executive Director of the Jewish Community Council of Metropolitan Boston, Father James L. Duffy, chairman of the Committee for the Institute invited me to attend. See copy of Father Duffy's letter of invitation and my reply which are attached to this report.

While this Institute was sponsored by the Roman Catholic Archdiocese, it was publicized as a public meeting to which everyone was invited. As contrasted with the St. Louis meeting which was held in a hotel meeting room with average attendance of about 30-75 persons at each session, the Boston meeting was held in the auditorium of the John Hancock Insurance Company Building which seats 1200. Because of the Sabbath, I did not attend the sessions Friday evening and Saturday morning. I was informed that there were about 625 people present at the first session Friday evening when Archbishop Cushing spoke. The sessions which I attended on Saturday afternoon and Sunday were attended by approximately 250 people. I understand the Saturday morning session had about the same number. Inasmuch as there was a pouring rain all day Saturday and a snow storm Sunday, I consider this attendance to have been good.

Also attached to this report is a copy of the program which speaks for itself. The speakers kept to the program except for Msgr. O'Grady who spoke briefly about his recent trip to Italy and India rather than to the subject listed on the program.

Sidelights and Personal Impressions: Prior to the Institute, Father Duffy sent me a wire in which he said that I would be given time to make a presentation on behalf of Jewish organizations as per the suggestion in my letter to him. I was called upon during the discussion period following the panel discussion Saturday afternoon. Attached to this report is an outline of my remarks which were extemporaneous. While it is always difficult for a speaker to evaluate the effectiveness of his own presentation, I would say that it was well-received. No one took issue with any of the statements I made

and after the session the usual polite comments were made by a number of the Catholic leaders.

At the opening of the Saturday afternoon session, Father Duffy announced that following the concluding session of the Institute on Sunday afternoon, there would be an informal discussion in the nature of a business session to consider and adopt conclusions and recommendations.

Between the Saturday and Sunday sessions, I prepared a draft of conclusions and recommendations for the Institute which I gave to Father Duffy shortly before the final session Sunday afternoon. (Copy appended). In the informal business session following the conclusion of the formal program, Father Duffy, as chairman, summarized the conclusions of the conference as he saw them, based on the presentations and the discussions at the various sessions. This statement, which Father Duffy was obviously reading was not along the lines of general principles as suggested in the attached draft. Rather, it was more detailed and dealt with specific and technical necessary revisions to the McCarran Immigration Law. This statement went right down the line beginning with the national origins quota system through various deportation, exclusion, and denaturalization sections. It seemed to me that this had been written by someone with technical know-how, and that the statement was too technical to be clearly understood by the audience. Toward the end of the statement, Father Duffy commented that he recognized that all of these desired and necessary revisions to Public Law 414 would probably require a long-range educational program and that meanwhile there is the emergency problem of the refugees which requires immediate attention.

As Father Duffy was leaving the auditorium, I asked him if I could have a copy of the statement. He informed me that there were no copies because it would be necessary for his committee to put it in final form. He promised to send me a copy when it is ready and it will, of course, be circulated promptly upon receipt. The statement as read by Father Duffy was adopted by a weak voice vote. I doubt if most people in the audience knew exactly what they were voting for.

A general discussion followed the adoption of the statement, during which one woman arose and urged the members of the audience to write to their Congressman to urge revisions of Public Law 414. At the conclusion of her statement, Father Duffy said that he approved of her suggestion. He then added that I had submitted a series of recommendations in writing in advance of the session which he fully endorses and which he recommends to the Institute. Thereupon, he proceeded to read verbatim the "recommendations" section in the attached draft of suggested conclusions and recommendations. Whether or not they will appear in the final report of the Institute remains to be seen.

Also during the informal business session, I was able to suggest from the floor that since it might be some time until a report of the Institute is printed, and in any event it was unlikely that the full text of the various papers which were read at the Institute could be included in such a report, it might be well to have the presentations which were made by Dr. Handlin, Governor Roberts et al inserted in the Congressional Record. This suggestion was received favorably.

General Observations: There can be no confusion (as there was last year) as to where the Catholic Church stands on the immigration issue and the McCarran Immigration Act. The Boston Institute, more or less, nailed down the positions heretofore stated by Archbishops Cushing and Ritter and Cardinal McIntyre at the hearings of the President's Commission and the subsequent statement of the Board of Bishops. The Boston Institute unequivocally condemned the Act and as indicated herein, actually went into specific changes which it recommends.

The problem of emergency legislation is still ticklish. In my informal talks with various people between sessions of the Boston Institute, I noticed an understandable conflict to which individual Catholics are subject. On the one hand, it is recognized that special legislation may be "a sop" and an effective way of killing off any possibility of securing a positive immigration policy and a good permanent immigration law at this time. On the other hand, there is a strong sympathy for the "plight of the hapless refugees, escapees, and surplus populations" and the need for immediate relief through immigration legislation. It is anyone's guess as to whether the Catholic group will continue to adhere to the present position of trying to take care of the "emergency" problem within the framework of changes in the basic law. I would say that much would depend upon the prospects in Washington in the near future.

In Boston, I renewed the acquaintance of Father James Doyle who is the Catholic Resettlement Director in Chicago. Father Doyle and I had met in St. Louis. During discussions with him in Boston we agreed that the problem now is to see that the views of the church become known and acted upon in the parishes. Father Doyle told me that for Chicago, his thinking is along the lines of a meeting of local Catholic leaders to develop the machinery for involving Catholics on the immigration issue in every parish. Father Doyle will be in New York City this week and he and I are to get together to discuss this in further detail.

Our participation in the Boston Institute was as warmly received as it was in St. Louis. Irrespective of any differences which may arise on questions of strategy, etc., the relationship between the NCRAC-Synagogue Council and the Catholic group, at least on the immigration issue as evidenced by the two Institutes in Boston and St. Louis, is a warm and friendly one. This friendly reception was in large measure due to the relationship of Bob Segal and the Jewish Community Council of Metropolitan Boston with Father Duffy and other key members of the Committee responsible for the Institute. It was evident that my friendly reception was due mostly to the fact that I was accepted as a friend and colleague of Bob Segal and that Bob and his agency are held in high esteem. This points up once again the value of a continuing friendly relationship between a local community council and non-Jewish religious groups.

JULES COHEN

2/10/53

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

C
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February 19, 1953

Rev. James E. Doyle
228 N. LaSalle Street
Chicago, Illinois

Dear Father Doyle:

As per our talk when you were in New York City recently the following are the names of key individuals in the respective Jewish organizations who I am sure will cooperate with you wholeheartedly in the establishment of a Chicago or Illinois "Committee on Immigration Policy", or in any other way it is decided in Chicago to conduct an educational campaign on the issue of American immigration policy.

Although you told me that you know Sam Goldsmith, just to make sure -- the address of the Jewish Federation is: 231 S. Wells Street.

The other names and organizations are as follows:

Gustave Falk, 127 N. Dearborn Street, Suite 1431. Mr. Falk is the Chicago representative of the American Jewish Committee.

Rabbi Sidney J. Jacobs, Executive Director, Chicago Division of the American Jewish Congress, 28 E. Jackson Blvd. His telephone number is Webster 9-4523.

Abbott Rosen is the Director of the Chicago office of the Anti-Defamation League of B'nai B'rith. The address is 327 S. LaSalle Street and the telephone number is Dearborn 4560.

Jacob Siegel, 1256 S. Kedzie Street is chairman of the Chicago Division of the Jewish Labor Committee. Miss Lillian Herstein is the Chicago staff member of the Jewish Labor Committee and she can be reached at: 127 N. Dearborn Street. Telephone -- Andover 3-1394.

Theodore Pickard, 32 W. Randolph Street is the Illinois State Commander of the Jewish War Veterans of the USA. Harry Hershenson, 39 S. LaSalle Street is the JWV Americanism Chairman.

(Cont'd on Page 2)

Rev. James E. Doyle February 19, 1953

Rabbi Alvin Schwartz, who can be reached at the Hebrew Theological College of Chicago, Douglas Blvd. at St. Louis, would represent the Union of Orthodox Jewish Congregations of America, which as the name implies is representative of the orthodox branch of Judaism.

Within the next few days I will send you the names of Chicagoans who would represent the Union of American Hebrew Congregations (the reform branch of Judaism) and the United Synagogue of America (the conservative branch).

I think it would be unfair to ask you to make so many telephone calls so I am sending a copy of this letter to each of the individuals named herein with the suggestion that they communicate with you.

Good luck in your efforts on the immigration issue in Chicago. It was good to see you again in Boston and in New York City and I enjoyed our talks immensely. As I wrote you shortly after the St. Louis Institute on Immigration the friendships I made at the meeting are a source of great gratification.

Best personal regards.

Sincerely,

JULES COHEN
National Coordinator

JC:bk

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

TO NCRAC Membership

FROM Jules Cohen, National Coordinator

DATE February 19, 1953

SUBJECT Immigration - Two Items of Interest

1) Recently, you received a copy of a letter which was sent by Henry I. Cohen, President of the Jewish Community Council of Easton and vicinity to Congressman Francis E. Walter expressing the concern of the Jewish Council regarding his attitude and his unwarranted attacks against critics of his bill by referring to their religion. The Council called upon Congressman Walter to apologize for his remarks.

Enclosed, for your information, and not for publication is a copy of the reply which the Easton Jewish Community Council received from Congressman Walter. The reply speaks for itself. Representatives of the Easton JCC have been invited and will participate in a meeting of the NCRAC Committee on Immigration which will be held next Tuesday. At that time, we will jointly consider the nature of the answer which the Easton JCC should make and other steps which should be undertaken in Easton and vicinity on the immigration issue.

It is possible that other congressmen and senators who voted for Public Law 414 may, mistakenly or otherwise, feel that they are being subject to personal attack and, in their judgement, unjustly being accused of "racism", etc. I trust we are agreed that it would serve no purpose and may hinder the educational campaign on behalf of a positive American immigration policy for legislators to receive the impression, wrongly or not, that this is a personal matter. It seems to me that we stand to gain much more by sticking to the issues as we have been doing. It is possible that in some isolated places overzealous individuals may have attacked senators and congressmen who voted for Public Law 414. You may wish to raise this point with all organizations and individuals who are participating with you in the educational program on the issue of American immigration policy.

2) Also enclosed is the text of a broadcast recently made by Eric Sevareid dealing with Public Law 414 and its implicationsin Norway. You may find this a particularly good piece of educational material.

May I remind you once again that the NCRAC is most anxious to be kept informed of all developments and would like to receive copies of all pertinent newspaper editorials, feature stories, and cartoons as well as such printed materials as may be produced locally.

J. C.

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February 11, 1953

Mr. Henry I. Cohen, President
Jewish Community Council
660 Ferry Street
Easton, Pennsylvania

Dear Mr. Cohen:

I am deeply hurt and offended by your letter of January 26. I feel that the Jewish Community Council of Easton and Vicinity owes me an apology. Not the other way around.

The Council and all my constituents, including my friends of the Jewish faith, know that I have never participated in any act of discrimination and that I do not need to defend myself on that score. I have a long record of public life and I feel very safe in standing on that record.

What has happened is simply the sad fact that a small band of people interested in keeping their jobs as professional immigrant handlers have been able, by lies and misrepresentation, slander and vilification, make many good people - but too busy to look up the facts - believe that the McCarran-Walter Act discriminates against one or the other religion, or one or the other national group.

If I am forced to do it, I will publicly name the names of the handful of people, unfortunately connected with Jewish organizations, who participate in that conspiracy which has first fooled and hoodwinked good and patriotic Americans like you and your associates, but who are now supplying ammunition to hostile Communist propaganda aimed at destroying our entire system of government. Before I expose this conspiracy I want your organization to either state chapter and verse where the law that I have co-sponsored is anti-Semitic, or to apologize for partiicpating in a vicious campaign organized against me.

Sincerely,

FRANCIS E. WALTER, M.C.

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February 5, 1953

MEMORANDUM

TO: Julius C. C. Edelstein

FROM: William B. Welsh

Mr. Richard Robbins of the Department of Sociology of the University of Illinois, has been doing considerable interviewing around the Senate on the prospects of a new immigration law, and the background of the passage of the McCarran Act. I've been giving him considerable time, and this morning he stopped by to let me know what information he has picked up. The following seem pertinent:

1. Republicans in the Senate, including Hendrickson's office, Smith of New Jersey, Case, etc., have indicated that they interpret Eisenhower's message to mean that one or two amendments providing for pooling of quotas and a review system would be satisfactory.

2. They indicated that they are waiting for more specific instructions from the White House.

3. They feel that any proposal that can be branded a Humphrey-Lehman proposal will have no chance of even being reported out of the Subcommittee on Immigration.

4. They do not have a clear idea of what organizational support they would be able to rally behind these amendments.

5. He found considerable opposition to the type of legislation which would establish an independent Immigration Commission--he felt this was because the recommendation was included in the President's Commission Report.

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

TO NCRAC Membership and Immigration Committee

FROM Jules Cohen

DATE February 26, 1953

SUBJECT Immigration

At a meeting of the NCRAC Immigration Committee which was held on Tuesday, it was decided that NCRAC should again write its member organizations regarding local activities on the immigration issue. We are, of course, urging that everything possible be done to mobilize support in behalf of a positive immigration policy and revisions to the Immigration and Naturalization Act of 1952. We are particularly interested to know what progress, if any, is being made regarding the organization of state or local "Committees on Immigration." Michigan has had such a Committee since last year. We know that such Committees have been organized or are in the process of being organized in Massachusetts, New Jersey, Philadelphia, Cleveland and the San Francisco Bay area. What's cooking everywhere else?

What with the clear-cut positions which have now been developed in Protestant, Catholic and Lutheran circles, and the similar forthright positions which were taken by the representatives of nationality groups, labor and civic organizations at the hearings of the President's commission, it should be much easier now than it was in the past to organize an inter-sectarian state-wide or city-wide group to spearhead the educational campaign on the immigration issue.

Please let us know what, if anything, is happening in your territory in this regard.

J. C.

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

March 4, 1953

TO: The NCRAC Membership and NCRAC Immigration Committee

FROM: Jules Cohen, National Coordinator

SUBJECT: National Lutheran Council statement on Immigration

Enclosed for your information is the press release distributed by the National Lutheran Council in connection with its 35th annual meeting in Atlantic City.

The full text of the statement will be sent to you within the next few days.

J. C.

NEWS BUREAU
National Lutheran Council
50 Madison Avenue
New York 10, N. Y.

Erik W. Modean
MUrray Hill 6-8860

Release after 2 p.m., Thursday, Feb. 5

NLC HEARS IMMIGRATION LAW SHOULD BE CHANGED

Atlantic City, N. J. -- (NLC) -- A strong appeal for changes in the United States immigration laws was voiced at the National Lutheran Council's 35th annual meeting here.

"The discriminations written into the very wording of our immigration laws cannot stand uncontested in the face of the rising tides of racial self-respect among all the darker peoples of the earth," it was stated here by the Rev. Dr. T. F. Gullixson of St. Paul, Minnesota.

Dr. Gullixson, president of Luther Theological Seminary at St. Paul, is chairman of the Council's supervisory committee for Lutheran Resettlement Service.

He was a member of the special Commission on Immigration and Naturalization appointed last fall by President Truman to study the controversial so-called McCarran immigration law, in effect since December 24, 1952.

"It is obvious," he said, "that the collective citizenship of our country has the right to decide who shall be invited to the privilege of citizenship here."

But, he added, "it is also obvious that the law by which they come should not carry implications which are at variance with the principles upon which the nation is founded."

Warning that "enlightened American citizenship must be alerted to the possible consequences of indifferent disregard" in these matters, Dr. Gullixson analyzed the main issues of the present immigration law criticized by the special commission.

He quoted the Commission's conclusion that "the law embodies policies and principles that are unwise and injurious to the nation," and "rests upon an attitude of hostility and distrust against all aliens."

He also quoted the conclusion that the law "applies discrimination against human beings on account of national origin, race, creed, and color."

Such a conclusion, he observed, "is inevitable especially against non-white races of other continents; but also against American Indians, and American citizens of Negro ancestry, in establishing the basis for the very immigration quota itself."

The Commission's conclusion that the present law "ignores the needs of the United States in domestic affairs and foreign policies," Dr. Gullixson continued, "must stand in the face of rapidly accumulating evidence."

Another "apparent injustice which cannot stand," Dr. Gullixson added, is the distribution of immigration quotas among various European nations.

He pointed out that 81.6 per cent of the European quotas are allocated to Northern and Western countries while, in fact, of all quota immigration in the 22-year period, 1930-1951, 42.4 per cent came from Southern and Eastern Europe.

"This actuality," he said, "should be remembered when voices shout about the racial and religious prejudices ruling our immigration policies."

However, he added, "the real crux of the problem is our relation to that two-thirds of the human race which is not white."

Only 1.1 per cent of the quota immigrants during the aforementioned period came from Asia, 0.3 per cent from Africa, 0.4 per cent from the Pacific Islands, Dr. Gullixson explained.

He stressed that the special commission has recommended that the present national origins quota system be replaced by a unified quota system which would allocate visas without regard to national origin, race, creed and color, but on the basis of the following five categories: the right of asylum; reunion of families; needs in the United States; special needs in the free world; general immigration.

According to the commision's recommendation, the distribution of visas and supervision of immigration should be taken out of the hands of the Departments of State and Justice and taken over by a special consolidated agency for immigration matters.

The maximum annual quota immigration should be one-sixth of one per cent of the population of the United States, as determined by the most recent census, according to the commission.

Dr. Gullixson observed that this "bold though radical" substitute for the racial origins system "establishes for the legislative, as well as the administrative department of government a continuing and constant responsibility in relationship to access to residence and citizenship in the United States."

"In the present world circumstances," he stressed, "few responsibilities are more important than keeping the portals of the nation."

"The tremendous pressures which will be brought to bear on the government agencies by minorities within and forces outside the country are realized and admitted," Dr. Gullixson continued.

"But," he emphasized, "the importance of the issue to the inner peace and outward well-being of our nation warrants facing the stresses and aggravations."

The Lutheran immigration expert informed the Council that proposals are already under way in both houses of Congress for emergency legislation to care for the needs in some European countries with refugee and overpopulation problems, and pointed out "it is obvious that such proposals will draw strong support."

However, Dr. Gullixson warned that even though emergency solutions "may care for the self-interest of European groups," they may "leave un-answered the issue which is even more important to the United States in her present attempt at world leadership."

This more important issue, according to Dr. Gullixson, is "the opportunity to tell the non-white two-thirds of the human race that we do not regard them as inferior members."

The National Lutheran Council, he concluded, has "unequaled opportunity through Lutheran World Service to know the mind of these people," and "must not be careless in forming its judgments and directing its influence" in matters of United States immigration policies.

NLC CALLS FOR CHANGE
IN US IMMIGRATION LAW

Atlantic City, N. J. -- (NLC) -- The National Lutheran Council's 35th annual meeting here issued a call for early changes in United States immigration laws, laid down general principles of the Council on immigration and naturalization matters, and adopted plans to establish a permanent Lutheran immigration service.

The Council "noted with gratification" President Eisenhower's request included in his State of the Union message, that the Congress review existing legislation on immigration and naturalization and expressed hope that Congress "will seek a just and workable substitute for the national origins quota system, "maintained in the present law.

It also recommended admission of 100,000 refugees, expellees, escapees, and remaining displaced persons annually "under a statutory priority within a maximum annual quota of 250,000."

The present law, the Council voted, should be amended "so as to accord naturalized citizens who have acquired United States citizenship in good faith the same rights and protection enjoyed by American-born citizens."

This call for action on proposed changes in the present legislation was adopted by the Council after the meeting had agreed on general principles governing the Council's position on immigration legislation generally.

The United States, these principles stated, should continue to cooperate financially and otherwise with other nations in dealing with the problem of refugees in Europe and other parts of the world.

"As a part of its contribution to the solution of the refugee problem, the U. S. should continue to receive as many refugees as can be integrated into its social and economic life," the Council voted.

"The principle of flexibility should be incorporated in our basic immigration law, so that emergency needs may be met without disruption of the ongoing pattern of immigration," and "in determining eligibility for admission (of immigrants), preference should be given on the basis of family relationships, the need of refugees for asylum, the need of the U. S. for special skills, and similar criteria," the Council advised.

"Provisions for appeal from decisions should be strengthened to guard against arbitrary administration of the law," it added.

To aid Lutheran immigrants coming into the United States, to cooperate with Lutheran World Service of the Lutheran World Federation in aiding refugee resettlement all over the world, and to represent the Council's view on immigration matters, the meeting also approved plans for a permanent Lutheran immigration service.

The establishment of this new agency within the Division of Welfare, is subject to approval by the cooperating church bodies. Hope was expressed here, that the Lutheran Immigration Service may start operations in 1954, since Lutheran Resettlement Service is going out of existence by the end of 1953.

If approved by the church bodies, the services of the new agency will include reception at the ports of entry, referral of incoming Lutherans to congregations for spiritual ministry, and information and counsel on immigration procedures and problems.

The planned agency would also take over on-going services to resettled former displaced persons now carried on by Lutheran Resettlement Service.

The actions of the Council meeting here were based on reports by its welfare and resettlement work leaders.

The strongest appeal for changes in the present immigration law was voiced by Dr. T. F. Gullixson, president of Luther Theological Seminary at St. Paul, Minn., and chairman of the NLC Supervisory Committee of Lutheran Resettlement Service.

Dr. Gullixson was a member of the special Commission on Immigration and Naturalization appointed last fall by President Truman to study the controversial U.S. Immigration and Naturalization Act, in effect since December 24, 1952.

Quoting the commission's finding that the law "applies discrimination against human beings on account of national origin, race, creed, and color," he stressed that the law is especially unjust against "the two-thirds of the human race which is not white."

"The discriminations written into the very wording of our immigration laws cannot stand uncontested in the face of the rising tides of racial self-respect among all the darker peoples of the earth," he declared.

He pointed out other "apparent injustices which cannot stand," and reminded the Council of its "unequaled opportunity through Lutheran World Service to know the mind of the people" in all parts of the world. In view of this opportunity, Dr. Gullixson concluded, the Council "must not be careless in forming its judgement and directing its influence" in matters of United States immigration policies.

Dr. Gullixson's statements were supported at the sessions here by Dr. Clarence E. Krumbholz, who submitted principles and plans for continued immigration services on behalf of the Division of Welfare, and Miss Cordelia Cox, director of Lutheran Resettlement Service.

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National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

TO NCRAC Immigration Committee

FROM Jules Cohen, National Coordinator

DATE March 10, 1953

SUBJECT Three Items of Interest

Enclosed, for your information, are the following items:

1) A report on a conference with Senator Taft which was held last Thursday. I trust you agree with me that this summary should be kept on a confidential basis.

2) A memorandum which pulls together latest information regarding a possible conference of the religious groups with President Eisenhower and the positions of the Christian communions on the issue of emergency legislation. This too should be held in confidence.

3) A copy of the most recent NCRAC Legal and Legislative Information Bulletin which analyzes the report of the President's Commission on Immigration and Naturalization.

J. C.

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Encs.

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

C O N F I D E N T A L

TO: NCRAC Immigration Committee

FROM: Jules Cohen, National Coordinator

DATE: March 9, 1953

SUBJECT: Summary of conference with Senator Robert A. Taft, Thursday, March 5

Background and Summary

On behalf of the agencies in the Immigration Policy Committee Roland Elliott had requested an appointment with Senator Taft some time ago. At one time an appointment was set, but the Senator was unable to keep it. The conference was held with the Senator, Thursday afternoon, March 5th at the Senator's office in Washington.

The delegation which met with the Senator was comprised of Roland Elliott and Dr. Adams, for the National Council of Churches; Dr. Van Dusen and a Mr. White, for the National Lutheran Council; Father Wycislo attended for War Relief Services, NCWC and Jules Cohen for the Jewish organizations.

In advance of the meeting with Taft, the delegation met at the Washington office of the NCCC where it was agreed that Elliot would make a brief opening statement and thereafter questions would be put to the Senator regarding the immigration issue. At this advance meeting I suggested to Elliott that while I understood that he would probably raise the emergency legislation issue, at the same time I thought it would be bad to open our conference with Taft at this level.

In his opening statement Elliott said that the delegation represented the various "church groups" and not only the immigration agencies. He indicated that we requested this conference because of our concern over American immigration policy which should be more positive. He said that our present policy is having a bad effect on the foreign policy of our country. He did say that our interest is heightened as a result of the present emergency and cited as an example the current migration from East Berlin. He concluded with observations that the group present have a specialized background since "collectively we resettled 90% or more of the DP's."

Elliott then asked Taft the question "where does the immigration question stand?" To which Taft replied, "dead center."

In elaborating on this answer it was clear that he meant that so far as he knew there is no movement on the issue. Our concern was then registered over the fact that the immigration is not among the recently publicized 11 point program of "must" legislation for this session of Congress. Senator Taft deprecated the omission and said that it has no significance whatever. He added that the 11 items report those suggestions on which agreement could be reached quickly and when the 11 points were adopted, other items which required further discussions or which were deemed controversial, were tabled. Later in the conference the Senator showed us his copy of the series of items from which the 11 points were adopted. There were 16 subjects in all, number 15 being entitled "Study of Amendments to Immigration Law."

The Senator was asked whether the issue of immigration has been discussed with any of the Monday morning conferences with the President. He immediately replied no, but then qualified this reply by saying that he didn't recall if it was at a Monday morning conference or at another time but when he last talked with "Ike" about immigration, the "General" seemed to be for pooling of unused quotas.

Taft went on to say that it is extremely important to get to the President. In the Senator's view it is necessary for a conference to be held between the President and key congressional leaders. He then observed that the President "is prone to call such conference."

Taft did not know that the bill to amend Public Law 414 has not yet been introduced.

At one point in the conference he said "I wonder what my responsibility is." Thereupon he rummaged among the papers on and near his desk and came up with the 1952 Republican platform. He was told that the Republican platform does not contain a plank on immigration. (Father Wycislo added "not that we didn't try").

Regarding the National Origins Quota System, Senator Taft said that this issue has not been brought to Congress. He cited as an example the fact that he himself has never heard any arguments against the national origins quota system. He said that he voted for the McCarran bill because essentially it only codified the old immigration law. It did not change the quota system which was in the old law. The Senator believes that hearings should be held so that the Congress can hear arguments on what's wrong with the national origins quota system. He observed that Senators Watkins and Langer are probably the ones to take leadership, but first the White House must give direction. Repeatedly, he kept referring to the importance of meeting with the President. Regarding the possibility of changing the national origins quota system, Taft said "it would be difficult but not impossible."

The Senator was then asked for his support on the issue. He made the specific promise to raise the immigration issue at one of the Monday morning conferences with the President.

Reference was made to the possibility of emergency legislation, but the Senator did not react. It seemed to me that he was completely unaware of the emergency legislation issue and its pertinence to the broader question of American immigration policy.

General Impressions and Comments

The Senator was affable and friendly.

It was evident that he is not familiar with the details or the ramifications of the immigration issue. In a general way he indicated that he knows the McCarran law should be amended.

It seems to me from what he said and his attitude toward the delegation, that he is not among the strong supporters of the McCarran law. On the contrary, I would say that if a way could be found to familiarize him with the inequities of present American Immigration policy and Public Law 414 he might be actively involved in the movement to revise the present law.

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

To: NCRAC Immigration Committee

From: Jules Cohen, National Coordinator

Date: March 10, 1953

Subject: Miscellaneous Information of Interest

1. At the last meeting of the NCRAC Immigration Committee it was decided that an informal conference should be held among the representatives of the religious groups to assess current developments in Washington and to consider what could be done in furtherance of the establishment of a national committee on the immigration issue.

Such a conference, initiated by Arthur Greenleigh, was held at the offices of the National Lutheran Council Tuesday afternoon, March 3rd. Present were: Walter Van Kirk and Roland Elliott for the National Council of the Churches of Christ; Clarence Krumholz for the National Lutheran Council, Miss Littke for War Relief Services NCWC; Arthur Greenleigh and Jules Cohen for the Jewish agencies. Van Kirk took the position that the White House is giving us a "run around" in not meeting with us. He then said what Greenleigh and I had told Elliott weeks before namely, that a letter asking for an appointment with the President should be signed by the names of the heads of the respective religious groups rather than by Roland Elliott in behalf of the operating agencies. He added that he could "deliver" Dr. Martin, the recently elected chairman of NCCC. He suggested that the other signatories should be the President of the National Lutheran Council (Dr. Franklin Fry?); Rabbi Simon G. Kramer for the Synagogue Council of America and one of the Archbishops for the Catholic group. This met with general approval.

We realized it might not be possible to have a single joint letter and it was agreed as an alternative, it might be equally effective to have concurrent letters sent "in the knowledge that" the other groups were writing along similar lines and indicating that a single delegation would wait upon the President. Miss Littke informed the group that the Board of Bishops is meeting in Washington on Thursday, March 5th to consider questions of policy and strategy in connection with the immigration issue and that she would communicate the view of our group to the Washington meeting. On Thursday afternoon, immediately after the conference with Senator Taft, Father Wycislo informed us that he had put before the Chairman of the Bishops meeting, the possibility of a joint or concurrent letters and he expected to have some information for us in a day or two. All were agreed that a conference with the President is our immediate first priority.

In the course of this informal meeting Walter Van Kirk summarized the positions of the various organizations on the question of emergency legislation saying that apparently the Catholics, the Lutherans and the Jews have parallel positions in wishing to take care of the emergency problem within the framework of changes to the basic law and that the NCCC is alone in giving first priority to emergency legislation. Dr. Krumholz agreed with Van Kirk's statement.

Also at the meeting Tuesday afternoon, a little time was spent on what we might do on an individual basis in the matter of a National Citizens Committee. Mr. Elliott informed the group that he had talked with Harper Sibley who expressed deep interest but he could not do anything until he returned from a trip to India some time in May. Other names were discussed but no definitive conclusions were arrived at, except that presumably everyone is trying to get the right kind of leadership for such a committee.

2. The issue of emergency legislation:

(a) The Protestant group: On the basis of Dr. Van Kirk's statement referred to above, and the memorandum sent by Dr. Van Kirk and Roland Elliott to local affiliates of the NCCC in December, it seems perfectly clear that the NCCC is giving first priority to special legislation although its position on the need to revise Public Law 414 is clear-cut. At the same time, when our delegation met in Washington in advance of our conference with Senator Taft, Dr. Adams who commutes from New York to Washington for the NCCC, told me that the position of his organization is to strive for changes in the McCarran Law but failing that objective within a reasonable time, to support special legislation. During our conference with Taft, Adams tried to state this position when Roland Elliott raised the possibility of emergency legislation. However, as I indicated in my summary of the Taft conference, this issue seemed to be entirely lost on the Senator. My own strong feeling is that Van Kirk and Elliott express the true position of the NCCC which is that of giving first priority to emergency legislation.

(b) The Catholic group: Today I had occasion to talk with Father Wycislo (Msgr. Swanstrom's associate) and asked him what, if any, conclusions had been arrived at by the Board of Bishops at their meeting last Thursday. Firstly, he said there would be no public pronouncements and what he was about to tell me is in strict confidence. I pass this information on to you on the same basis. He then said that the "Washington immigration boys" took the position at the Bishops meeting that there is a much better chance for emergency legislation and among other things they cited the bill recently introduced by Senator Langer. Nevertheless, War Relief Services was instructed to continue along the lines of the present policy of working

for preferences for refugees within the framework of amendments to the basic law, but with authority to change over and get behind emergency legislation whenever it is felt there is no chance for amendments to Public Law 414 at an early date. War Relief Services was also authorized to continue with its educational campaign on the issue of American immigration policy. According to Father Wycislo there will be more Institutes on Immigration such as the two which were held in St. Louis and Boston and educational materials sponsored by the Catholic group.

How long the Catholic and Lutheran groups will stand by their present position or shift to a policy of getting behind the drive for emergency legislation remains to be seen.

NCRAC legal and legislative information BULLETIN

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

No. 16 March 10, 1953 9 East 38th Street • New York 16, N. Y.

Report of the President's Commission on Immigration and Naturalization

ON JUNE 27, 1952 the Eighty-Second Congress passed the Immigration and Nationality Act of 1952 (P.L. 414), known as the McCarran-Walter Act for its Senate and House sponsors. The Act was adopted over President Truman's vigorous veto and despite strong opposition from many civic, labor, religious and other groups. Since its enactment it has occasioned increasing resentment as its restrictive and discriminatory provisions have become more generally known and as the public has been made aware of the hurt it has done to American traditions and American foreign relations.

On the very first day of the new year, that hurt to our national prestige and morale was dramatized by the Report submitted by the President's Commission on Immigration and Naturalization, appointed September 4, 1952 by President Truman to review and assess our immigration policies. Compiled after months of intensive public hearings across the country and on the basis of some 634 oral and written statements from specialists in every field of American life, the Commission's Report, titled "Whom We Shall Welcome," is the first official statement by a government commission in the thirty-five years since general limitations on immigration have become accepted and respectable, which recommends an increase (from 154,657 to 251,162) in the numbers of aliens to be admitted annually and which urges the freeing of our immigration system from the racist restrictions which now fence it in. The factual appraisal of our immigration system embodied in the Commission's Report presages a new approach to American immigration policy premised on American needs and reasoned hospitality rather than unreasoning hatred. The Report represents a maturing of our national temper to the point that we can stop daring the immigrant to get here and start inviting him to come.

The President's Commission on Immigration and Naturalization, whose Report is here summarized, was comprised of public figures of singular distinction. The Commission was headed by Philip B. Perlman, former Solicitor General of the United States, and its Vice Chairman was Earl G. Harrison, former Commissioner of Immigration and former Dean of the University of Pennsylvania Law School. Its other members included Msgr. John O'Grady, Secretary of the National Conference of Catholic Charities; the Rev. Thaddeus F. Gullixson, President of the Lutheran Theological Seminary of St. Paul; Clarence E. Pickett, Honorary Secretary of the American Friends Service Committee; Adrian Fisher, Legal Advisor to the State Department; and Thomas C. Finucane, Chairman of the Board of Immigration Appeals of the Department of Justice. Its Executive Director was Harry N. Rosenfield, who last served throughout the life of the displaced persons program as one of the three Displaced Persons Commissioners.

The 319-page Commission Report provides a detailed statement of the ingredients necessary for a just and feasible immigration law. Some of its major conclusions may be summarized:

(1) NATIONAL IMMIGRATION COMMISSION

At the present time, responsibility for the administration of our immigration law is divided between the Foreign Service of the State Department, which is assigned the function of preliminarily examining applicants for admission and of issuing visas to those found qualified, and the Immigration and Naturalization Service of the Department of Justice, which is charged with responsibility for the rest of the immigration process. This unnatural division of function results inevitably in waste, uncertainty and administrative duplication. The consular officer overseas must determine the alien's admissibility to the United States before he can issue a visa. The Justice Department immigration officer at the port of entry similarly must determine the alien's admissibility before he can permit entry to the United States. Both interpret and apply the same law. Apart from being costly and unwieldy, the requirement of two independent examinations where one should suffice frequently results in the exclusion of aliens solely because of varying interpretations of identical statutes.

In 1949, the Hoover Commission sharply condemned this patchwork arrangement and urged that all immigration functions be consolidated in a single agency. The Commission's Report makes a similar recommendation.

The Report, however, recommends that these functions be vested in *an independent administrative body, to be appointed by the President subject to Senate confirmation.* The Commission finds that inclusion of immigration functions within existing government departments has proved consistently unworkable. The State Department, which is primarily responsible for our foreign relations and for the protection of property and personal interests of American citizens in foreign countries, has generally regarded its immigration function as secondary and onerous. The Department of Justice, on the other hand, is primarily a litigating and prosecuting agency, historically charged with insuring stringent enforcement of existing law. But more than mere stringency is required in immigration matters.

The Commission's Report urges therefore the establishment of an independent, permanent Commission on Immigration and Naturalization.

(2) QUOTA SYSTEM

(a) *Numbers to be admitted*

The McCarran-Walter Act authorizes a maximum annual immigration of 154,657. This figure is predicated on a flat

one-sixth of one per cent of the 1920 census, *excluding Negroes, American Indians, and other non-white persons in the population.* Whatever its basis when first used in the 1924 Act, there can be no possible justification today for continuing to base our annual immigration on a census which has been sharply criticized for the unreliability and inaccuracy of its statistical methods. Nor can there be any reason save racial bigotry for excluding non-whites from the total count. If it is agreed, as the McCarran-Walter Act tacitly admits, that the absorptive capacity of this country permits the annual immigration of one-sixth of one per cent of our population, then it should be computed in terms of the most recent tally of all the population.

The Commission's Report, therefore, urges the establishment of a maximum ceiling on annual immigration of one-sixth of one per cent of the total population in the last available census.

Based on the 1950 census, that formula would permit an annual immigration of 251,162, *an increase of about 100,000 a year over the present authorization.* Keying the immigration ceiling to a percentage of the total population will automatically permit the numbers made annually admissible to adjust to the natural increase in our population.

(b) *Method of Selection*

The McCarran-Walter Law perpetuates and extends the infamous National Origins Quota System which was adopted in 1924 for purposes admittedly and blatantly racist in character. Eligibility for admission is framed solely in terms of place of birth. All considerations of personal merit are irrelevant. In 1924, as under the McCarran-Walter Act, the maximum annual immigration was approximately 150,000. Within this total, the National Origins Quota System allocates visas to various countries in direct proportion to the percentage that the people of that country bore to the total population of 1920. Under this plan, roughly 107,000 of the approximately 150,000 total annual quota is reserved for the use of persons born in England, Ireland and Germany. The purpose of the National Origins Plan is candidly that of preferring the White-Nordic groups and of restricting immigration of "unassimilable" Southern and Eastern Europeans and Asians. As Senator Reed, sponsor of the National Origins Plan, in 1924 confessed, "I think most of us are reconciled to the idea of discrimination."

The racism of the 1924 Plan has been compounded under the McCarran-Walter Act by the so-called "Asian half-ancestry rule." This provision requires that persons of Asian races—unlike all other immigrants—shall not be accorded visas on the basis of their place of birth. No matter where in the world he may be born, a person who is attributable by as much as one-half of his ancestry to races indigenous to Asian countries is required to seek entry into the United States under the minimum quotas of 100 a year allotted those lands. The McCarran-Walter Act thus imputes to orientals an ineradicable stigma.

Moreover, the National Origins Quota System by assigning the largest quotas to countries with the smallest demand has occasioned a tragic waste of immigration opportunities. The British, for example, have shown little desire to emigrate to this country. Only some 68,700 quota numbers out of the permissible 155,800 per year have been used on the average in the twenty-eight years since the quotas were instituted. In other words, since the 1924 Act was adopted, fifty-six per cent of the quotas have been forfeited. Meanwhile, countries with tiny allocations and enormous demands have oversubscribed their annual quotas. The Displaced Persons Act permitted "mortgaging" of national quotas for an indefinite time into the future. This has resulted in the using up of all quotas for Latvia, up to the year 2274, Estonia to the year 2146 and Yugoslavia and Greece to the year 2014. The Commission's Report comments: "The National Origins System is based on fears and assumptions unsubstantiated by physical science, history, sociology, economics or anthropology . . . since the basis of the National Origins System is gone, the system itself should go."

In place of the National Origins Plan, the Commission recommends that visas be distributed without regard to race, creed, color, place of birth or ancestry among the following five categories:

i. The Right of Asylum

Special consideration should be given to refugees, escapees, expellees and other persons suffering from political, religious and economic persecution. In this connection the Commission further recommends *a temporary priority for the annual admission over a three-year period of 100,000 such refugees,* escapees and remaining displaced persons. The purpose of this recommendation is to meet an existing emergency and still remain within a flexible, permanent immigration pattern obviating the need for piecemeal special legislation.

ii. Reunion of Families

Special consideration should be given to immigrants whose admission would result in uniting families.

iii. Needs in the United States

Special consideration should be given to persons whose vocational skills enable them to fill needs certified by the secretaries of Agriculture, Commerce, Defense or Labor as necessary for our national welfare.

iv. Special Needs in the Free World

Special consideration should be given to immigrants from countries in the free world where immigration can alleviate hardships that threaten economic, political or social stability.

v. General Immigration

Part of the annual quota should be reserved for persons who may be neither refugees nor relatives nor possessed of special skills but who may be simply desirable immigrants of good character.

The Commission's Report further recommends that every three years the permanent Commission on Immigration and Naturalization be authorized to readjust the number of visas to be assigned to each of the above categories.

(3) NON-QUOTA IMMIGRANTS

In addition to those immigrants admitted for permanent residence under the quota system, the Commission recommends that the present practice of granting non-quota status to certain classes of immigrants be continued. Thus *the Commission would grant non-quota status to all persons born in independent countries of the Western Hemisphere regardless of race or color.* The extension of non-quota visas to natives of countries in the Western Hemisphere has long been regarded as an important adjunct of our "good neighbor" foreign policy. The Commission moreover would eliminate all discrimination and restrictions against colonies in the Western Hemisphere as a special class. Immigration from colonial

countries has hitherto been within mother country quotas. The McCarran-Walter Act sets quotas of 100 for various West Indian colonies. The Commission would remove these curbs, imposed by the McCarran-Walter Act chiefly as a means of restricting Negro immigration from the British West Indies.

Similarly, the Commission would reinstate all previous non-quota status accorded professors, clergymen and other similarly placed persons prior to the McCarran-Walter Act. Finally the Commission would grant non-quota status for close relatives of citizens including: spouses, children (including adopted and stepchildren), parents and grandparents.

(4) ADMISSIONS AND EXCLUSIONS

The Commission's Report recommends flexibility in place of the present rigid bars against certain classes of aliens. For example, persons who have been convicted of a single crime involving moral turpitude (crimes "involving moral turpitude" include the more serious criminal offenses) are now permanently excluded. The President's Commission would grant administrative discretion to waive this ground if the alien has proved a person of good moral character for five years and does not exhibit criminal tendencies. It recommends, however, that two convictions for crimes involving moral turpitude continue to be a conclusive bar.

Where such convictions occurred in totalitarian countries, however, the Commission would authorize immigration officials to inquire into the circumstances of the crime in order to determine whether the conviction was actually for a crime involving moral turpitude under American standards. This would preclude disqualification of aliens whose only offense was breaking repressive or discriminatory laws promulgated, for example, by Communist countries or by Hitler Germany.

The Commission further urges the complete elimination of a new provision in the Act of 1952 which bars aliens who have been convicted of two or more offenses, regardless of whether they involve moral turpitude, if aggregate sentences of more than five years were imposed and despite the fact that sentences may have been suspended. The Commission notes that this provision denies the possibility of rehabilitation; permits exclusion for minor infractions of the law; makes foreign governments the final arbiters of American law; and disregards possible judicial recommendations of leniency.

The Commission would also eliminate the numerous instances of restrictive discretion to immigration officials contained in the Immigration Act of 1952. Under the law, for example, the President is permitted to suspend immigration for any reason "he may deem to be appropriate" and for any period "he may deem necessary" (Sec. 212) (B); aliens may be excluded if "in the opinion of" the consular officer or the Attorney General they are likely to become a public charge (212) (A) (15); and aliens are barred if the consular officer or the Attorney General "has reason to believe" they seek to enter to engage in activities prejudicial to the interests of the United States. The Commission urges that such discretionary authority should not remain undefined but that in each case standards must be prescribed to control administrative action and to prevent administrative arbitrariness or abuse of authority.

In general, the Commission urges that provisions respecting the exclusion of aliens should not (as is provided by the McCarran-Walter Act) be held applicable to aliens who only temporarily depart from the United States after having established lawful, permanent residence in this country. In all cases of this type, *the Commission recommends that a re-entry permit issued prior to departure by the appropriate federal official insure and guarantee a resident alien temporarily abroad, the right to return to the United States.* Once an alien has qualified for permanent entry, it is inequitable to compel him to requalify every time he ventures beyond our borders. Under the McCarran-Walter Act, for example, an alien who contracts tuberculosis while residing in this country would be excluded from re-entering if he dared to visit abroad.

Finally, to insure a maximum exchange of persons with other lands, the Commission proposes that our exclusionary provisions should apply to non-immigrants and temporary visitors only when those grounds are related directly to the health, safety or security of the United States. In all other cases temporary visitors should be exempt from the exclusionary provisions of our immigration laws.

While the Commission continues to retain limitations against those who seek to gain entry into the United States through fraud or unlawful misrepresentation, it recognizes that millions of persecutees in headlong flight from totalitarian oppression have frequently found it necessary to hide the facts concerning their antecedents and identity. The Commission, therefore, would accord immigration authorities discretion to grant admission in such cases.

(5) DEPORTATION

The McCarran-Walter Act vastly expands the offenses for which aliens may be made deportable. Aliens are now subject to banishment for minor and even trivial offenses. The Commission's Report recognizes that frequently a criminal alien is "A product of our society . . . if such a person offends against our laws, he should be punished in the same manner as other citizens or residents of the United States and should not be subject to banishment from this country. We cannot expect other countries to take, and continue to take, undesirable people who have no real ties with them."

The Commission therefore recommends that no alien shall be subject to deportation if he was lawfully admitted to the United States for permanent residence before the age of sixteen years or if he was lawfully admitted for permanent residence and has resided in the United States for twenty years.

The theory in these cases is that any subsequent improper conduct must properly be regarded as deriving from conditions within the United States, rather than from characteristics or attributes the alien brought with him from abroad.

The Commission's report recommends that technical defects in the immigration of aliens should not constitute a continuing basis for deportation. If an alien has been admitted for permanent residence he should not thereafter be subject to expulsion for technical defects in connection with his entry or status in the absence of any fraud or illegality for which he is personally culpable. The Commission's recommendations would place the burden for compliance with the host of technical requirements involved in the immigration process upon the properly constituted officials of the immigration service. If an alien has acted in good faith and is apparently lawfully and regularly admitted by immigration officers, there is no justifiable reason why his status in the United States should remain perpetually insecure because of administrative error.

The Commission's recommendations also would prohibit deportation for frivolous or minor reasons. Thus, the Commis-

sion recommends that present provisions authorizing deportation for minor infractions of the Alien Registration Act be eliminated. The Commission would eliminate deportation for narcotic addiction and instead would make deportable those who engaged in the unlawful traffic of drugs as provided by law prior to the 1952 Act. This would insure that the same criteria would not be invoked for those who actively engaged in the sale or distribution of drugs and for their unfortunate victims.

The McCarran-Walter Act in many other cases eliminates statutes of limitations contained in the old law. For example, Section 241 (a) (1) makes deportable at any time—even 50 years after entry—an alien who was excludable under the law existing at the time of his original admission. One of the most distinguishing characteristics of our system of law is that for all save the most heinous of offenses, generally capital crimes, statutes of limitations prevent prosecution after a prescribed period. It has been found in the public interest to permit accused persons to be freed from the threat of possible prosecution after a number of years during which memories may lapse, witnesses become unavailable and proof generally grows uncertain.

The President's Commission therefore proposes that no deportation proceedings be commenced against any alien more than ten years after the deportable act took place.

This ten-year statute of limitations for all deportable offenses would remove the cloud which now forever hovers above resident aliens.

The McCarran-Walter Act, for the first time in our history, retroactively made aliens deportable for conduct that violated no law and warranted no punishment at the time it was committed. *The Commission's Report urges that all blanket retroactive provisions in the McCarran-Walter Act be repealed* and that no alien be made deportable under any circumstances, save for conduct criminal in nature at the time of its commission.

(6) RELIEF IN DEPORTATION CASES

(a) *Voluntary Departure*

Persons may frequently be found deportable for reasons which impute no personal blame. For example, temporary visitors often are involuntarily delayed or prevented from leaving the United States at the time of the expiration of their visas. In other instances personal fault is slight or difficult to assess. Visitors may sometimes wittingly or unwittingly fail to comply with the host of technical laws pertaining to entry. Often the legal violation involved is nominal or unimportant. Under the McCarran-Walter Immigration Act deportation nevertheless is mandatory in all such cases.

Deportation, however, is a drastic penalty which attaches a personal stigma. Deportees from the United States commit a crime if they thereafter attempt to re-enter without specific permission of the Attorney General and such permission is usually difficult to obtain. To minimize such situations and to save the government the trouble and expense of deportation, discretion to permit "voluntary departure" was granted administrative officials under the pre-McCarran law. Voluntary departure consisted merely of permitting the deportable alien to leave the United States within an alloted time but without a deportation order. This fulfilled the legitimate needs of our government and at the same time in meritorious cases accorded the alien a modicum of protection against unwarranted or excessively harsh penalties.

The McCarran-Walter act, however, seriously curtails the availability of this relief by restricting the persons of "good moral character" and then defining this term in a way which virtually disqualifies all those who might seek to claim its benefits. *The Commission recommends that this situation be corrected by granting immigration officials full discretion to permit aliens illegally in the United States to depart at their own expense.*

(b) *Pre-examination*

Our immigration law has long prohibited consular officials from issuing visas within this country. Aliens in a temporary or irregular status, who desired to establish permanent residence and except for their physical presence in the United States are fully qualified to do so, until 1935 accordingly were required to return to their country of origin in order to obtain a visa which then entitled them immediately to return to this country. In 1935 the Immigration Service introduced a practice known as "pre-examination" under which prospective immigrants already in the United States were examined while here to determine their admissibility. Upon being found eligible they were then permitted to make a brief trip to Canada where they were issued visas.

The McCarran-Walter Immigration Act abolished pre-examination and introduced instead a new procedure technically called "Adjustment of Status." While the new act theoretically permits temporary immigrants to acquire permanent visas without leaving this country at all, it is hedged in with conditions and limitations.

Under the new procedure, adjustment of status is denied to otherwise admissible aliens whose present status for one reason or another may be irregular. The new law thus loses one of the major benefits of the old method of pre-examination which facilitated the granting of permanent visas to all qualified immigrants without regard to the regularity of their present stay in the United States. As in the pre-1935 period, aliens irregularly in this country are required to make a protracted journey to their native lands to receive their immigration visas.

To put an end to this purposeless round trip the Commission urges that aliens presently in the United States in an irregular status be granted the privilege of adjustment of status without leaving this country if they are otherwise found qualified under the other sections of the law.

(c) *Suspension of Deportation*

Prior to enactment of the McCarran-Walter Act, hardships created by the rigid and inflexible provisions for deportations could be avoided through a procedure known as suspension of deportation. Under the Alien Registration Act of 1940 the Attorney General was invested with discretionary authority to suspend deportation of a deportable alien who had proved good moral character for the past five years, if such deportation would result in serious economic detriment to the alien or his legally resident spouse, parent or child. This privilege was denied certain categories of aliens, primarily those who were subversives, criminals, prostitutes or mental and physically deficient. In 1948 amendments to this law enlarged the suspension authority, but at the same time introduced new restrictive features. Deportable aliens present in the United States before 1948 and who had resided here for seven years or more were made eligible for suspension even though they lacked the specified family ties. The 1948 amendment, however, made

suspensions final only if Congress passed a concurrent resolution affirmatively approving them.

In place of this relatively simple process, the McCarran-Walter Act of 1952 substitutes an involved statutory procedure. The Act requires not that the alien merely show serious economic detriment to the specified close relatives or merely that he has been here for a prescribed period but in addition to a five, seven or ten year period of continuous "physical presence" depending upon the circumstances that he show also that he is a person whose deportation would, in the opinion of the Attorney General result in "exceptional and extremely unusual hardship" to the alien or to his relatives. The Senate Committee report makes it clear that the remedy "should be available only in the very limited category of cases in which the deportation of the alien would be unconscionable. Hardship or even unusual hardship to the alien or to his spouse, parent or child is not sufficient to justify suspension of deportation."

To alleviate the severity of this section of the 1952 Act the Commission recommends that any alien in the United States in an irregular status who does not otherwise qualify for an adjustment of his immigration standing should be granted suspension of deportation in the discretion of the appropriate immigration officer upon showing good moral character for five years and either: serious economic detriment to the alien's citizen or legally resident spouse, parent or minor child or residence in the United States for seven years.

(7) FAIR HEARING AND REVIEW PROCEDURES

The McCarran-Walter Act shockingly lacks procedural safeguards to protect citizens or aliens who become enmeshed in naturalization or immigration proceedings.

The Commission recommends the following steps to insure fair hearing in all phases of the immigration process:

(a) The creation of a *statutory Board of Immigration and Visa Appeals* with the authority to make final administrative decisions in a variety of cases. At present the McCarran-Walter Act contains no statutory provisions for a Board of Immigration Appeals. The existing Board is not sanctioned by statute and owes its existence solely to an administrative regulation by the Attorney General. A quasi-judicial agency that exercises virtual life and death authority over thousands of human lives must be enabled to fulfill its responsibilities free from departmental pressure or political influence.

(b) The permanent Commission on Immigration must be organized so that *the same officials will not be permitted to exercise both enforcement and judicial functions.* Under the 1952 Act, the normal practice in both exclusion and deportation cases is for the entire proceeding to be conducted by a special inquiry officer who acts both as prosecutor and judge. Under that act officers normally performing investigatory duties are frequently authorized to conduct immigration hearings. These practices contravene the provisions of the Administrative Procedures Act, which require that hearing officers shall perform no duties inconsistent with their duties and responsibilities as examiners and that investigative and prosecuting officers shall in all circumstances be disqualified from participating in the making of decisions. To insure that these requirements are complied with, the Commission urges that the entire process of adjudication be concentrated in the proposed Board of Immigration and Visa Appeals and that *examiners who hear and decide exclusion and deportation cases be separated from any enforcement responsibilities.* This would be accomplished principally by placing such examiners under the supervision of the Board of Immigration and Visa Appeals and removing them from the control and direction of any enforcement officials. Examiners would be flatly prohibited from performing any duties falling outside their responsibilities as hearing officers.

(c) At present a denial of a visa by a consular official abroad is final and uncontestable. The Commission's Report finds no persuasive reason for making these decisions unreviewable and regards it as patently unwise that the decision of a single official should be subject to no regulation or review. *The Commission therefore recommends that a formal statutory appeal procedure be established to insure opportunity for administrative review of all denials of visas.*

(d) Under the McCarran-Walter Law, judicial review of immigration procedure is haphazard and uncertain. To insure that so harsh a penalty as deportation is surrounded with appropriate procedural safeguards, the Commission recommends a specific statutory provision providing a clear avenue for judicial review of deportation orders. This will prevent summary expulsion of aliens before orderly courtroom procedures have had time to work. The Commission further recommends that court review be limited to an appraisal of the legality and fairness of the decision and not of the merits of the controversy. The scope of review of deportation orders would therefore be governed by the provision of the Administrative Procedure Act.

(8) SECURITY PROTECTIONS

Security measures lose their effectiveness as they lose the accuracy of their aim. The McCarran-Walter Act scatters its penalties broadside over every alien who ever has been associated with a subversive organization, no matter what his role within the group and no matter what his motive in acquiring or retaining membership. The President's Commission Report seeks to tighten the loose standards of the 1952 McCarran-Walter Act. It seeks to erect stringent safeguards against subversion while at the same time refraining from any effort to regulate or direct genuine political opinion.

To accomplish these purposes the Commission's report recommends:

(a) *The term "totalitarian" should be defined to include the Nazi, Communist and Fascist parties alike.* In the 1952 Act, standards of admission for ex-Nazis and ex-Fascists are made more lenient than for ex-Communists. In any democratic legal system there can be no grant of preferential treatment to adherents of any totalitarian viewpoint.

(b) "Affiliation" should be limited to cases in which aliens, by their action and conduct, have entered into an association with totalitarian groups because of sympathy for or agreement with the aims and principles of those groups. As used in the McCarran-Walter Act, "affiliation" may now include the most tangential or perfunctory connection with a prescribed group, as for example making a fifty cent contribution.

(c) Alien members or affiliates of subversive organizations who were lawfully admitted to the United States for permanent residence prior to attaining the age of sixteen years or who were lawfully admitted for permanent residence and have since resided here continually for at least twenty years should not be

deportable but should be made subject to the same penalties and punishments as subversive citizens.

(d) Present alien members of subversive or totalitarian groups should be denied visas and refused admittance to the United States. Such membership should create a presumption of belief in or sympathy with totalitarian objectives. This presumption should be rebuttable by countervailing evidence establishing that such membership or affiliation was involuntary or that such membership was not knowingly acquired to further the aims and principles of those parties. Present membership in a subversive group should constitute a basis for deportation of aliens.

(e) Past members of totalitarian parties should be admitted to this country if they establish that they have genuinely repudiated and now stand opposed to totalitarian ideologies. Past membership or affiliation with a subversive group which has been repudiated for a five-year period should not constitute a ground for deportation. Under the McCarran-Walter Act past membership in a subversive group at any time since his entry is sufficient cause for deportation of an alien, even though such membership was contracted many years ago and the alien has long since repudiated his past totalitarian associations and demonstrated an unmistakable hostility to all totalitarian groups.

(f) Finally, the Commission recommends that aliens be permitted to enter the United States for temporary visits regardless of past associations with subversive groups, provided such visits are for a limited period and there is no belief that while in this country the alien will engage in activities inimical to our Nation's interest. This would, in a large measure, free this country from the embarrassment which has attended the exclusion of prominent scientists, artists and authors who have been barred from attending scholarly or professional meetings in this country. Graham Greene, for example, was ordered excluded, even though it was apparent that the issuance of a visa to him could not in any way jeopardize our national security.

(9) DENATURALIZATION

The Commission urges that no naturalized citizen be subjected to denaturalization for conduct subsequent to the time of acquisition of citizenship unless such conduct establishes that he initially obtained citizenship illegally or through fraudulent means.

The Commission would abolish existing statutes which automatically deprive naturalized Americans of nationality if they resided abroad for an extended period. It would also eliminate present provisions which denaturalize aliens who have been found in contempt of a Congressional Committee for refusing to testify about subversive activities. The Commission notes that these two methods for deprivation of citizenship bear no relation to the naturalization proceeding itself and have no connection with the maintenance of controls against fraudulent naturalization.

Where there is thus no indication of fraud in the original proceedings, use of denaturalization as a punitive device encourages an administrative point of view in which the right of citizens come to be regarded and treated lightly. Naturalized Americans who violate the law merit punishment but this punishment must be in no wise different from that applied to native-born citizens. Denaturalization must not be used as a supplemental penalty or as a technique for discriminating between native-born and naturalized Americans.

THE LEGAL AND LEGISLATIVE INFORMATION BULLETIN is prepared under the direction of the Legal and Legislative Information Committee of the NCRAC. This committee includes:

HERMAN L. WISEMAN, American Jewish Congress, *Chairman*
HARRY BLAKE, Jewish War Veterans
LOUIS J. COHEN, Essex County, N.J.
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JAMES LIPSIG, Jewish Labor Committee
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This BULLETIN was drafted initially by Phil Baum of the Commission on Law and Social Action of the American Jewish Congress, and thereafter reviewed by the Legal and Legislative Information Committee. The published BULLETIN reflects the thinking of the entire Committee.

Legislative Information Bulletin
National Community Relations Advisory Council
9 East 38th Street
New York 16, N. Y.

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347

The Right of Asylum
Reunion of Families
Needs in the United States
Special Needs in the Free World
General Immigration

6. **For the next three years, within the maximum annual quota, there should be a statutory priority, implementing the Right of Asylum, for the admission annually of 100,000 refugees, expellees, escapees, and remaining displaced persons.**

7. **The allocation of visas within the maximum annual quota should be determined, once every 3 years, by the proposed Commission on Immigration and Naturalization, subject to review by the President and the Congress.**

Fair Hearings and Procedure

8. **Enforcement functions should be exercised, under the Commission's supervision and control, by an Administrator. Quasi-judicial functions should be exercised, under the Commission's supervision, by a statutory Board of Immigration and Visa Appeals.**

9. **The same officials should not be permitted to exercise both enforcement and judicial functions. Aliens should be accorded a fair hearing and procedure in exclusion and deportation cases. Hearings in deportation cases should conform with the requirements of the Administrative Procedure Act. Hearing officers should be responsible only to the proposed Board of Immigration and Visa Appeals, which should have authority to exercise final administrative review of their decisions, subject to further review in limited cases by the Commission. Aliens should have a right of administrative review, before the Board of Immigration and Visa Appeals, from denials of visas; and have a clearly defined method of seeking court review of orders of deportation.**

Admissions and Deportations

10. **The conditions for admission of aliens into the United States should**

bear a reasonable relationship to the national welfare and security;

be definite in their meaning and application;

include discretionary authority to waive specified grounds of inadmissibility, in meritorious cases;

provide for exclusions without hearing, for reasons of security, only upon direction of the Board of Immigration and Visa Appeals; and

not be based on the so-called criminal judgments of totalitarian states.

11. The grounds for deportation of aliens already in the United States should

bear a reasonable relationship to the national welfare and security; not be technical or excessive;

not be retroactive so as to penalize aliens for acts which were not prohibited when committed; and

not require the deportation of aliens who entered the country at an early age, or those who have been residents for such a long period as to become the responsibility of the United States.

12. In connection with the deportation of aliens, there should be discretionary authority to

allow them to depart voluntarily instead of deportation;

adjust their status within the United States if they are currently qualified to reenter;

suspend deportation under reasonable conditions; and

adjust the status of bona fide official defectors from totalitarianism.

13. A resident alien who is not otherwise deportable should not, by reason of a brief absence from the United States, be subject to exclusion or deportation.

14. Unless proceedings for deportation and denaturalization are brought within ten years, they should be barred.

15. Arrangements should be made to expedite the processing of visas for temporary visitors, including leaders in art, scientific and business fields, and the law should apply to such nonimmigrant aliens only such restrictions as are directly concerned with the health, safety, and security of the United States.

Security

16. The security of the United States should be protected by continuing to bar the entry of spies and saboteurs.

Aliens who are present members or affiliates of any totalitarian party, including Communists, Nazis, and Fascists, should be denied admission into the United States except where their

membership is involuntary; or

affiliations is not knowingly or willingly to further the aims and principles of such parties.

They should be deported except where they

entered the United States at an early age or have been residents for such a long period of time as to have become the responsibility of the United States.

Aliens who are former members or affiliates of any totalitarian party may be admitted provided

they have repudiated and are now opposed to such totalitarian ideologies; and

the responsible administrative officers make a finding that the admission of such aliens would not be contrary to the public interest.

They should be deported unless

they have repudiated such doctrines for at least five years.

Citizenship

17. The law should not discriminate against naturalized citizens but should place them in the same status as native-born citizens, except where citizenship was procured by fraud or illegality. The law should minimize or remove restrictions which create statelessness, disrupt family unity, or impose unreasonable conditions or procedures upon the acquisition or retention of citizenship.

Duplicated and distributed by the

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

9 East 38th Street New York 16, N. Y.

Reprinted from "WHOM THEY SHALL WELCOME"
Report of the President's Commission on
Immigration and Naturalization

Conclusions

The immigration and nationality law embodies policies and principles that are unwise and injurious to the nation.

It rests upon an attitude of hostility and distrust against all aliens.

It applies discriminations against human beings on account of national origin, race, creed and color.

It ignores the needs of the United States in domestic affairs and foreign policies.

It contains unnecessary and unreasonable restrictions and penalties against individuals.

It is badly drafted, confusing and in some respects unworkable.

It should be reconsidered and revised from beginning to end.

Recommendations

Throughout this Report are various recommendations, appearing in the chapters in which particular subjects are discussed. The more important ones are briefly restated here, without reference to the order in which they appear elsewhere:

The Quota System

1. **The national origins quota system should be abolished.**
2. **There should be a unified quota system, which would allocate visas without regard to national origin, race, creed, or color.**
3. **The maximum annual quota immigration should be one-sixth of 1 percent of the population of the United States, as determined by the most recent census. Under the 1950 census, quota immigration would be open to 251,162 immigrants annually, instead of the 154,657 now authorized.**
4. **All immigration and naturalization functions now in the Department of State and the Department of Justice should be consolidated into a new agency, to be headed by a Commission on Immigration and Naturalization whose members should be appointed by the President and confirmed by the Senate.**
5. **The maximum annual quota of visas should be distributed, as determined by the proposed Commission on Immigration and Naturalization, on the basis of the following five categories:**

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

TO: Albert E. Arent; Phil Baum; Harry Blake; Lazor Epstein; Arthur Greenleigh; Walter Herzfeld; William Males; Will Maslow; Emanuel Muravchik; Ann Petluck; Phillip Saskis

FROM: Jules Cohen, National Coordinator

DATE: March 12, 1953

SUBJECT: The Boston Institute on National Immigration Policy -- Conclusions, Correctives, Recommendations.

In the above matter, enclosed is a copy of a letter dated March 7, from Father Duffy to me; and a copy of the "Conclusions, Correctives, and Recommendations" which came with Father Duffy's letter.

Since Father Duffy is asking for suggestions, the conclusions etc. are still in draft form so that they should not be publicized in any way.

I would appreciate whatever suggestions you may have for changes in the document of conclusions. The "Conclusions" section of the document, exclusive of the listing of the eight specific points, is similar to the suggestions I submitted to Father Duffy at the Institute.

I would appreciate your comments if any, within the next few days since I would like to reply to Father Duffy as soon as possible.

J. C.

BOSTON COLLEGE

Chestnut Hill 67
Massachusetts

March 7, 1953

My Dear Mr. Cohen:

I am all toomindful that this response is long, long overdue. Far from being forgetful of your request, my seeming neglect has been a cause of distraction when engaged in duties demanding immediate attention as well as a spur to effect what you wished.

In such free moments - after catching up on classwork, consulting with grad students in the throes of thesis composition etc.--I've endeavored to give more comprehensive coverage of matter treated by speakers at the Institute. Unfortunately, it's been a lone job as, for some reason, the general committee never did get around to electing a subcom. on conclusions and resolutions. I've been fearful that such momentum as we had might be lost.

Only now am I getting out "my" recommendations, etc. Somewhat of a babe-in-the-woods in this field I've moved slowly - and now request that the speakers, committee members and those of such genuine interest as yourself to help hammer these conclusions etc. into form truly representative of our meetings.

The trouble with carrying the administrative tasks of such activities as our recent Institute is that so little time is left to be "at ease" with and benefit from such people as yourself. I appreciated very much the gracious observations you made at the concluding meeting as well as in your letter to me. I appreciated **more**, however, meeting you, talking with you and, I feel, knowing you. I would very much appreciate, too, your critical comment on anything I have put down. I recognize the need of help, know your willingness, your zeal, your capacity.

Gratefully (and apologetically)
Fr. James L. Duffy

The Boston Institute

on

National Immigration Policy

Conclusions, Correctives, Recommendations

To those of you who have remained for this informal session, may I introduce myself as the Rev. James L. Duffy of the Society of Jesus, member of the faculty of Boston College and Chairman of the Institute just concluded -- and a most happy chairman I am, for the success that has attended our efforts.

For this success I wish to express my thanks first to all those who officially or unofficially had a part in sponsoring, planning and promoting this undertaking. To single out one or two would be misleading and unjust. To all, my sincere thanks. In the second place, I would like to express my gratitude to the chairmen of the individual sessions who with such dignity and efficiency exercised the office entrusted to them. Finally-- and above all--I would like to make myself one with all those who have attended and profited by these sessions in paying my respects to the speakers on our program.

Here let me pass on to you the observation of Msgr. O'Grady as he left the stage. "In all my years in listening to discussions of this question, I doubt if I have ever heard the subject treated on such a consistently high plane." That comes from one who has been in the battle from the time that the National Origins Formula was first introduced into Congress. Particularly worthy of note have been the keen intellectual discussion, the lofty moved tone, the absence (so remarkable these days in treatment of controversial subjects) of personalities, exaggeration, or recrimination. As Chairman of the Institute, I wish to say that we have been both benefited by the presentations of these men, and honored by their presence among us. On the more personal level I would like to state publicly that the relations created and fostered in preparing our program has been a source of deep satisfaction to me. To each of them I extend my sincerest and deepest thanks--personal as well as official.

In the course of this Institute, we set out to accomplish a twofold purpose: first, to acquaint the general public with the real implications of our existing National Immigration Policy and the necessity of revising it in such a way as would be compatible with the realities of world conditions, Christian ideals and American traditions. Such was the object of the Friday and Sunday sessions. Throughout the Saturday discussions Public Law 414, known as the McCarran-Walter Act was subjected to scholarly examination, (1) of the original forces to which may be attributed the creation of the National Origins formula, (2) of the administrative provisions which by departure from established procedures in regard to human rights, most call for revision, and, (3) examination was made of the economic, sociological and political implications of the Act as passed over the veto of the President. In these Saturday sessions, our appeal was directed to the student of public affairs, the social work, the apostle of justice and rights of man.

This informal session with which we conclude, may be considered as a projections of the Saturday meetings. As such, it is our purpose here, making use of what may be fairly deduced from those sessions, to formulate conclusions, to seek answers to the problems raised and make recommendations representative of the sponsoring agents, the organizing committee and the speakers at the Institute.

Accordingly, as Chairman of the Boston Institute on National Immigration Policy, I submit for your consideration the following conclusions, suggested correctives and recommendations.

I - CONCLUSIONS:

The free nation of the world, under the leadership of the United States, are engaged in a worldwide ideological struggle to preserve freedom and free institutions against the onslaught of the totalitarian communist forces of brutality and tyranny. In the general context of this struggle, which (under God) could well determine the type of world man must live in for centuries to come, American immigration policy becomes a critical issue. Though this policy is but a single element in our relations with the peoples of nations caught up in this world struggle, we deem it a most important element.

American immigration policy, integrated with such procedures as Mutual Security, Aid to economically under-developed countries and so on, can, on the one hand, serve as an instrument for the economic betterment and political stability of nations hard pressed --and so to World Peace. On the other hand, a discriminatory and unduly restrictive immigration policy can frustrate the attainment of our foreign and domestic policies as well as obstruct World Peace.

Present American immigration policy, as expressed in the McCarran-Walter Act, is inimical to the best interests of the United States itself, since it is founded upon a philosophy of selfishness and fear, of distrust of and hostility to naturalized citizens, aliens and potential immigrants from allied countries. This policy betrays a lack of confidence both in American institutions and American ideals. Furthermore, it goes counter to the domestic man power needs of our country in the light of our expanding economy and our defense program.

We recognize that immigration must be limited by the absorptive power of our nation----and by the safeguards necessary to the health, morals and security of the United States. Beyond these limits we believe it is in the best interests of our country to adopt a positive immigration policy--one which will welcome immigrants rather than deter them--as was enunciated in the key-note address of our Most Reverend Archbishop and further developed in subsequent talks.

Because the Immigration and Nationality Act of 1952 (the McCarran-Walter Act) is too often confusing and harsh in administrative provisions and because it rests upon principles unduly restrictive and grossly discriminatory, we affirm that this law

should be revised without delay.

On the basis of evidence developed at this Institute by prominent speakers who are students of Sociology, History, Economics, International Relations and both Domestic and International law, supported by statements both of social workers among Displaced Persons and of Community Leaders in various Ethnic Groups and Private Charitable Organizations, objection is directed specifically to the following:

1. The inequitable distribution of quotas based upon the National Origins Formula.
2. The non-flexible provision for adjustment of immigrant status from Non-Immigrant to Immigrant Status, making it impossible for out-of-status applicants to qualify.
3. The much too rigid "hardship" qualification for Suspension of Deportation by requiring that an applicant show "exceptional and extremely unusual hardship to himself or his immediate family"; and the disqualification of persons who are natives of contiguous countries and adjacent islands for such relief.
4. The singular suspension of statutes of limitation in regard to those of alien status.
5. The exemption, in part, of the Immigration and Naturalization Service from the directives of the Administrative Procedures Act of 1946.
6. The too rigid denaturalization process for persons who were naturalized without fraud at the time of admission to United States citizenship.
7. The too sudden requirement that aliens be in possession of Immigrant Identification Cards--and the denial of a specific period allowing aliens to procure such cards from the Immigration and Naturalization Service without payment of the present fee of $5.00.
8. The too rigid sanctions (fine, imprisonment, possible deportation) for failure to carry identification cards at all times.

II - CORRECTIVES:

Against these specific objections to the Law, I propose the following specific correctives:

1. Relative to the National Origins Quota System.
   a) That a numerical limitation, as outlined in Public Law 414, should be retained as a guard against unlimited immigration.
   b) That this numerical limitation be set on the basis of a UNIFIED Quota at a MINIMUM of 200,000 annually, and that non-quota provisions be revived as antecedent to passage of the present law.
   c) That the Unified Quota should operate on a world-wide basis disregarding national origin, i.e. the place of birth. This would put into practice the principle of equality of all peoples who can qualify for admission into the United States as immigrants. It is the mind of this Institute that such equality of opportunity should be

enjoyed by all peoples provided only they can qualify under the general provisions applicable to all immigrants.
d) Maintaining the noted minimum, that the actual unified quota admissable in any one year be determined by the Congress of the United States according to such norms as set down by the President's Commission on Immigration and Naturalization. (These norms are five in number: Right of Asylum, Reunion of Families, Needs in the United States, Special Needs in the Free World, General Immigration). For a sound assessment of the absolute numbers admissable in successive years, under such norms, Congress should have the benefit of the continuing study and recommendations of an Advisory Immigration Commission of demographic experts.

Note: Since the principal problems of immigration revolve about the actual numbers to be admitted, about the norms for determining these numbers and over what body should determine them, we append alternate recommendations.

e) Special legislation should be passed to alleviate the problems of Displaced Persons, Escapees, Refugees and Persecutees on a NON-QUOTA BASIS, without mortgaging the UNIFIED QUOTA.
f) The UNIFIED QUOTA SYSTEM should become operative July 1, 1954 WITHOUT MORTGAGES.
g) Registration for Unified Quota should be controlled by a Quota Control Board centrallized at Washington. The Board should be inter-departmental in character with representatives of the Department of State, Department of Justice, Department of Labor and Department of Commerce together with delegates from the several States and Territories appointed by the Governors of those areas.

2. Relative to Adjustment of Non-Immigrant Status. That we permit out-of-status non-immigrants to adjust status to that of immigrant under the present regulations, provided only that they entered the United States in good faith as non-immigrants; i.e., that at the time of entry the applicant was admissible as a non-immigrant and the element of fraud has been ruled out.

3. Relative to Suspension of Deportation in "Hardship" Cases. That applicants for suspension of deportation should establish the general qualifications for this type of relief as outlined in the present law, except only that "serious economic detriment" need be developed much the same as previously required prior to the enactment of the present law; and provided that natives of contiguous countries and adjacent islands be included within this category.

4. Relative to Suspension of Statutes of Limitations. That the exclusion and deportation provisions would be inoperative following the temporary absence of an alien from the United States, provided that the absence was of less than six months duration, and provided that the alien is, and has been, of good moral character for a period of ten years prior to the temporary absence.

5. Relative to Appellate Procedure. That clear provision should be made for adequate appellate procedure in keeping with the spirit of the Administrative Procedures Act of 1946; i.e., Detachment of exclusion and deportation hearings from the enforcement branch of the Immigration and Naturalization Service. That there be established a distinct appellate section in the Department of State to handle consular visa rejections.

6. Relative to Denaturalization Process. That there be eliminated from the law denaturalization process of persons who were admitted to United States citizenship without fraud. It is contended that we should not have second class citizens and it is our belief that if a person was qualified for admission to United States citizenship, and acquires United States citizenship without fraud, any subsequent activity, (if he continues to remain a resident of the United States), should not subject him to denaturalization any more than depriving a native-born citizen of his United States citizenship for activity while remaining a resident of the United States. To impose such distinctive sanctions upon a naturalized citizen is to accord him citizenship of inferior standing.

7. Relative to Alien Identification Cards. That the present law requiring ALIENS to be in possession of Identification Cards AT ALL TIMES and providing penalties for this failure is too rigid in character. Many aliens have not received such cards from the Immigration and Naturalization Service, or they have lost such cards since the basic registration which occurred in 1940. A reasonable time limit should have been provided within which such persons could obtain identification cards without payment of the required $5.00 fee, and provision should be made exempting payment of fee by persons who are now in public or private institutions.

8. Excessively Rigid Sanctions. That provision be made for greater discretion in imposition of sanctions in cases of non-wilful violation for failure to report changes of address and January address registration as well as like violations for failure to be in possession of identification AT ALL TIMES as required under the Act.

III - <u>RECOMMENDATIONS FOR ACTION</u>:

In the area of continuing personal and group action, it is recommended that:

1. The educational program, already begun in Catholic circles, should be continued and intensified in order to inculcate a Christian and democratic attitude toward immigration.

2. All Catholic organizations, educational, veterans, civic, and fraternal, should assist in this educational program in cooperation with other groups which are like-minded on the issue of immigration where possible, or independently if necessary.

3. In furtherance of these broad objectives, we suggest the following illustrative of the kinds of activities which

should be undertaken to the extent possible:

a) Active participation with other responsible groups in the establishment and the programs of state, city, and neighborhood "committees on immigration policy."
b) Development by national organizations of program aids, such as speakers, printed materials, and discussion guides for use by local branches.
c) Forums and discussions at local branch meetings with the adoption of appropriate resolutions which should be sent to the press and to the White House and key members of Congress.
d) Letters to the White House commending President Eisenhower for his statement calling for revision of Public Law 414 and urging him to use his good offices with Congress to carry out his suggestions.
e) Letters to and visits with Representatives and Senators, urging them to support the President's demand for revisions to the McCarran Immigration Act. Commendation would be in order to indicate support for those Senators and Representatives who are committed to changes in the law.
f) Strive for appropriate action in non-sectarian organizations with which individuals are affiliated. In such categories we include labor unions, service organizations, veterans groups like the American Legion and VFW, bar associations, etc.
g) Stimulation of feature stories and editorials in the Catholic, general, and the foreign language press.
h) Use of available radio and TV time, and attempt to secure new time for discussions of the immigration issue.
i) Efforts to have the state legislature and the City Council memorialize the 83rd Congress to enact revisions to P.L. 414.
j) Make the immigration issue the central theme of patriotic and civic holidays and occasions.
k) Lectures and discussions of the immigration issue in adult education courses.

It is requested that these conclusions, suggested correctives and recommendations for action be evaluated in arriving at the final recommendations to be made by the Boston Institute on National Immigration Policy.

Alternate proposals to "Corrective d", page 4 - Determination of the Unified Quota and its Distribution in a given year:

The fact that the National Origins formula provides a relatively easy "workable slide rule" (Saturday Evening Post, Feb. 21, 1953, p.10) for allocation of immigrant application and admission can scarcely justify that which is objectively discriminatory and founded upon the fallacious principle of racial superiority.

However, a basic objection to change is voiced in the query: What do you propose as a substitute? Once numerical restriction has been agreed upon, there arise these questions: How determine

the unified quota? What norms for distribution of shares in this quota shall be established? In what body shall such authority be vested?

As alternate proposals to the continuing Congressional Committees acting with advisory councils, we advance the following:

a) Creation of a bipartisan Board of Immigration Policy to determine the annual quota and allocate shares.
b) Vest this function in an interdepartmental body, augmented by delegates from the states and territories appointed by the governors of these areas.

Because this latter would appear to be less susceptible to concentrated political pressure (the problem that besets any Selection Board), the plan is preferable to the writer. Interdepartmental representation would allow for due weighing of all relevant domestic and foreign considerations from a national viewpoint. State representation, with delegates selected according to economic, social and cultural needs of various sectors of the country, would provide that balance characteristic of our federal system.

While difficulties and objections can be raised to the above, thoughtful consideration may well provide the details for smooth and equitable working of one or another of these proposals. Difficulty in working out a substitute plan cannot be advanced as defense for that which is false in its premises, discriminatory in principle and unsound in operation.

IRVING KANE
SHAKER HEIGHTS, OHIO

March
Seventeenth
1953

Mr. Joseph M. Berne
Keith Building
Cleveland, Ohio

Dear Joe:

A friend was good enough to send me a copy of your pamphlet which is entitled "A Challenge to NCRAC Leadership". Since I am regarded in some quarters as being a part of that "leadership", I feel I should reply to it.

It seemed to me rather curious that so pointed a challenge to NCRAC "leadership" should have been delivered in Cleveland without providing for the presence of any part of that "leadership", even that part which was readily available. Since I assume that you honestly hoped the challenge would be accepted, it would seem, too, that the prospect would be better if you had sent a copy to some part, if not all, of that "leadership", when your speech was printed in pamphlet form.

I have surrounded the word "leadership" in quotes because I feel that you share with some others, the mistaken idea that the "leadership" of NCRAC consisted, or consists now, of one or more of its officers. Those who have this notion reveal a basic lack of understanding of the true nature of the NCRAC. Until September 22nd, 1952, when the American Jewish Committee and B'nai B'rith withdrew from the NCRAC, the Presidents of these organizations were as much a part of that "leadership" as anyone else. Indeed, it might be assumed that they constituted the greater part of it, since you say that "AJC and ADL have naturally made the largest contribution to (its) work". The NCRAC was and is a council of agencies, national and local. It never was and is not now another "agency", any more than the United Nations is another national sovereignty. It is a mechanism, a way for the agencies to work together. In that sense, it is not an entity, it is rather a process. It is not run by "leaders". Its officers are community and, at times, national agency representatives, who preside at meetings, assume the usual administrative duties and, like other community or national agency representatives, act as members of some of the standing committees. The accomplishments or shortcomings of the NCRAC are the successes or failures of all the national and local agencies and their "leaders".

Your pamphlet does not differ much from the other abundant literature issued by the AJC and ADL since their withdrawal. Unhappily, it also substitutes opinion based on fear and suspicion, for facts based upon the record. It does differ in that the other literature has not, as I recall it, carried the name of any individual. My own view is that the assumption of personal responsibility for such documents is better reserved for those who, on a day-to-day basis, have actively participated at least in the recent history of the NCRAC, rather than for those who must necessarily rely on secondary sources of information.

You admirably state that "the best chance of solving a problem is first to have all of the facts". It is not a fact that the Barr Resolution would establish a Kehillah in America. That is an opinion. It is a fact, not an opinion, that the MORNING JOURNAL and the YIDDISHER KEMFER said the things you quote from them. They, in turn, stated their opinion, not the facts. It is also a fact, not an opinion, that in 1909, or thereabouts, the leadership of the American Jewish Committee helped create a Kehillah (and called it that) in the City of New York which existed with the aid of AJC, for some years thereafter. It is a fact that in 1940, or thereabouts, the American Jewish Committee proposed the establishment of a single unitary defense agency (through Maurice Wertheim, then President of AJC) and this plan was supported by AJC for some years thereafter. It is a fact that the American Jewish Committee in 1943, through George Z. Medalie, stated to the Council of Jewish Federations and Welfare Funds: "The American Jewish Committee has put itself on record previously and does so again, to the effect that it favors a single, autonomous agency for the conduct of defense work of Jews in America. It has no strings . . . once that plan has been set up, it is to be operated not by the agencies or for their aggrandizement, but solely for defense work, with all the necessary elimination of agency advancement, or of agency glory . . ."(B'nai B'rith's was the sole dissenting voice, and the compromise became the NCRAC.)

I add these facts to your quotations from the Yiddish press because one is as irrelevant as the other, as far as the NCRAC is concerned. It is just as natural that some few still support the ideas proposed by the American Jewish Committee in 1909 and in 1943, as it is natural and perfectly proper that AJC has changed its mind about them. These matters are of no concern in the present controversy, because the fact is that the NCRAC could not and will not, establish a Kehillah, or a central authority for Jewish life, or any of the other bogeys people have introduced into the discussion because they do not want to discuss the facts.

A proper regard for the facts would recognize that throughout Jewish history the generic concept of a "kehillah" has been used to designate any organized form of Jewish communal activity. Strictly speaking, any federation of Jewish charities in the United States could come under the generic description of a "kehillah". On the other hand, if you wish to use the word "kehillah" specifically to describe a Jewish community structure with central power of control, then it is not necessary to seek documentation in Poland of the sixteenth and seventeenth centuries and to ascribe the structure to any so-called Eastern European ghettoized mentality. The fact is that such structures existed in the Jewish community of Germany of the nineteenth and even the twentieth century. Even after the Weimar Constitution, the Jewish community in the free and democratic Germany had the power to tax its members for Jewish needs. I am strongly opposed to such a structure here in America, but one finds it disturbing that the ghost of "Ost Juden" psychology is being resurrected in some quarters, either through ignorance or through malice.

The notion of a central authority for Jewish life is a phantom as far as the NCRAC is concerned and is a complete negation of the facts. The NCRAC is concerned with one and only one aspect of Jewish activity. It does not concern itself with such major aspects of Jewish life as fund raising, or Jewish

education, or group work, or health and welfare activities, or congregational life, or refugee service, or overseas relief, or any of the host of other things which constitute Jewish organizational activity. No "single voice" was, or can be, created by the NCRAC because it has always been true that its public statements and public actions are taken only with unanimous consent. Not only may any member dissent, but it has always been understood that it may act on the basis of its dissent.

Anyone who has lived with the NCRAC for nine years and knows how it operates, knows that all it can do and all it seeks to do, on a purely voluntary basis which preserves the autonomy of each national and each local agency, is to have them work as a team, because the cause to which they are dedicated is common to all of them and the things they do affect all Jews and not merely their own memberships.

As for the Barr Resolution, what we did was to recommend how the work of the agencies could be jointly planned and how their primary responsibilities could be recognized and understood, so that their work could be utilized more effectively than it had ever been done before.

Nor am I concerned lest we do not have enough cultural pluralism in the Jewish community. We shall always be blessed with more than enough, and the strongest "central authority" on earth will never do away with it. Jews love their liberty and their freedom too much ever to permit an abuse of power by anybody, much less another Jewish organization.

It is your opinion, not a fact, that "there are only two instruments of importance: the Mac Iver Report and the Barr Resolution". If it is claimed that the Barr Resolution changes the character of the NCRAC, then it would seem to be important to examine the instruments which define the character of the NCRAC, which you claim has been changed. There are a number of such instruments which represent unanimous decisions taken when AJC and B'nai B'rith were still members. It is important, for example, to examine the basic charter of the NCRAC adopted in 1944, which directed it "to formulate policy in civic protective work in the United States but with no authority over fund raising or the organizational structure of the member agencies"; and its Aims and Objectives adopted that year which state that "Policies once formulated and adopted, it is expected that the affiliated organizations will adhere to such policies and will not engage in any activities in contravention of such policies". It is important to examine the May 1949 Agreement on Procedures where the agencies unanimously agreed to clear their policies and programs in advance with the NCRAC, where majority voting procedures were affirmed and the manner in which the Jewish community should be advised of dissenting actions was established. One would hope that the November, 1951 resolution, unanimously adopted, has not already been relegated to a position of unimportance. There the member agencies agreed to a process of reassessment of "the long range needs, directions and methods of community relations work", to "a continuing process of joint program-planning" with the objective of an "integrated program for the field as a whole, with logical and practical division of labor among national agencies". There the agencies agreed unanimously that "The strengthening of the NCRAC is crucial for any better organization and more effective conduct of Jewish community relations work. To strengthen the NCRAC and to enable it to fulfill its responsibility for stimulating and coordina-

ting the planning and implementation of community relations work, its decisions and policies shall be established by majority vote". It was also agreed that "a joint committee of the NCRAC and of the Large Cities Budgeting Conference should consider the detailed problems of financing and should develop a specific plan".

Would you permit me to "challenge" you, in the most friendly spirit, to sit down with me carefully to examine all the unanimous decisions joined in by AJC and B'nai B'rith, which were reached in the NCRAC as recently as November, 1951, and see in what ways they have fulfilled their commitments and in what ways, if any, the Barr Resolution does violence to any of these unanimous agreements?

None of the agencies would be happy with the way you have characterized them at the top of page 7 of your pamphlet, but least of all the AJC and ADL. As a member of these two organizations, I must ask by what authority you peremptorily reduce their work to "seventy to eighty percent of the work of the country", when all of their literature since their withdrawal claims that they have done and are doing ninety per cent of the work? Incidentally, we never heard such claims, until their withdrawal. . . as though anyone could measure the work done in such terms and as though anyone would be interested in what is done quantitatively.

It is misleading to say that the NCRAC decided to have an "outside study" made. The decision to make a joint self-study with the participation of an outside expert, was made upon the suggestion and motion of the AJC and B'nai B'rith, after the original demand of the Large Cities Budgeting Conference for an objective impartial study.

Actually, it is unavailing now to belabor the Mac Iver Report and some of the details surrounding its preparation, because almost everyone agrees that through the extended deliberations of the Evaluative Studies Committee and of two plenary sessions, numerous concessions and compromises were made. But since you insist upon beating what some people regard as a dead horse, I cannot refrain from correcting some of your "facts". For example, it is not "the fact of the matter . . . that AJC and ADL objected to the selection of Professor Mac Iver." One of the two agencies may have preferred someone else, but that suggestion received no support. Obviously it is impossible to find "someone with all of the necessary qualifications", but a wrong and unfair inference is left when you say that all "consented" to the employment of Professor Mac Iver. On the contrary, all felt it was most fortunate that we were able to secure Professor Mac Iver's services, and until he issued his report, all hailed him as the great scientist and humanitarian that he is. Only one member of the Executive Committee of the NCRAC, speaking for himself and not for his organization, felt that the person chosen should have been a Jew. That organization, incidentally, was neither AJC nor B'nai B'rith.

I find it difficult to understand why Professor Mac Iver should have been expected to consult at length, if at all, with the leaders of AJC and ADL. Professor Mac Iver was not engaged to negotiate a deal with the agencies. He was engaged, and it was so agreed by all parties, to express his own judgment, for which he assumed sole and complete responsibility.

Professor Mac Iver studied voluminous materials and reports from the

agencies and when he had questions, he consulted with agency representatives. He spoke not only with agency representatives in New York, but travelled to some ten cities throughout the country where he interviewed AJC and ADL leaders as well as others. What is important and what you completely ignore is that he met no less than fourteen times with the heads of the scientific research departments of AJC and ADL, no meeting lasting less than three hours and many of them lasting all day. These and other social scientists constituted the "committee of experts" to which you refer.

Time and again, since their withdrawal, we hear the complaint that the two agencies requested that a study be made of duplication and waste, "which Mac Iver had failed to make" and that this proposal was defeated. This sad complaint not only ignores the discussion which was had at that meeting and why some people voted as they did, but it ignores the whole history of the last nine years in which a Committee on Allocations, headed by Lester Jaffe of Cincinnati, and a Committee on Assignments, headed by Robert Segal of Boston, met for years with the agencies in which lengthy hearings were held, full presentations were made by the national agencies, questions of duplication and waste were thoroughly discussed and as a result of which we became gorged with facts, but starved for solutions. The files of the NCRAC are jammed with studies and with information on this subject, which Professor Mac Iver carefully examined in the course of his study.

I find it most interesting that you should observe that the first part of the Mac Iver Report (which contains his theoretical discussion of the nature of prejudice and the nature of the Jewish community) "is a splendid piece of work and worthy of Professor Mac Iver" but that the second part (which contains his practical recommendations) "is inconsistent with the philosophy of the first part". And yet you should know that B'nai B'rith not only did not think that the first part of the report is "splendid" but rejected it, and also rejected the second part which you claim is inconsistent with the first! (Later, the B'nai B'rith reversed itself, conforming with the position of the AJC). The fact is that Professor Mac Iver made it very clear that his practical recommendations do not stand or fall upon the acceptance or rejection of his philosophical observations.

Surely you must know that the Barr Resolution contains nothing that has not been proposed and thoroughly discussed over a period of at least fifteen years in the Jewish community. And many of the facts found in the Mac Iver Report as well as their implications have been aired frequently over a period of years. Some who were exposed by Mac Iver's straightforward and critical exposition just can't take it. Instead, he met with such personal abuse and vilification from some quarters in the Joint Defense Appeal, to the everlasting shame of American Jewry, that the atmosphere was immediately charged and became hardly one which led to calm discussion. If that is public relations for the Jewish community then, I borrow your phrase, "we deserve what we get" from those to whom we have entrusted our public relations. The difference between the Mac Iver Report and what has been said and written by others all these years is that for the first time it was said by an independent social scientist, and the very least that reasonable men should agree upon, is that the judgment of so highly competent an observer should not be so cavalierly dismissed.

To say that the Barr Resolution was "forced through" is not only hitting below the belt, but is at complete variance with the facts. When this fantastic propaganda was first published soon after the withdrawal of the dissident agencies I carefully searched the stenographic record of the proceedings and failed to find one word uttered, one voice raised in objection to the procedure, or requesting postponement even to the following day. This is not surprising because they were aware of, and you overlooked, how lengthy a process of consideration followed the presentation of Professor Mac Iver's recommendations but preceded the decision of September, 1952. There were seven lengthy meetings of the Committee on Evaluative Studies after June, 1950, two Executive Committee meetings, and one Plenary Session given over largely, or entirely to a discussion of the same issue, in an effort to arrive at a harmonious agreement; as well as a number of informal conferences, including particularly three after the adoption of the Evaluative Study Committee recommendations. Of course, the American Jewish Committee and B'nai B'rith were participants in all these meetings. I assure you that nothing was "rushed through with such unseemly haste". Compare the indecent haste with which the two agencies withdrew from the NCRAC within two weeks after the meeting. I presume you know, although it is not mentioned as a part of the history, that some members of the Executive Committee of the AJC bitterly resented receiving a letter dated September 12th (within four days after our meeting) stating that unless the President of the American Jewish Committee heard "by telegram from a majority of the Executive Commmittee to the contrary by September 17, 1952, this withdrawal action will have been concluded". Members of your Executive Committee who received this letter had either three or four days to make such a momentous decision which you claim, and I agree, so seriously affects American Jewry. I assume you know that at least the Boston Chapter of AJC adopted a resolution urging AJC not to withdraw and sent representatives to New York, urging further consideration. I assume you know that a number of B'nai B'rith lodges resented the fact that the decision to withdraw was taken on a matter which had never even been discussed in their lodges. If this is expressing the will of an organization's constituency, then you put it very well, "we deserve what we get".

And if you really believe that "NCRAC must have passed the Resolution because of the importance attached to creating a centralized authority", then I wish you would make an analysis, and I would be happy to sit down with you to do it, of those who voted for it and see if you would not agree that they would fight as vigorously as you would a Kehillah, or "a centralized authoritative body for American Jewry, whereby one group seeks to impose its ideology upon people who think differently", or any kind of compulsion in any area of Jewish life. Nor were they unaware of these foreboding implications because they had been discussed over and over again only to be repeatedly rejected as being without foundation.

Underlying your deep concern with the dire effects of the Barr Resolution is the notion that the lay boards of your agencies would no longer determine policy and program, but all this would be done by fiat in the NCRAC. The trouble here is that the members of the American Jewish Committee and B'nai B'rith were never aware of the extent to which their policies and programs were <u>always</u> subject to clearance with the NCRAC, and this by unanimous agreement. It has always been the case, and it still remains the case, that organizations first determine their policies and programs and then bring them to the common table of the NCRAC, where the NCRAC discharges its

responsibility of formulating policy and program, to which the members are expected to adhere, but from which they may dissent and act on the basis of that dissent. It is easy to engage in slogans which enthrone freedom and belittle the right of dissent, but again this ignores the history of the NCRAC where dissent has been fully understood in practice and no one can adduce any evidence to the effect that those in the majority abused their position.

You deal pretty carelessly with the money spent by NCRAC and your figures are not entirely correct (we could operate for more than a year on the difference). Anyhow, what difference does it make so long as you and AJC and ADL admit that "a great deal has been accomplished and a good job (was) done" by NCRAC for the American Jewish community, until the rupture took place? I resist the temptation here to play fast and loose with such figures as, say, Thirty-five Million Dollars probably spent in the same period by AJC and ADL and to indicate what more than one social scientist believes we have gotten for our money. I join wholeheartedly in your appeal to the contributors of the country to ask themselves what we get for our dollars from the NCRAC and from every one of the community relations agencies. I wish there were evidence of such enthusiasm by AJC and ADL for this idea whereby contributors, through their communal organizations, could even express a judgment on the subject. They seem to reject every proposal made in this direction and have utterly failed to implement the commitment made by them in November, 1951 to develop "a specific plan" for financing this field of work and whereby "the new procedure must relate financing to the joint planning of programs".

To say that "NCRAC leadership either did not have the ability or the willingness to so express itself as to leave no question in anyone's mind as to their intention" not to create a "centralized authority", is of course to question the competence and integrity of the leaders of AJC and ADL, as much as mine and that of my many colleagues. Granted that I may not have the ability to do what you suggest, but I must vigorously reject the assertion that I, or any of my colleagues, was unwilling. It is utterly impossible for you to have any direct knowledge of our willingness, because you were not present on any pertinent occasion. Granted that the leaders of AJC and B'nai B'rith and you have the ability to do what you suggest. Since they and you have failed to do it, shall I assume that none of you is willing?

My willingness was at least demonstrated when I said, for the record, before the withdrawal of the two agencies: "In making these determinations, we must bear this constantly in mind: that the NCRAC is a voluntary association. It is an advisory council. No collective judgment which we may reach here can be imposed upon the member agencies. This is true of every decision we take. Any agency may dissent from it and go on believing whatever it believes and acting upon that belief. This has always been true and it is true now -- with respect even to the decisions we are to take here this week-end. I devoutly hope for a unanimous decision -- but if this is unattainable, it is still but an advisory decision and those who dissent from it may choose not to be bound by it. And this they may do as members -- as a part of the NCRAC. This is a right which is reserved not merely for those who are outside of -- or who depart from -- the NCRAC; but to those who are in it and who stay in it."

The willingness of the CJFWF was at least demonstrated when they said in Boston, in November, 1952: "The implementation of the foregoing objectives shall in no way involve compulsion by the NCRAC or the creation of the NCRAC as an authoritarian body or infringe on the autonomy of NCRAC member agencies or their right to dissent". But these "thoughtless statements" were rejected by AJC and B'nai B'rith.

I have not commented on everything I should like to, nor have I corrected all misstatements of fact. Perhaps I shall have an opportunity to deal with these matters at a later time. I should have to write a volume here (I am getting close, at that) to recite all the facts and they are all important, but they are readily available for all to see . . . who are <u>willing</u>. No, Joe, the truth is that there is no paucity of ability . . . we may even be suffering from too darn much of it. If only we could find enough <u>willingness</u>.

In conclusion, let me say that I accept your "challenge". Your guided missile, while it travelled a circuitous route, has reached its target. But in reality, it is a challenge I accepted when I attended my first meeting of the NCRAC in 1946 and perceived that it is dedicated, through a genuine process of voluntary cooperation, to the security, welfare and dignity of American Jewry. Then and now, it seeks to achieve these goals by recognizing that freedom does not mean license, and autonomy dare not mean anarchy; by making it possible for our national and local community relations agencies to work together as a team, in the interests of all the Jews in whose common cause they serve, rather than as an absurd caricature of cultural pluralism gone haywire. This is a challenge which should be taken up by all Jews. A valuable ally would be found, if you should choose to be one of them.

Sincerely,

IK/mp

Irving Kane

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

TO NCRAC Membership

FROM Jules Cohen, National Coordinator

DATE March 18, 1953

SUBJECT Immigration

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.

At a meeting of the NCRAC Immigration Committee, this item was considered along with many other recent and current developments on the immigration scene. It was felt in the Committee that 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 this morning's New York Times (3/18/53) 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.

Where it is possible to do so quickly, statements should be issued by the inter-sectarian "Committees on Immigration" such are already functioning or are in the process of formation in many parts of the country. However, there should be no hesitation about stimulating Jewish groups and individuals to express themselves in this connection.

J. C.

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Encs.

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 lattitude 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 Dec. 24 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 Oct. 16, 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, Conn., 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 - 3/18/53

AMENDING THE M'CARRAN 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.

C O P Y

AMERICAN JEWISH CONGRESS

March 27, 1953

Hon. Herbert H. Lehman
Senate Office Building
Washington, D. C.

Dear Senator Lehman:

I thank you warmly for your letter of March 23. I am glad that it gives me an opportunity to express our appreciation to you for having convened the informal conference of Jewish organizations last week. Your leadership in the fight against the McCarran-Walter law and for a democratic immigration policy has been a constant source of inspiration and encouragement to us. Your concern with the establishment of procedures whereby the Jewish groups can coordinate their views and activities is another evidence of the splendid leadership you are giving us.

We of the American Jewish Congress share, without reservation, your feeling that the Jewish organizations should continually exchange views on the problem and attempt to evolve a unified position on immigration legislation. We see no reason whatever why this cannot be simply and easily achieved. As you know, most of the national Jewish organizations concerned with the problem and the representatives of all the major local Jewish communities throughout the landhave been coordinating their activities through the NCRAC Committee on Immigration. From the very outset, the NCRAC recognized that there were other organizations which were not members of the NCRAC but which had a deep interest in the problem. Accordingly, these organizations were invited to participate in the work of this committee and have done so effectively and without any difficulty whatever. They have shared in our discussions. They have participated in policy formulation and they have helped evolve common strategy. I am certain that all my colleagues in the NCRAC would fully agree that other non-member organizations, whether formerly associated with the NCRAC or not, should enjoy the same participation. This kind of arrangement has worked very well until now not only in the field of immigration but in other areas where non-NCRAC member organizations have had a special interest. There is no reason why it cannot continue to work as effectively in the future.

I do not believe that it is necessary to create any special or ad hoc machinery. The creation of such machinery, where it is really unnecessary, only serves to add complications and administrative difficulties.

With all good wishes and kind personal regards.

Sincerely yours,

Israel Goldstein, Pres.

C O P Y

PLYMOUTH RUBBER COMPANY, Inc.
Canton, Mass.

March 30, 1953

Senator Herbert H. Lehman
United States Senate
Washington, D.C.

Dear Senator Lehman:

Thank you very much for your splendid letter of March 23.

I am very sympathetic with everything you say in your letter. As you know, immigration in our field, and our agency too would like to see an immediate meeting of the minds and that we can only have if all groups participate in such a meeting.

Since receiving your letter I have given considerable thought as to whether or not U.S.N.A. should call a meeting. In the meanwhile I have learned that Mr. Irving Kane, President of NCRAC has written to you suggesting that his organization call a meeting, and I sincerely hope that the American Jewish Committee and the Anti-Defamation League will accept an invitation as non-members. Our organization attends the NCRAC meetings on immigration and we are not members.

Since receiving your letter I have discussed this with Irving Engel of the Committee, as well as with Mr. Kane. If by any chance Mr. Kane's suggestion does not materialize into a meeting I shall do everything within my power to bring about a meeting in some other manner.

As above stated, however, the quickest and easiest way would be for the Committee and A.D.L. to put the cause of immigration above the organizational dispute and accept Mr. Kane's invitation.

Thank you very much for your interest in this matter, and please feel free to call upon me at any time.

Cordially,

WHB:MDG

Walter H. Bieringer, President
United Service for New Americans

National Community Relations Advisory Council

9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

March 30, 1953

TO: Members of the Executive Committee

The copies of correspondence herein are self-explanatory. I am sure you will find it interesteding.

Isaiah M. Minkoff

C O P Y

March 27, 1953

Mr. Jacob Blaustein, President
American Jewish Committee
386 Fourth Avenue
New York 16, N. Y.

Dear Jacob:

I am enclosing a copy of a letter I have sent today to Senator Lehman. This is in reply to a letter that the Senator wrote me, in which he noted that he was writing in similar vein to you and to the B'nai B'rith.

I earnestly hope that the American Jewish Committee and the B'nai B'rith will find acceptable the arrangement that I outlined in my letter to the Senator.

Sincerely yours,

Irving Kane
Chairman

Enc.
c.c. John Slawson

Same letter to Frank Goldman c.c. Henry Schultz c.c. Benjamin Epstein

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL
9 East 38th Street
New York 16, N. Y.

C
O
P
Y

March 27, 1953

Honorable Herbert H. Lehman
Senate Office Building
Washington, D. C.

My dear Senator Lehman:

Please accept my sincere thanks for your letter of March 23 and my assurance that your views on any subject will always be welcome in the NCRAC. Needless to say, the organizations associated in the NCRAC share completely your evaluation of the importance of "a united and coordinated Jewish viewpoint" in the effort to bring about a fair and humane U.S. immigration policy.

It was a recognition by the Jewish communities of the country of precisely this need - the need for a pooling of information and resources, for joint planning and joint action by the various agencies of the community in support of common objectives - which gave rise to the NCRAC nine years ago and which continues to be its raison d'etre. Thus, your suggestion that arrangements be made to "provide a means for consultation and exchange of views among the interested national organizations - to develop and to maintain a joint approach (in which) no group need waive any of its rights, nor sacrifice any of its independence of action" strikes a responsive chord. Indeed, your very language might well serve to describe both the purposes and the procedures of the NCRAC.

Through their membership in the NCRAC, representatives of the three religious branches of Judaism - Orthodox, Conservative and Reform - of the American Jewish Congress, the Jewish Labor Committee, the Jewish War Veterans, as well as representatives of twenty-eight of the largest Jewish communities, where in the final analysis, all programs must be carried out, meet together regularly to consider common problems, to seek agreement on policies and programs, while retaining the right, where agreement is not possible, to follow their own course of action.

The machinery of the NCRAC is quite flexible. Agencies which are not members of the NCRAC, have nevertheless been welcome participants in committees dealing with problems in which they may have a special concern. Thus for example, the United Service for New Americans, the National Council of Jewish Women and the Hebrew Immigrant Aid Society, though not members of the NCRAC, have for many years participated fully in our Immigration Committee. The united approach which marked your testimony on the Stratton Bill in 1947, when you appeared in behalf of all the Jewish organizations represented in our Immigration Committee - non-members as well as member organizations - has been maintained ever since, to the manifest benefit of the Jewish community.

We are eager to continue this united approach, to the end that our combined strength may be brought to bear in support of your inspiring leadership for a liberal immigration policy. We shall be very heppy, therefore, to have the American Jewish Committee and the B'nai B'rith participate in all the deliberations and activities of our Immigration Committee, irrespective of whether or not they choose to rejoin the NCRAC. Acceptance of this invitation will imply no commitment on their part to take any action with respect to immigration with which they are not in full agreement, nor will it imply any commitments as regards the differences between them and the member agencies of the NCRAC on the questions of interagency relationships generally.

I am sending copies of this letter to the heads of the American Jewish Committee and the B'nai B'rith, and it is my earnest hope that they will accept this invitation to participate, along with all the other Jewish organizations concerned with immigration policy, in the work of our Immigration Committee.

I am deeply grateful for your interest in this matter and for your valued suggestions.

With warmest personal regards,

Sincerely yours,

/s/

IRVING KANE
Chairman

IK:sls

Herbert H. Lehman
New York

UNITED STATES SENATE
Washington, D. C.

March 23, 1953

Mr. Irving Kane
President
National Community Relations
Advisory Council
9 East 38th Street
New York, N. Y.

Dear Mr. Kane:

I wish to express my appreciation for the participation of the NCRAC in the informal conference of Jewish organizations held here in my office at my invitation last Thursday to consider legislative developments and to plan a coordinated strategy.

The conference was quite productive and your representatives, Messrs. Jules Cohen and Al Arent, were most helpful. I believe that this was the first time since September that representatives of all the organizations previously associated in the Immigration Committee of the NCRAC met together to exchange views and to consider a unified position on immigration legislation.

As I mentioned to this group Thursday, I do not wish in any way to inject myself into the controversy between the NCRAC and the organizations which withdrew from it. I can only hope that the differences may be soon composed. However, in the meantime, I feel it is extremely important that these outstanding organizations find some way to meet together on problems of immigration legislation.

Immigration legislation, being a subject of inter-faith effort, should have the benefit of a united and coordinated Jewish viewpoint, as far as possible. I would say the same thing to the Catholic and the Protestant groups.

In my opinion, the matter of immigration and immigration policy is so vital to our country, our traditions and our whole way of life as to transcend the interests of any one group, organizational prerogatives, or pride of position. It is so important, to my way of thinking, as to justify such special arrangements being made as will provide a means for consultation and exchange of views among the interested national organizations as frequently as may be necessary to develop and to maintain a joint approach. In so doing, no group need waive any of its rights, nor sacrifice any of its independence of action.

I should like to urge that you, as the President of the NCRAC, and the lay heads of the other Jewish organizations involved, meet together to work out some ad hoc solution. This is an urgent matter; new problems regarding immigration legislation are constantly arising; joint consultation is absolutely imperative. I hope this can soon be resolved.

I am aware of the complexities and problems involved. As I said, I do not wish to interfere in these basic organizational problems. I could not undertake to solve them. I certainly do not wish to minimize them.

All I can do is to state my view, as I stated it at the meeting. I trust you will accept these views for what they are worth. I am sending similar letters to the lay heads of the other organizations. I hope you will find a way to proceed from here. I realize, of course, that it is your problem and that I am presuming, to some extent, in addressing myself to it.

With kind personal regards, I am

Yours very sincerely

/s/ Herbert H. Lehman

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

TO: NCRAC Membership (CONFIDENTIAL)

FROM: Jules Cohen, National Coordinator

DATE: March 30, 1953

SUBJECT: Immigration - Recent developments re: special emergency legislation

Enclosed is a copy of a letter dated March 19 from Roland Elliott of the National Council of the Churches of Christ which was sent to the War Relief Services, NCWC, the National Lutheran Council and the NCRAC for the Jewish organizations. Also enclosed is a copy of my letter of reply dated March 24. which sets forth the NCRAC position on emergency legislation as re-affirmed by the NCRAC Committee on Immigration February 24. This exchange of correspondence points up the issue.

As you know from copies of statements of the various religious organizations which you received from time to time, the line up until recently re: special legislation was as follows: the National Council of Churches since last fall has given first priority to special legislation. The Catholic Board of Bishops in its resolution of November 10, 1952 called for relief for the "refugee" problem "preferably through an immediate change in the basic immigration law, or if necessary, through emergency legislation." The National Lutheran Council position as adopted in February, 1953 also calls for provision for the emergency situation through changes in the basic law.

Recently, at an informal meeting of representatives of the religious groups, we learned that the Board of Bishops met on the immigration issue all day on Thursday, March 5 and, largley on information from their Washington people, adopted a position to support emergency legislation immediately, because in the judgment of the Board of Bishops, changes to P. L.414 cannot be brought about in the present session of the 83rd Congress. At the same time, the Bishops called on Catholic colleges to cooperate in sponsoring additional Institutes on Immigration and otherwise to continue the campaign on the basic questions. The National Lutheran Council was asked if it would go along with a request to the President for an appointment to discuss special legislation and replied in the affirmative because (1) It had adopted a resolution on special legislation as far back as December 1951 and (2) Dr. Empie, director of the Lutheran Council was certain that such action would be authorized at a meeting of the Executive Committee of his agency which was scheduled to be held on March 25.

The rest of the story is that the letter to President Eisenhower, signed by the NCCC; War Relief Services, NCWC; and the National Lutheran Council was sent on March 25. I might add that at a meeting of the Immigration Policy Committee which was held Wednesday afternoon, this issue was again discussed in the friendliest manner but with a clear difference between the Jewish representatives and the representatives of the non-Jewish religious groups. It should be said that the representatives of the Christian communions repeatedly said they will not let up in their efforts on behalf of securing changes to P. L. 414 and they see no incompatibility between educational efforts on behalf of special legislation and basic changes at one and the same time. On our part, we assured the other groups that we would continue to cooperate to the fullest extent possible and that as regards special legislation, we would make decisions each step of the way. Thus, after the bill is drafted; at the time hearings are scheduled, etc. The Policy Committee on Immigration will continue to function and of course we will continue to cooperate therein.

In the discussion of the issue of special emergency legislation at the NCRAC Immigration Committee meeting of February 24, the position was re-affirmed that the Jewish organizations could not go along with special legislation, although we will not oppose such legislation. It was also agreed that both nationally and locally the role of the Jewish agencies should be to continue to press the educational efforts in behalf of a positive immigration policy and revisions to P.L. 414.

You will also be interested in knowing that a comprehensive bill to amend P.L. 414, which is in preparation by professors of Howard University and the University of Pennsylvania will soon be completed. It is hoped that this bill, with effective bi-partisan sponsorship and possibly, Administration support, will be ready for introduction in Congress in the next few weeks.

We will, of course, advise you of significant developments nationally. We would appreciate being kept informed of developments which may occur in your community.

JC

C
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National Council of the Churches of Christ
120 East 23rd Street
New York 10, N. Y.
Central Department of Church World Service

19 March 1953

Dr. Walter W. Van Kirk
Father A. Wycislo
Mr. Jules Cohen
Miss Cordelia Cox

Dear Friends:

The letter to President Eisenhower as amended in agreement with Mr. Butler is as follows:

"My dear Mr. President:

Reports that reach us from our workers in Berlin, Trieste, Greece, Hong Kong and the Middle East underscore the need for early and positive action by the United States.

Because of the very great urgency of such action to our humanitarian and foreign policies and because it is clearly not feasible quickly enough to provide this through basic changes in the current immigration law, we should welcome an opportunity for an early conversation with you about measures which would be practicable and effective at this time.

We are conscious of the heavy burdens you are carrying. Our hope that this conference with you at this time may be of assistance to you is responsible for our making this request.

Very respectfully yours,"

I assume this would now be signed by NCWS and NCCC.

Ever cordially yours,

Roland Elliott
Director
Immigration Services

RE:RKH

National Community Relations Advisory Council

9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

C
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P
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March 24, 1953

Mr. Roland Elliott
Church World Service
National Council of the Churches of
Christ in the U.S.A.
120 East 23 Street
New York 10, New York

Dear Roland:

This is in response to your letter of March 19 and our telephone talks re: the possibility of our joining in the amended letter to President Eisenhower.

I am sorry to have to inform you that the language of the letter, as amended, makes it impossible for us to join. I have reference particularly to the phrase "and because it is clearly not feasible quickly enough to provide this through basic changes in the current immigration law." We might have gone along if this phrase were not in the letter. The term "quickly enough" is, of course, relative. We believe that while it will be difficult, it nevertheless is feasible to take care of the emergency situation through basic changes in the immigration law "quickly enough." We are convinced that if the private organizations could continue unitedly and without diversion, to press for basic changes in P.L. 414, with special provision in such changes for the emergency groups, such changes could be brought about in about the same time and with about the same effort that will be necessary to get special legislation.

Since we first began meeting in the Immigration Policy Committee, the Jewish agencies have clearly understood the position that it might be necessary to get behind special legislation when it became certain that there is no chance for basic changes within a reasonable time. I submit, however, Roland, that, in our judgment, that time has not yet arrived. To begin pushing for special legislation even before a bill to amend 414 has been written or

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

CONSTITUENT ORGANIZATIONS

National Agencies

American Jewish Congress
Jewish Labor Committee
Jewish War Veterans of the United States
Union of American Hebrew Congregations

Local, State, and Regional Agencies

Akron Jewish Community Council
Jewish Community Relations Council for Alameda and Contra Costa Counties, California
Baltimore Jewish Council
Jewish Community Council of Metropolitan Boston
Jewish Community Council, Bridgeport, Conn.
Brooklyn Jewish Community Council
Community Relations Committee of the Jewish Federation of Camden County, N.J.
Cincinnati Jewish Community Council
Jewish Community Federation, Cleveland, Ohio
Detroit Jewish Community Council
Jewish Community Council of Essex County, New Jersey
Community Relations Committee of the Hartford (Conn.) Jewish Federation
Indiana Jewish Community Relations Council
Indianapolis Jewish Community Relations Council
Community Relations Bureau of the Jewish Federation and Council of Greater Kansas City
Community Relations Committee of the Los Angeles Jewish Community Council
Milwaukee Jewish Council
Minnesota Jewish Council
New Haven Jewish Community Council
Norfolk Jewish Community Council
Philadelphia Jewish Community Relations Council
Jewish Community Relations Council, Pittsburgh
Jewish Community Council, Rochester
Jewish Community Relations Council of St. Louis
Southwestern Jewish Community Relations Council
San Francisco Jewish Community Relations Council
Jewish Community Council of Greater Washington (D.C.)
Jewish Community Relations Council of the Jewish Federation of Youngstown, Ohio

introduced and in advance of a meeting with the President, is to capitulate much too early in the game. This is particularly hard to take at a time when, as you know, a bill to amend 414 is in preparation and is likely to be introduced within the next few weeks.

To yield now is to ignore completely many favorable factors such as the President's campaign commitments; his State of the Union reference to immigration, (in which, significantly he dwelt upon 414 and not the emergency situation); the obvious revulsion against the inequities of the national origins quota system on the part of informed public opinion; the unusual interest in the immigration issue generated by the adoption of P.L. 414, the Perlman Commission, the election campaign, the educational efforts by the various religious and other national organizations and similar efforts in the states and cities; the publicized harmful effects of P.L. 414 on our foreign relations since the Act went into effect; and lastly the lack of any real assurance that special legislation can be enacted in this session of Congress or for that matter, at any time sooner or with appreciable less effort than that required to amend P.L. 414.

You know, of course, that I am not happy about having to say "no" to you at any time, and trust you understand that I do so only on the basis of the deep conviction held by our member agencies and after full and serious consideration of your kind invitation.

Cordially, as always,

JULES COHEN
National Coordinator

JC:LR
cc: Dr. Walter Van Kirk
Rev. Aloysius Wycislo
Miss Cordelia Cox

C O P Y

AMERICAN JEWISH COMMITTEE

April 7, 1953

Hon. Herbert H. Lehman
United States Senate
Washington, D.C.

Dear Senator:

Thanks for your March 23 letter. We are glad you took the initiative to call together as you did the Jewish organizations interested in immigration. We fully agree that exchanges of views and coordination of the objectives toward which the Jewish organizations direct themselves in this matter are highly desirable. This does not necessarily mean that in dealing with the situation, approaches to, or efforts with, others outside of the Jewish groups should be as a single unit, - and indeed our experience has indicated that often separate approaches, with common objectives, are desirable and more conducive to effective accomplishment.

The problem, as you observed in your meeting, is the situation that has developed regarding the National Community Relations Advisory Council. And here, I think I should add that this difference is not as simple as might be indicated by your words "interests of any one group, organizational prerogatives, or pride of position." Instead, the difference between the Joint Defense Appeal agencies and the NCRAC goes to the basic principle as to whether one group in America, by majority vote, can or should speak for all of American Jewry in the community relations field or any other field. We oppose this concept today, as we always have, and did at the time of the American Jewish Conference.

I venture to give you this background so that you will appreciate that there is something very fundamental involved in this matter of relationship with the NCRAC. This situation has now been under discussion and review for several years, and, from the standpoint of the Jewish community, we cannot sacrifice for any particular situation the position which we have taken with respect to it.

As you have been advised, we are not only willing but eager to confer with all the parties for the purpose of exchanging information and clarifying objectives, but under the circumstances cannot do so, directly or indirectly, within the framework of the NCRAC.

As reported to me, you recognized this situation and at your meeting concurred in the suggestion that a neutral in the controversy between the NCRAC and the JDA agencies bring the parties together. We were and are agreeable to this and suggested the United Service for New Americans as such a neutral.

As further repcrted to me, however, the NCRAC and the American Jewish Congress representatives at your meeting insisted that interested groups should confer under the auspices of the NCRAC's Committee on Immigration. The March 27, 1953 letter to you from the Chairman of the NCRAC, of which he has sent me a copy, confirms this as the position of that agency.

We have proceeded to urge the USNA to act as a convenor and hope it will agree to do so and that the NCRAC will also concur. Anyway, that is the way the matter now stands.

I am quite sure you are aware of the tremendous amount of thought and effort the American Jewish Committee and its officers and staff have put into these immigration problems. Philip Perlman and Harry N. Rosenfield can tell you further how well we collaborated in the proceedings and the work of their Committee.

I cannot close without adding a personal word to the Resolution already forwarded to you by the American Jewish Committee in connection with your 75th Birthday. You know you have my heartiest felicitations and best wishes for many more years of the distinguished service that has made all of us so proud of you.

Sincerely,

Jacob Blaustein
President

COPY

April 21, 1953

Mr. Jacob Blaustein
American Jewish Committee
386 Fourth Avenue
New York, New York

Dear Jacob:

Our Committee on Immigration will hold an important meeting on Monday, April 27, at 2:00 p.m. in the NCRAC office to review current developments and plan future steps in our effort to secure a fair and humane United States Immigration policy.

The American Jewish Committee is cordially invited to attend and participate in this meeting. Representatives of other non-member agencies, including United Service for New Americans, HIAS, the National Council for Jewish Women, the National Jewish Welfare Board, all of whom have long participated in the work of our Immigration Committee, are also expected to attend.

Your letter to Senator Lehman, I recognize, expresses your reluctance to participate in the Committee on Immigration because of your opposition to the concept of having any "one group ... by majority vote speak for all of American Jewry."

It is a source of regret to me that my repeated assurances have not been sufficiently convincing to persuade you that even in the area of community relations the NCRAC has not in the past, does not now, and does not intend in the future to purport to speak for all American Jewry, either by majority or by any other kind of vote. Aside from asserting these facts to you once again with all the sincerity I command, I can only reiterate what I said in my letter of March 27, namely that your participation will not "imply any commitment to take part in any action with respect to immigration with which you are not in full agreement, nor will it imply any commitment as regards the differences between the JDA agencies and the member agencies of the NCRAC on the questions of interagency relationships generally." The name of the American Jewish Committee will not be used either directly or inferentially in any statement emanating from the Immigration Committee unless the American Jewish Committee specifically indicates that it desires to be included in such a statement. I sincerely trust that this assurance will allay whatever fears you have had on this score.

Your letter to Senator Lehman expresses your willingness to confer "for the purpose of exchanging information and clarifying objectives." I had hoped that because of the importance of the immigration issue you might perhaps be willing to go beyond mere interconsultation in this one area and join

(more)

in the processes of joint program planning, the coordinated action and division of responsibility to which the member agencies of the NCRAC are dedicated. I do not doubt, however, that even such a limited exchange of information and views as you suggest can be mutually beneficial and I assure you that the participation of the American Jewish Committee in our Immigration Committee need not go beyond whatever limitations it sets for itself.

As Senator Lehman stated, "the matter of immigration and immigration policy is so vital to our country, traditions, and our whole way of life as to transcend the interest of any one group, organizational prerogatives, or pride of position." I earnestly hope therefore that the American Jewish Committee will be represented at the meeting of our Immigration Committee on April 27 in order that we may join in a common effort towards our common goal.

Sincerely yours,

Irving Kane
Chairman

P.S. Incidentally, as the opening paragraph of this letter states, our meeting is scheduled to take place at the office of the NCRAC. However, should you so request, I am certain that another meeting place can be arranged.

I.K.

C
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April 21, 1953

Mr. Frank Goldman, President
B'nai B'rith
1003 K Street, N.W.
Washington, D. C.

Dear Frank:

Our Committee on Immigration will hold an important meeting on Monday, April 27, at 2:00 p.m. in the NCRAC office to review current developments and plan future steps in our effort to secure a fair and humane United States Immigration policy.

Although I have had no reply from you to my letter of March 27 inviting the B'nai B'rith to participate in our Immigration Committe, I should like to extend an invitation to the B'nai B'rith to attend the meeting of April 27, and I sincerely hope that you will accept.

As I indicated in my earlier letter such participation will be on the same basis as that of other non-member agencies who have long participated in the work of our committee, such as the United Service for New Americans, HIAS, the National Council for Jewish Women, the National Jewish Welfare Board and will not "imply any commitment to take part in any action with respect to immigration with which you are not in full agreement, nor will it imply any commitment as regards the differences between the JDA agencies and the member agencies of the NCRAC on the questions of interagency relationships generally." The name of the B'nai B'rith will not be used either directly or inferentially in any statement emanating from the Immigration Committee unless the B'nai B'rith specifically indicates its desire to be included in such a statement.

I know that the B'nai B'rith shares the concern with which Senator Lehman and ourselves regard the immigration issue. I earnestly hope therefore that the B'nai B'rith will be represented at the meeting of our Immigration Committee on April 27 in order that we may join in a common effort toward our common goal.

Sincerely yours,

Irving Kane
Chairman

P.S. Incidentally, as the opening paragraph of this letter states, our meeting is scheduled to take place at the office of the NCRAC. However, should you so request, I am certain that another meeting place can be arranged.

I.K.

ENGEL, JUDGE, MILLER & STERLING

ATTORNEYS AND COUNSELLORS AT LAW

52 VANDERBILT AVENUE, NEW YORK 17, N.Y.

TELEPHONE LEXINGTON 2-5000
CABLE ADDRESS "KONLAW"

April 22, 1953

Dr. Abba Hillel Silver,
The Temple East,
105th Street at Ansel Road,
Cleveland 6, Ohio.

Dear Dr. Silver:

Pursuant to our conversation, I hand you herewith copy of letter, on the McCarran Immigration Act, which I sent to Senator Taft on April 15.

I enjoyed our very stimulating session yesterday afternoon.and hope very much that, as a result, you will find it possible to stimulate favorable action in Washington with respect to revision of the McCarran Act.

Sincerely yours,

Enc.

ENGEL, JUDGE, MILLER & STERLING
ATTORNEYS AND COUNSELLORS AT LAW
52 VANDERBILT AVENUE, NEW YORK 17

IME/ER

April 15, 1953

Hon. Robert A. Taft
United States Senate
Washington, D.C.

Dear Senator Taft:

First, I wish to thank you for taking time out of your busy day to grant me an interview for the purpose of discussing the Immigration and Nationality Act of 1952 (Public Law 414). To me, at least, the discussion was quite enlightening.

Second, I would like to summarize some of the statements made in that interview:

A. First and foremost among the objections to Public Law 414 is that it perpetuates the national origins system, under which a person's admissibility to this country is made to depend, not upon his individual qualities, but upon the place where he was born, and, indeed, in some cases, upon his racial ancestry. This system has been condemned as un-American by leaders representing almost every segment of our population. For example, Dr. Walter Van Kirk, on behalf of the National Council of Churches of Christ in the United States, testified that this portion of the law was "an affront to the conscience of the American people". And Archbishop Cushing of Boston condemned the law as "unwise and injurious to the nation" and based upon an attitude of "distrust and hostility to aliens".

Both General Eisenhower and Senator Nixon, in the last campaign, stated that the national origins provisions were based on bigotry and declared that they should be rewritten. On October 16, 1952 General Eisenhower said "We must strike from our statute books any legislation concerning immigration that implies the blasphemy against democracy that only certain groups of Europeans are welcome on American shores".

The New York Times, on October 20, 1952, contained the following report on the statement made by Senator Nixon the previous day:

> "Although he had voted in Congress for the McCarran Immigration Bill, which became law over Pres. Truman's veto last June, Sen. Nixon followed the lead yesterday of Gen. Eisenhower in calling for a new immigration law <u>without the McCarran law's country-of-origin quotas</u>. He***added that he subscribed 100% to Gen Eisenhower's declaration of last Friday that the law must be rewritten without bigotry". (Emphasis supplied).

Rabbi Silver, of Cleveland, who defended the General against the charge of anti-semitism, had the following to say:

> "It is clear that General Eisenhower is opposed to the McCarran Bill. ***Gen. Eisenhower would like to eliminate from the bill unusual preferences for Nordics or any other racial preference".

There are many grounds on which the national origins system could be condemned. It is sufficient, however, to state that no statute can be justified under which we admit annually some 26,000 Germans, but provide that, regardless of individual qualifications, we will take in only 5,600 Italians, 3,200 Poles, 300 Greeks, etc.

B. No one denies that there should be some limitation on the number of quota immigrants admitted to this country each year. The argument is as to whether the limit should be approximately 150,000, or 250,000, or some figure between those two points. At present, we have a theoretical maximum of approximately 154,000, but in actual practice, due to the workings of the national origins system, the number of quota immigrants actually admitted annually averages less than half of that number.

C. It is also agreed that there should be provisions barring subversives, criminals, the diseased, the illiterate, those likely to become public charges, etc. However, there are many well founded criticisms of specific provisions of Public Law 414 in this respect.

D. Administratively, the law contains many provisions which, on the one hand, are impractical and unworkable and, on the other hand, are violative of fundamental principles of Anglo-Saxon justice.

E. The provisions with reference to deportation, naturalization and denaturalization are unnecessarily harsh. In several important respects the law treats naturalized persons as second-class citizens. The elimination of a statute of limitations and the insertion of ex post facto provisions are deplorable.

I do hope that, upon confirming the accuracy of the facts I have set forth above, and upon further reflection, you will come to the conclusion, first, that the national origins system is fundamentally wrong and must be replaced by legislation which is more in accord with fundamental American principles, and, second, that in many other respects Public Law 414 is unsound and requires amendment.

Respectfully yours,

/s/ Irving M. Engel

IRVING KANE
SHAKER HEIGHTS, OHIO

April 23, 1953

Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

Dear Rabbi:

In view of our conversation in New York, regarding the Immigration Issue, I believe it important that you have the enclosed documents.

While I dare not hope that you will find time to read all of them, let me suggest which may be of particular significance.

First, you will find copies of my correspondence with Senator Lehman, Jacob Blaustein, Frank Goldman, etc., beginning (reading from the bottom up) with Senator Lehman's letter to me of March 23, and my letter to Blaustein of April 21, which I wrote from New York.

The other documents are some of the more important memoranda which the NCRAC has sent out in recent months. They are in chronological order, reading from the bottom up. The memorandum dated March 10, is likely to be of particular interest to you since enclosed with it is a summary of a conference with Senator Taft. You will also be interested in the second enclosure with this memorandum, also dated March 10, and entitled "Miscellaneous Information of Interest," regarding a conference of religious groups which discussed the possibility of meeting with President Eisenhower. The enclosures with the memorandum of March 30, may also be of interest.

Finally, you may want to look at the memorandum dated January 23, which carries with it our report on programming for 1953 on the Immigration Issue, the outline of major provisions for a revised immigration law and the outline for a local program of activities. The memorandum on the Boston Institute furnishes an ~~the~~ insight as to how the Jewish agencies, through the NCRAC, were able to be helpful in the conclusions and recommendations which ~~emigrated~~ emanated from the Institute.

While this may seem to be a lot of material, it is only a small part of what we have been sending to our members on the Immigration Issue since last fall. I know you will feel free to call upon me for anything more you may need.

With warm regards,

Sincerely,

April 28, 1953

Mr. Irving Kane
3139 Kingsley Road
Cleveland, Ohio

My dear Irving:

Thank you for the material which you sent me and which I read with much interest. I am enclosing herewith for your personal perusal copy of a letter which I sent to Mr. Engel this morning.

With all good wishes, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

April 28, 1953

Mr. Irving M. Engel
52 Vanderbilt Avenue
New York 17, New York

My dear Mr. Engel:

Permit me to thank you for your letter of April 22nd and for the enclosure which I read with much interest. At the time that we met, I did not know, nor did you or Dr. Slawson inform me, that there had been considerable correspondence between the NCRAC and the American Jewish Committee, the B'nai Brith and Senator Lehman about joint action with reference to the McCarran Immigration Act in Congress, and that the American Jewish Committee had declined an invitation of the NCRAC to meet with it for consultation and to find common ground for action, although they were assured that an acceptance of the invitation would imply no commitment on their part to take any action with respect to immigration with which they are not in full agreement; and furthermore, that there are other national agencies which are not members of the NCRAC which are participating in such discussions.

As you probably know, I have consistently refrained from taking any position publicly in the controversy which has developed between the NCRAC, the American Jewish Committee and the B'nai Brith although I have very strong personal convictions in the matter. I recall vividly a similar action on the part of the American Jewish Committee when it bolted from the American Jewish Conference because it could not have its own way. In both instances the underlying idea seems to be clear; unity in American Israel is highly desirable but it is unity only when you agree with me; if I am asked to agree with you, that is dictatorship. The controversy is then translated to the level of a holy struggle for basic principles in defense of democracy against the domination of a majority, etc., etc.

It is regrettable that the much-needed unity in the field of public relations and defense work has been disrupted. I hope that wiser statesmanship and men less concerned with organizational prestige and prerogatives will find ways to clear the situation.

You will accordingly readily understand my reluctance to act in this matter except through coordinated channels.

With all good wishes, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

cc: Irving Kane

IRVING KANE
SHAKER HEIGHTS, OHIO

April
Thirtieth
1953

Rabbi Abba Hillel Silver
The Temple
East 105th Street and Ansel Road
Cleveland, Ohio

Dear Rabbi:

I am most grateful to you for sending me a copy of your letter of April 28th to Irving Engel. I can only hope that your strong words and wise counsel to them, will help to bring about some degree of common sense in this whole business.

I should want you to know that we did finally meet with representatives of AJC and ADL. You will recall that under date of April 21st, I had again written to Blaustein and Frank Goldman, urging them to attend the meeting of the NCRAC Immigration Committee, which had been called for Monday, April 27th.

This last invitation was again turned down, even on the terms I had outlined in my letters to them, but after much last minute, frantic telephoning between Frank Goldman and myself, they finally agreed to send representatives, on the condition that the meeting be held at a hotel, rather than our office, and on the further condition that it was not to be known as an NCRAC meeting, but rather as "an informal meeting of various organizations interested in immigration, gathered together to canvass the situation."

There are many reasons of principle why I could have turned down this formula, but I finally agreed, in the interest of the substantive issue involved. You have known for a long time, and I have learned but recently, that there is nothing like a bit of a crisis to bring about unity when it doesn't exist, and we were all confronted with serious issues, arising from President Eisenhower's request for emergency immigration legislation.

The meeting was held, but on a professional level only, and while I have not yet had a full report of it, I dare say some good resulted.

IRVING KANE
SHAKER HEIGHTS, OHIO

Partly as a result of this meeting, a conference is being held with President Eisenhower tomorrow morning at the White House, to be attended by Protestant, Catholic and Jewish representatives. Either Walter Van Kirk, or Roland Elliott, of the National Council of the Churches of Christ will go for them; probably Monsignor Swanstrom for the National Catholic Welfare Council and Walter Bieringer, President of United Service for New Americans, for the Jewish groups.

While the USNA had suggested that I should be the Jewish representative at the White House conference, we agreed that Bieringer should go, first because AJC and ADL would not permit me to speak for them, but also, it is only fair to point out, because there was no unanimity within the NCRAC on whether we should go at all to see the President at this time. Some of our groups feel that we should be somewhat guarded in commending the President at this time for his efforts to secure emergency legislation, because they feel that this may kill off any possibility of revising the McCarran Act. Senator Lehman, incidentally, agrees with this latter position.

Events are moving very quickly on the immigration issue and I shall not want to burden you by keeping you advised of day-by-day developments, but I need not impress upon you that your counsel and help will be most welcome, whenever you may feel free to give it.

With deepest respect and affection always,

IK/mp

Dear Rabbi,

I believe you'll be interested in the enclosed.

from the desk of—

IRVING KANE

National Community Relations Advisory Council

9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

COPY

April 30, 1953

President Dwight D. Eisenhower
White House
Washington, D. C.

Dear Mr. President:

It is my pleasure to transmit to you the attached statement expressing gratification at your message to Senator Watkins about the McCarran-Walter Immigration Act. This is a joint statement of the six national Jewish agencies and twenty-eight Jewish community councils which together comprise the National Community Relations Advisory Council; and also of the operating immigration agencies, the Hebrew Immigrant Aid Society and the United Service for New Americans.

Yours sincerely,

IRVING KANE
Chairman

bk
Encs.

bc: Irving Kane

National Community Relations Advisory Council

9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

COPY

April 30, 1953

Hon. Herbert H. Lehman
Senate Office Building
Washington, D. C.

Dear Senator Lehman:

May I commend you on the excellent statement which you issued on April 24, commenting upon President Eisenhower's immigration message. You will be interested in knowing that your statement proved very helpful to the NCRAC Committee on Immigration in developing its statement. Enclosed is a copy of the public statement which NCRAC agencies together with H.I.A.S. and U.S.N.A. released on April 29. You will note that the NCRAC statement is fully in accord with your own.

We are, of course, sending copies of the statement to the President and key members of Congress and will continue to join our voice and strength with you and your colleagues who have done so much to awaken the conscience of America to the evil of the McCarran-Walter immigration law.

Kindest personal regards.

Sincerely,

IRVING KANE
Chairman

bk
Enc.

bc: Irving Kane

S T A T E M E N T

The undersigned organizations are gratified by the action of President Eisenhower in forwarding to Congress the complaints he has received outlining some of the injustices of the McCarran-Walter Immigration Act.

We find in the memorandum a practical demonstration of his continued determination to forge an immigration policy and law expressing our best traditions. As the President has previously said in commenting on the McCarran-Walter Immigration and Nationality Act, "existing legislation contains injustices. It does, in fact, discriminate". We trust that he will continue to give leadership to Congress so that this discrimination may cease.

The President's memorandum to Senator Watkins is an excellent beginning. Unfortunately, no brief letter could adequately encompass or describe all of the shortcomings or inequities of the present immigration law. As he himself noted in the State of the Union Message, "a proper basis of determining quotas" must be devised. It is urgent, therefore, that we abandon the racist national origins quota system and substitute in its stead a flexible immigration law which will allocate opportunities for admission without regard for the accident of place of birth. A flexible immigration system will enable this country to respond quickly and within the framework of our permanent immigration laws to such emergency situations as the President described in his message of April 23, calling for a program to admit an additional 240,000 persons. By eliminating the national origins system, we can achieve a lasting and conclusive solution to these problems.

The President's recommendation to Congress that it investigate the complaints which he forwarded, as well as other critical comments, sounds a desperately needed call for a reappraisal of our basic policies, which must lead to a thorough rewriting of existing law.

We urge that the appropriate committees of the Senate and the House immediately hold hearings so that our legislators may be made aware of the overwhelming public sentiment for revision of the Immigration and Nationality Act of 1952.

4/28/53

American Jewish Congress
Hebrew Immigrant Aid Society
Jewish Labor Committee
Jewish War Veterans of the United States
Union of American Hebrew Congregation
Union of Orthodox Jewish Congregation of America
United Service for New Americans
United Synagogue of America

National Community Relations Advisory Council

C
O
P
Y

April 24, 1953

MR. PRESIDENT:

I NOTED WITH GREAT INTEREST, AS WE ALL DID, THE RECOMMENDATION BY PRESIDENT EISENHOWER YESTERDAY OF AN EMERGENCY IMMIGRATION PROGRAM TO PERMIT 240,000 REFUGEES AND ESCAPEES AND PERSONS FROM COUNTRIES SUFFERING FROM POPULATION PRESSURES TO BE ADMITTED INTO THE UNITED STATES WITHIN THE NEXT TWO YEARS. AS ONE WHO HAS BEEN DEEPLY INTERESTED IN THE SUBJECT OF IMMIGRATION, I AM PLEASED THAT THE PRESIDENT HAS THUS RECOGNIZED THE URGENCY OF THE IMMIGRATION SITUATION AND THE UTTER INADEQUACY OF OUR PRESENT LAWS TO DEAL WITH THIS SITUATION.

PRESIDENT EISENHOWER, IN HIS LETTER TO THE CONGRESS, PROPOSED THAT THE EMERGENCY PROGRAM BE CARRIED OUT "WITHIN THE FRAMEWORK OF THE IMMIGRATION LAWS." I MUST ASSUME THAT HE MEANS THAT THIS PROGRAM SHOULD BE CARRIED OUT NOT WITHIN THE FRAMEWORK OF THE PRESENT IMMIGRATION LAWS FOR THAT IS OBVIOUSLY IMPOSSIBLE, BUT WITHIN THE FRAMEWORK OF REVISED LAWS WHICH WOULD PERMIT THE UNITED STATES TO PLAY ITS PROPER ROLE IN THE RELIEF OF THE PRESENT SITUATION IN EUROPE. I AGREE THAT THE PRESENT EMERGENCY SHOULD BE MET AND ALSO THAT PROVISION BE MADE TO MEET FUTURE EMERGENCIES OF THIS KIND. I CONGRATULATE THE PRESIDENT ON HIS ACTION IN BRINGING THIS SITUATION TO THE ATTENTION OF THE CONGRESS AND THE COUNTRY. I HOPE HE WILL HAVE MORE TO SAY ON THIS SUBJECT. CERTAINLY I AND MANY OF MY COLLEAGUES IN THE SENATE WILL.

IN THIS CONNECTION, MR. PRESIDENT, THERE WAS A VERY FINE EDITORIAL IN THIS MORNING'S NEW YORK TIMES, COMMENTING ON THE PRESIDENT'S IMMIGRATION MESSAGE. I ASK UNANIMOUS CONSENT THAT THIS EDITORIAL WHICH IN GENERAL REFLECTS MY OWN VIEWPOINT BE PRINTED IN THE BODY OF THE RECORD AT THIS POINT.

/s/ Herbert H. Lehman

ENGEL, JUDGE, MILLER & STERLING
ATTORNEYS AND COUNSELLORS AT LAW
52 VANDERBILT AVENUE, NEW YORK 17, N.Y.
TELEPHONE LEXINGTON 2-5000
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DAVID MILLER
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FRANCIS G. STAPLETON

PHILIP D. STRAFFIN
ARTHUR A. LEVIN
SYLVESTER BENJAMIN
EDWARD G. WATSON
JOSEPH S. LIBASCI
JOSEPH M. MIDLER
IRVING L. INNERFIELD
WILLIAM M. KAPLAN

AIR MAIL

May 1, 1953.

Rabbi Abba Hillel Silver,
The Temple,
East 105th St. at Ansel Road,
Cleveland 6, Ohio.

Dear Rabbi Silver:

This is in reply to your letter of April 28.

In the last campaign General Eisenhower condemned the national origin provisions of the McCarran-Walter Act as a "blasphemy on American democracy". Both he and Senator Nixon declared that these provisions were based on bigotry. Both definitely committed themselves to have the law rewritten so as to eliminate these provisions. You then gave your solemn assurance to the American people that these pledges had been given and would be performed.

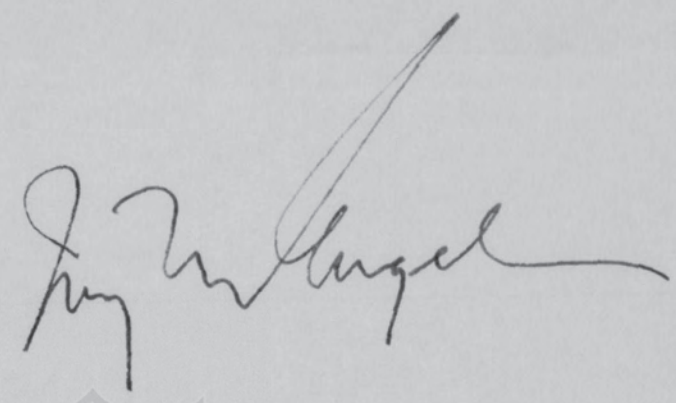
Dr. Slawson and I called on you on April 21 because in my conference with Senator Taft on April 10, the latter had stated categorically that the Administration had discarded any idea of revising the national origin sections of the immigration law; instead, the Senator forecast, quite accurately, that the President would only ask (a) for emergency legislation admitting 240,000 refugees over a two-year period and (b) for a study limited to the administrative provisions of the law.

In view of what had occurred in the campaign, Dr. Slawson and I felt that you were under a definite obligation to the American people in general, and to the Jewish community in particular, to make every effort to prevent the Administration from repudiating its pledge. We do not see how that obligation has in any way been affected by the controversy with the NCRAC to which you refer.

It is entirely immaterial whether you work in collaboration with the American Jewish Committee, the American Jewish Congress, the NCRAC, or independently.

However, in the situation which exists, the responsibility on your part, to exert the tremendous influence which you possess, is inescapable.

Very truly yours,



May 2, 1953

Mr. Irving M. Engel
52 Vanderbilt Avenue
New York 17, New York

My dear Mr. Engel:

I received your letter of May 1st. I do not believe that I need to be reminded by you or Dr. Slawson of my obligations to the American people or to the Jewish community with reference to action which I should undertake in connection with the McCarran Walter Act. Your letter smacked of the impertinence characteristic of some Jewish laymen who must have it their own way or don't play.

I made two points in my letter to you dated April 28th, both of which you ignored in your letter. First, my surprise at the fact that in an hour's conversation with me in connection with the McCarran Immigration Act, you failed to mention the correspondence which had been going on between you and the NCRAC and your refusal to join in conference or common action with the NCRAC to achieve unity in the campaign against the McCarran Act. My second point was that I could not cooperate with an organization that had been responsible for disrupting the NCRAC and was not resisting efforts for unified action. I indicated to you that I would prefer to act in this matter through coordinated channels, which is exactly what I intend to do.

Very sincerely yours,

ABBA HILLEL SILVER

AHS:er

P.S. I was informed yesterday that a meeting was finally arranged on a professional level between the representatives of the AJC and the ADL and the member organizations of the NCRAC on the basis of conditions which you forced on the NCRAC to meet the emergency which was created by President Eisenhower's request for emergency immigration legislation. You must feel highly gratified at such a "triumph".

National Community Relations Advisory Council
9 East 38th Street, New York 16, N. Y. MUrray Hill 5-1606

MEMORANDUM

CONFIDENTIAL CONFIDENTIAL

TO NCRAC Immigration Committee

FROM Jules Cohen

DATE May 6, 1953

SUBJECT Report of Friday, May 1st Interfaith Conference with President Eisenhower

On Friday morning, May 1st, at 9:00 o'clock, an interfaith delegation conferred with President Eisenhower at the White House on the immigration issue. Mr.Walter Bieringer, President of the United Service for New Americans, was a member of the delegation which met with the President. Although, except for USNA, the names of Jewish organizations which Mr. Bieringer represented were not made public, Mr. Bieringer participated in the delegation with the approval of the American Jewish Committee, Anti-Defamation League, Jewish Labor Committee, Jewish War Veterans, National Council of Jewish Women, and USNA. Agencies which did not authorize Mr. Bieringer to speak in their behalf were the American Jewish Congress, Union of American Hebrew Congregations, Union of Orthodox Jewish Congregations, United Synagogue of America and Hebrew Immigrant Aid Society. Mr. Bieringer was good enough to telephone the NCRAC from Washington and the following is his report of the conference.

Mr. Bieringer reported that the meeting with the President which lasted for 25 minutes, was "successful" and "interesting" in his judgment. In advance of the meeting with the President, the delegation met for breakfast.

The delegation was made up of Walter Bieringer; Walter W. VanKirk Roland Elliott, National Council of the Churches of Christ; Msgr. Edward E. Swanstrom, War Relief Services - National Catholic Welfare Conference; and Paul C. Empie, National Lutheran Council.

VanKirk was the spokesman and he made a "beautiful" opening statement. His first words were to the effect "Naturally, we are all in favor of changing the immigration law and basically that is what we all want. However, there are people who must be saved and we cannot wait. Therefore, it is important to have special emergency legislation. But that does not mean that the organizations represented by the delegation will discontinue their efforts in behalf of securing a good basic immigration law."

The President replied that he is completely in accord with what Dr. VanKirk said. Changes to the immigration law are first, but it is impossible at this point to make the members of Congress see it. The important thing is to change the immigration law, but it seems that senators and congressmen have minds that do not listen on the subject of immigration. The President cited the case of Senator Watkins whom he characterized as "humanitarian" and "religious" but who believes that if one immigrant comes in, it means that soon the U. S. will be overrun, like China.

The President said that he intends to make a speech on the subject of changing the immigration law.

The President asked if the clergy are behind him, and the answer was Yes. He thereupon suggested to the group that the private organizations must get something going. He also said in effect, "You people should have national conventions around the country to dramatize this issue" The President also said in effect "You know I would like this thing to go through in a hurry so we can get the cream of the crop." Members of the delegation commented on the fact that Australia and Canada had a way of getting in first.

Mr. Bieringer stated that it was clear to him that the President would like the private organizations to work concurrently on the two problems of the emergency and changes to the immigration law. As to timing and emphasis, Mr. Bieringer feels the President believes that the emergency legislation has a better chance and it would seem that this should be given major emphasis, but it was also Mr. Bieringer's impression that activities to change the immigration law should be included in the over-all efforts of the private organizations.

The President also informed the delegation that he likes to get results and that he does not like to by-pass leaders. (Presumably meaning congressional leaders.)

Neither Mr. Bieringer nor Dr. Empie had occasion to speak during the conference. Mr. Bieringer felt there was no need for him to speak because the issue of changes to the immigration law ran through the entire conference.

Msgr. Swanstrom spoke and took a position similar to that taken by Dr, VanKirk. However, he did ask what can be done to bring about the enactment of special emergency legislation more quickly. It was in response to this question that the President replied suggesting dramatizing the subject by means of national conventions.

Mr. Bieringer came away from the meeting with the President convinced that it is extremely important for the Jewish organizations to go along with the emergency program on the terms in which the President

discussed it, namely, work on emergency legislation but not to let down on revision of the McCarran Act. Mr. Bieringer is also convinced that VanKirk, Swanstrom and Empie feel as strongly as the Jewish organizations do about the importance of changing the immigration law.

Following the conference with the President and after the other members of the delegation had left, Mr. Bieringer had a number of discussions with persons in high positions, who are also concerned about this problem. The general consensus seemed to be:

1. It was the President and Sherman Adams who wanted the Jews as part of the delegation.

2. It would have been a tragedy if there had not been a Jewish representative in the delegation.

3. The emergency issue and changes to the McCarran Law are part and parcel of the same general problem.

4. It is "terribly important" for the Jewish organizations to support the emergency program because this will sustain the flow of immigration; that McCarran recognizes the emergency program as a slap against him and his bill.

5. This does not mean that we have to stop activities on the basic question. All the private organizations should work on both, but the Jewish organizations should support the emergency program.

6. The Jewish organizations, while being a part of the total effort, should stay in the background as much as possible. (Bieringer said that Msgr. Swanstrom had told him just that. He told Mr. Bieringer that some of the Congressmen and others in Washington had told him that the meeting with the President might be more effective if the Jews were not a part of it and the same holds true as regards the activities of the non-Jewish organizations on the immigration issue.)

Mr. Bieringer was identified in the press release as "President, United Service for New Americans with the approval of other national Jewish organizations."

J. C.

P. S. Enclosed are two documents which just came in from Roland Elliott. One is a memorandum from Msgr. Swanstrom and Mr. Elliott reporting on the conference with President Eisenhower. The second is the release which was given to the press in connection with the conference with the President.

Lottie - This refers to an unnamed member of President Eisenhower's administrative staff. J.K.

U R G E N T

May 4, 1953

Report: To all Agencies Interested in Immigration

Subject: Conference with the President

From: Msgr. E. E. Swanstrom
Chairman, DP and Refugee Committee, A.C.V.A.

Roland Elliott, Temporary Convenor, Immigration Policy Committee

As promised in our all-agency consultation on April 28, 1953, we send you this informal and personal report for your information. It is not for publication.

We were received by the President in his office at 9:00 a.m. on May 1st. Our delegation included, in addition to ourselves, Dr. W. W. Van Kirk, Executive Director of the Department of International Justice and Goodwill, National Council of Churches of Christ in the U.S.A., Mr. Walter H. Bieringer, President of the United Service for New Americans and Dr. Paul C. Empie, Executive Director of the National Lutheran Council. We were with the President approximately twenty-five minutes. The atmosphere of the conference was informal, "easy," sincere, with every encouragement to frank discussion. Our brief presentations pointed up our primary concern with an improved and strengthened immigration policy for America and commended him for his leadership in this direction. We made it clear that the agencies and churches we represented were continuing their active sponsorship of "grass-roots" level and in Congress, there seemed to be complete agreement that priority should now be given to securing quickly the enactment of special legislation for refugees. Such emergency legislation is timely, urgent and important for human as well as foreign policy reasons.

No commitments were asked or given. And, of course, we are not authorized to quote the President in any way.

Our own judgment is that it is very important for each agency interested in helping relieve the present plight of refugees to explain this situation carefully to all local units and representatives and to suggest to them that they express their support immediately to a) the President b) their Senators and c) their Congressmen.

At the moment, it seems unwise to recommend backing for any specific bill. But support for Emergency Legislation to carry out the President's request is important and urgently needed in the next few days.

We will welcome your reply to this report-letter giving us the advantage of your comments and suggestions.

Press Release

CHURCH LEADERS SUPPORT PRESIDENT EISENHOWER'S REQUEST FOR VISAS FOR REFUGEES

Representatives of the major religious faiths today warmly commended the President for his proposal that the Congress grant 240,000 non quota visas for refugees.

"This special emergency program" said these Protestant, Catholic and Jewish leaders, "is urgently needed for four cogent reasons:

a. It continues and expresses the traditional friendship of America for the politically oppressed.

b. It is in line with a sound American foreign policy in that it offers sanctuary to a number of those who have fled Communism to the free world.

c. It gives us man-and-woman power we need in American agriculture, industry, science and the arts.

d. It continues America's leadership among other nations in resolving this greatest human world problem."

These church agencies have intimate understanding of the plight of people uprooted by war and post-war conditions. They carry forward a saving service for these refugees both directly and through counterpart agencies in many countries as well as in collaboration with intergovernmental and other agencies. In the U.S.A. these agencies act on behalf of more than 100,000,000 local members of churches and synagogues.

"Most of the homeless as we know them will need to find their futures in the countries where they now are" reported this delegation, "but in some cases emigration is the only answer. For example the only alternative to emigration for some 15,000 European non-Communists in China is extinction. And many of these people have friends and relatives in the U.S.A. or they have talents we need."

The visiting delegation told the President of their desire to help improve and strengthen the basic Immigration Law of the U.S.A., and that their agencies will be glad to share their own experience and judgment, at the appropriate time, with the Committee of the Congress studying possible revisions to that end. But they regard this question as one requiring longer careful study and experience. They, however, all agree that the urgency of the situation affecting refugees is so acute at this moment that emergency legislation such as the President requested is essential.

In discussing this global problem with the President, the church representatives made it clear that their support of such special emergency program is entirely non-political. "It is our hope," they said, "that the sponsorship and support of this legislation may be completely bi-partisam. This is a time for humanitarian and truly American action - not for political difference."

Representing church agencies in conference with the President today were:

Dr. Walter W. VanKirk, Executive Director, Department of International Justice and Goodwill of the National Council of the Churches of Christ in the U.S.A.

Msgr. Edward E. Swanstrom, Executive Director, War Relief Services, National Catholic Welfare Conference.

Dr. Paul C. Empie, Director, National Lutheran Council.

Mr. Walter Bieringer, President, United Service for New Americans (with the approval of other national Jewish organizations).

Mr. Roland Elliott, Director, Immigration Services, Church World Service.

April 28, 1954

National Community Relations Advisory Council
9 East 38th Street
New York 16, New York

Gentlemen:

It would be very much appreciated if you would send us by return air mail (using the enclosed stamped, self-addressed envelope) one or two copies of the pamphlet issued by you in March, 1954, entitled "The Highest Common Good ...Individual Justice."

It is our intention to reprint this article in the next issue of our Bulletin, and since time is running short, we would appreciate a prompt response.

Thank you for your cooperation.

Very truly yours,

(Mrs.) Ruth M. Sparrow
Secretary to Dr. Silver

The Highest Common Good ... Individual Justice

A STATEMENT OF GUIDING PRINCIPLES FOR LEGISLATIVE INVESTIGATING COMMITTEES

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

9 East 38th Street • New York 16, N. Y.

March, 1954

Guiding Principles for Legislative Investigating Committees

THE LARGE NUMBER of Congressional investigations into virtually every aspect of our national life, especially into the acutely sensitive areas of loyalty and internal security, has emphasized anew the problem of reconciling competing public interests.

The proper exercise of the legislative function assumes that the legislature will be empowered to acquire information necessary to the intelligent and effective formulation of legislative recommendations. Indeed there is a legitimate need for wide public knowledge about the conduct of government and the administration of public office. Congressional committee investigations in the past unquestionably have made notable contributions leading to the enactment of significant legislation and the detection of corruption in government.

FAIR HEARINGS

Public concern over the conduct of current investigations does not stem from hostility to legislative investigating committees as such but from the absence of controls over committee activities and from the excesses which some committee members have, therefore, been free to indulge in. The need for Congress to be informed cannot justify or excuse abandoning the fair hearings that Americans traditionally have thought inseparable from any just system of laws. Recent events have underscored the importance of insuring that witnesses or other persons affected by proceedings before investigating committees will not be unjustly accused or degraded, that they will not be forced to a public avowal and justification of wholly irrelevant private beliefs, and that all

This statement was drafted initially by the American Jewish Congress and thereafter reviewed and revised in the Committee on Civil Liberties of the NCRAC, the chairman of which is Louis J Cohen of the Jewish Community Council of Essex County, N.J. It was approved by the NCRAC Executive Committee. The Union of Orthodox Jewish Congregations of America neither approves nor disapproves of the statement.

persons summoned to testify will receive opportunity for full and fair explanation of any acts called into question.

We pride ourselves on having created a government of laws rather than of men. The legislative investigating committee, because it functions without statutory restraints, remains the outstanding exception to this general principle. It enables irresponsible individuals without check by a regulatory standard to exercise profound, often disastrous, influence over the lives of others. It denies those who have been pilloried any basis for defense or appeal.

JEWISH CONCERN FOR DEMOCRATIC FREEDOMS

As part of a democratic society whose security ultimately depends on the maintenance of a sound and healthy political structure, Jews must share the concern of all groups in America over encroachments upon individual liberties. Democracy is indivisible. No one of its fundamental features can be vitiated or destroyed without imperilling the whole. Neither the Jewish community nor any other segment of our population can afford to be complacent or aloof when confronted with consistent assaults upon individual freedoms.

The threat of communism to free institutions everywhere must be faced. A common and fundamental theme of both Judaism and democracy is the concern with the sanctity and dignity of the individual. Our Jewish history and tradition have inspired a devotion to the principle of individual liberty and have rendered us sensitive to any attacks on human freedom. Accordingly, Jewish organizations have consistently opposed Communism and repudiated the limitations on freedom which inhere in it and in the methods it employs.

ORDERLY PROCESS

The advantages of Congressional investigations can be retained and yet made compatible with individual liberties if we introduce in this area the orderly processes that characterize our other legal institutions. For this purpose we propose the following guiding principles for the conduct of legislative investigating committees. Adoption of these principles by our legislatures will, we believe, insure fairness to the individual witness or person affected by the conduct of the hearing. They will aid the committees in discovering the facts involved in the inquiry and will strengthen and bolster public confidence in legislative investigations.

These principles express our belief that in this country individual justice constitutes the highest common good.

Congress should enact a code of fair procedures binding upon its investigating committees based upon the following principles:

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1. Congressional investigations should be limited in scope to those matters in which Congress may legislate or exercise any other power specifically granted by the Constitution. The obtaining of evidence for use in criminal prosecutions or educating the public at best should be a by-product but never the primary purpose of a Congressional investigation.

The Congressional power to investigate is not specifically stated in the Constitution. It is an implied one sanctioned by the courts to make effective the other powers of Congress. Lacking a general power to investigate, Congress can only conduct inquiries to gather information for legislative purposes and to check on the administration and enforcement of law and the economy and efficiency of Government. A Congressional committee therefore must not function as a grand jury. Nor should it exercise its powers for the purpose of exposing individuals or holding them up to public scorn.

●

2. One-man investigating committees should be prohibited. All phases of an investigation, including the authorization of subsidiary inquiries, the hiring of staff, the scheduling of hearings, the subpoenaing of witnesses and the releasing of public statements and reports, should represent the considered judgment of the majority of the committee. Sworn testimony should be taken only in the presence of at least two members of a committee.

When Congress authorizes a committee to conduct an investigation, it contemplates that all important decisions in its course will be taken after due deliberation by all members of the committee. A committee should not delegate its powers to one of its members and a committee chairman should not usurp the powers of other committee members. Full committee deliberation prevents abuse of power, arbitrary or capricious action and partisan exploitation of a committee's function. It is particularly important that a witness

who runs the risk of criminal prosecution for contempt of a committee that lacks the procedural safeguards afforded in other proceedings should not be compelled to testify before only one committee member.

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3. To insure full deliberation, all members of investigating committees should receive due notice of meetings and other committee action. Adequate provision should be made for minority reports.

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4. Material reflecting adversely upon persons living or dead should not be made public before an opportunity has been afforded such persons or their representatives to refute derogatory or defamatory statements. Rebuttal testimony should be released simultaneously with publication of such material.

The practice of condemning individuals or organizations without giving them an opportunity to defend themselves is a serious abuse on the part of a Congressional committee, particularly in releasing testimony given in executive session, in offering such testimony at public hearings or in releasing reports not based on any hearings. These are areas which are in particular need of regulation, for such practices, if allowed to continue unchecked, will destroy public confidence in all legislative investigations.

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5. Persons or organizations against whom charges are made in public hearings should be afforded an opportunity to present their side of the case publicly as soon as possible after the making of the charge and in circumstances as public as those in which the charge was made. This opportunity should include the right to cross-examine witnesses for a reasonable time.

It is not sufficient to allow persons or organizations exposed to the glare of modern publicity media merely to file with a committee an affidavit containing their side of the case. To insure elementary fairness and a balanced presentation of both sides of a case, they should be given limited but reasonable facilities to testify before the committee and to cross-examine their accusers. It is no answer to reply that investigating committees are not courts or lack time to play fair. If they lack time to allow an adequate defense to be

presented, they should not be permitted to make accusations.

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6. Material in the files of an investigating committee, not previously released by the committee in the form of an official report, should be kept confidential and made available only to Federal investigative and intelligence agencies and state prosecution agencies for their official purposes.

The House Committee on Un-American Activities has compiled dossiers on at least a half-million American citizens. These dossiers are not balanced evaluations of a person's career but mere compilations of undigested material deemed derogatory, as the Bishop Oxnam hearing demonstrated. These dossiers, never authorized by Congress, have in the past been made available indiscriminately although they are able to ruin a person's career or blast his reputation. Such material should be confidential, as are similar materials in the files of the FBI, and should be similarly restricted.

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7. Committee members or employees should not issue any public evaluation of a person under investigation until the inquiry relating to such person has been completed and a committee report thereon adopted.

The principle that this is a government of laws and not men requires at least that no person should be held up to public scorn by the offhand comments of a single committee member or staff employee. No public interest is lost or jeopardized by a requirement that no person be stigmatized except by the committee investigating him and then only after it has completed its investigation and has heard his side of the case.

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8. No hearing of a legislative investigating committee should be photographed, televised, broadcast or recorded for radio over a witness' objection.

It is indeed anomalous that in our courtrooms where parties are protected by counsel and judges, radio, television and cameras are forbidden but in Congressional hearing rooms public exhibitions are often staged. Such exploitation should be forbidden whenever the witness objects, because of the tendency to

distract, confuse and often frighten a witness and because of the inevitable sensationalism that results, preventing a calm, decorous and fair account of what is happening.

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9. Investigating committees should be empowered to invoke the aid of the courts in compelling answers to questions. Constitutional objections and questions of privilege raised by a witness should be tested through summary judicial procedures rather than by defenses in criminal prosecutions.

A witness who refuses to answer a pertinent question put to him by a Congressional committee, thereby commits a misdemeanor and may be jailed for one year. Moreover, a witness who refuses to answer does so at his peril, even if he is acting in good faith and on the advice of competent counsel and although he may have reasonable grounds upon which to refuse. This criminal sanction is not only too drastic and inflexible but also is cumbersome and long drawn out. A Congressional committee, like any administrative agency possessing the power to compel testimony, should be able to resort to the courts to compel answers in lieu of criminal prosecution that does not result in answers. Such judicial procedures should also provide a forum to test questions of privilege raised by a witness. Frivolous or dilatory objections can be dealt with summarily by the courts.

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10. The Rules Committee of each House of Congress should be empowered to receive and investigate complaints of abuses of Congressional investigating committees and to report its findings and recommendations to the Congress.

To provide some way of enforcing these rules of procedure, complaints to the Rules Committee of each House should be authorized. These committees may in appropriate cases recommend to the full House censure of committee or committee members and, where abuses are more flagrant, even more drastic sanctions. The mere existence of such a remedy will induce fair procedures by investigating committees and promote public confidence in a power so important to the effective functioning of the Congress.

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

Constituent Organizations

NATIONAL AGENCIES

American Jewish Congress
Jewish Labor Committee
Jewish War Veterans of the United States
Union of American Hebrew Congregations
Union of Orthodox Jewish Congregations of America
United Synagogue of America

LOCAL, STATE, AND REGIONAL AGENCIES

Jewish Welfare Fund of Akron
Jewish Community Relations Council for Alameda and Contra Costa Counties, California
Baltimore Jewish Council
Jewish Community Council of Metropolitan Boston
Jewish Community Council, Bridgeport, Conn.
Brooklyn Jewish Community Council
Community Relations Committee of the Jewish Federation of Camden County, N.J.
Cincinnati Jewish Community Council
Jewish Community Federation, Cleveland, Ohio
Connecticut Jewish Community Relations Council
Detroit Jewish Community Council
Elizabeth, N.J., Jewish Community Council
Jewish Community Council of Essex County, N.J.
Community Relations Committee of the Hartford (Conn.) Jewish Federation
Indiana Jewish Community Relations Council
Indianapolis Jewish Community Relations Council
Community Relations Bureau of the Jewish Federation and Council of Greater Kansas City
Community Relations Committee of the Los Angeles Jewish Community Council
Milwaukee Jewish Council
Minnesota Jewish Council
New Haven Jewish Community Council
Norfolk Jewish Community Council
Philadelphia Jewish Community Relations Council
Jewish Community Relations Council, Pittsburgh
Jewish Community Council, Rochester
Jewish Community Relations Council of St. Louis
Community Relations Council of San Diego
Southwestern Jewish Community Relations Council
San Francisco Jewish Community Relations Council
Jewish Community Council of Greater Washington (D.C.)
Jewish Community Relations Council of the Jewish Federation of Youngstown, Ohio

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

9 East 38th Street, New York 16
Telephone: MUrray Hill 5-1606

Executive Director: ISAIAH M. MINKOFF

May 4, 1954

Mrs. Ruth M. Sparrow
Secretary to Dr. Silver
The Temple
East 105th St. at Ansel Road
Cleveland 6, Ohio

Dear Mrs. Sparrow:

Immediately upon receipt of your letter of April 28, requesting copies of our leaflet advancing principles for the guidance of Congressional Investigating Committees, we sent you two copies by airmail. We are, naturally, delighted that you are reprinting the contents of this leaflet in your Bulletin; and we shall be grateful if you will send us several copies of the Bulletin containing the reprint for our files.

We trust that you will call upon us again whenever we can be of help.

Sincerely yours,

Samuel Spiegler

SS:RB

Rec'd 5/6/54

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

9 East 38th Street, New York 16
Telephone: MUrray Hill 5-1606

Executive Director: ISAIAH M. MINKOFF

June 22, 1955

Rabbi Abba Hillel Silver
The Temple
Ansel Road and East 105 Street
Cleveland, Ohio

Dear Rabbi Silver:

Please accept my deepest appreciation for your ready acceptance of the invitation to become an incorporator and member of the Board of Trustees of the National Committee on Immigration and Citizenship which is in formation. The organization of the National Committee, to spearhead an educational campaign on the need for improvements in American immigration and citizenship policies, is a high priority item among all the organizations which comprise the Jewish community relations field.

You will of course be kept informed of developments with respect to the incorporation of the National Committee; the organizational meeting, and the formal initiation of its activities. We are mindful of the many demands upon your energies and time, and you may be sure that we will not impose on you any more than is absolutely necessary.

Again, many thanks for this generous measure of cooperation.

Sincerely,

JULES COHEN
National Coordinator

JC:LR