

McCARRAN-WALTER AND CONGRESS

The racist immigration law continues to reveal its fangs as the people go on with plans to press for revision or repeal in the new Congress

By Harriet Barron

"**A**RE aliens second-class human beings?" asked the *New York Times* editorially on December 6, 1954. The question was provoked by a series of letters and editorials set off by a communication from the noted writer and lecturer, Mrs. Pearl Buck. She protested the closing down of Ellis Island and other detention centers for so-called economy reasons and removal of detainees to county jails.

The American people were shocked that detainees, immigrants and those facing deportation, who were convicted of no crime, were being held in jails as though they were criminals. The exposure forced the Immigration and Naturalization Service to release those being held.

Potent voices were heard against the jailing of detainees. New York Governor Averell Harriman in a speech before several hundred Jewish leaders at the 40th annual dinner-meeting of the Joint Distribution Committee on December 9, 1954, exclaimed: "The oppressed, homeless and freedom-seeking peoples abroad must regard with cynicism an America which bars the door to all but a trickle of immigrants, which bases immigration on the discriminatory and racist concept of national origin and throws immigrants . . . in jail."

What is the basis of this barbaric policy of the Immigration and Naturalization Service, which is an agency of the Justice Department? It is the McCarran-Walter law, which makes "second-class human beings" of non-citizens and immigrants. When President Truman vetoed the bill after it passed in 1952, he warned that it would "intensify the repressive and inhumane aspects of our immigration procedures." And his warning has turned out to be all-too-prophetic. As a consequence, the basically racist and discriminatory and anti-Semitic concept and application of this law have aroused many people and groups who have not been moved to protest other repressive legislation.

The overwhelming variety and spread of opposition became apparent from the very outset when President Truman set up a commission on September 4, 1952, following enactment of the McCarran-Walter law, "to study and evaluate the immigration and naturalization policies of the United States and to make recommendations for such legislative, administrative, and other action as in its

opinion may be desirable in the interest of economy, security, and responsibility of this country." After hearing testimony from over 600 individuals in 11 cities representing every phase of American life, the commission concluded "that our present immigration law should be completely rewritten."

Almost immediately and spontaneously groups of every kind throughout the country came into being to seek revision or repeal of the law. The leader of this movement was Senator Herbert H. Lehman. Together with 31 congressmen, he introduced into Congress in August 1953, a measure, known as the Lehman-Celler bill, which would have made drastic changes in the immigration code set up by the McCarran-Walter law. But a conspiracy of Republican and Democratic congressmen headed by the late Senator Pat McCarran kept the Lehman-Celler bill bottled up in committee. To head off McCarran-Walter revision, an Eisenhower administration-sponsored compromise bill (the Watkins bill) was passed which permitted 209,000 immigrants to be admitted within three years. But in the first 14 months after enactment the State Department had issued only 11,316 visas, about nine per cent of the number allowed by the law.

Resistance to McCarran-Walter Continues

The congressional elections of 1954 produced additional evidence that the repeal movement, while sporadic, was still very much alive. Literally hundreds of organizations had passed resolutions against the McCarran-Walter law. And they keep coming. The CIO at its convention in December 1954 reaffirmed "its stand in favor of a liberal immigration policy for the United States and for revision of the Immigration and Nationality Act of 1952 to that end." The Methodist Federation for Social Action in August adopted its 1954 Program, declaring, in part: "We deplore the injustices and cruelties of a law such as the Walter-McCarran act, which President Truman labeled in his veto message to Congress on June 25, 1952, as 'worse than the infamous Alien and Sedition Act of 1798.' We call for its repeal."

Hadassah, the Women's Zionist Organization of America, in August 1954, at its 40th annual convention, resolved to "exert every possible effort towards the passage of the proposed Immigration act as presented by Senator Herbert H. Lehman as a substitute for the McCarran-Walter Im-

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migration act." The Union of Orthodox Jewish Congregation at its annual convention in mid-November 1954 urged the new Congress to revise the law, "which does violence to our American heritage and tradition."

There is considerable support for revision in Congress. Candidates for all offices polled on this question in California, New York, Oregon, Michigan, Illinois, Pennsylvania and elsewhere, were predominantly of the opinion that changes must be made in the law. Newly-elected Senators Richard Neuberger, of Oregon, and Patrick V. McNamara, of Michigan, are committed to support repeal. Also committed are newly elected Negro Representative Charles Diggs, of Michigan, and Rep. James Roosevelt, of California. At least 105 congressmen, including those who voted to uphold the Truman veto, are on record as opposed to the McCarran-Walter law.

Dangers of the Law

The movement for repeal and revision has been primarily based on dissatisfaction with immigration quotas and to some extent with the denaturalization phases of the McCarran-Walter law. Senator Lehman characterized the quota system in the McCarran-Walter law before the President's Commission in October 1952 as "based on the same discredited racial theories from which Adolf Hitler developed the infamous Nuremberg laws. The system is based on the hypothesis that persons of Anglo-Saxon birth are superior to other nationalities and therefore better qualified to be admitted into the United States and to become citizens." Innumerable organizations and individuals have since condemned the denaturalization provisions of the McCarran-Walter law because it creates two classes of citizenship, the native-born and the naturalized. Attorney General Herbert Brownell gave substance to this un-American distinction on St. Patrick's Day of 1953. He declared that he intended to deport 12,000 non-citizens and to denaturalize 10,000 on political grounds.

The plight of thousands of longtime residents of the United States who face deportation was brought to light by the current press stories and editorials that followed the closing of Ellis Island. Similarly, the round-up last summer of Mexicans in the Southwest, the setting up of a concentration camp in the center of Los Angeles and the mass deportation of people, presumably non-citizens, has awakened the people, at least of the West Coast, to the fact that the United States government under the McCarran-Walter law deport one million U.S. residents to Mexico yearly.

Certain menacing provisions of the McCarran-Walter law have not been widely publicized except by the American Committee for Protection of Foreign Born and committees cooperating with it. These features of the law present the threat of frame-up under which millions of non-citizens live in fear of imprisonment and deportation. During the month of January of each year the McCarran-Walter law requires three million non-citizens to go through the Hitler-like system of registration. Failure to register opens the possibility of indictment. But no receipt

of registration is given to the individual. He or she merely fills out a form which is left at the local postoffice. This opens the way to a possible frame-up. Michael Gates, of Philadelphia, registered but the Justice Department claims he didn't. He has been sentenced to six months imprisonment and fined \$2500. On the West Coast Walter Baer, an engineer with 50 years residence in the United States against whom deportation proceedings were dropped some 15 years ago, today faces deportation for alleged failure to notify the Immigration Service when he moved from Portland to Seattle.

Some 2500 non-citizens who are going through deportation proceedings live under McCarran-Walter law supervisory parole conditions. They are threatened with indictment for failure to report in person periodically (most of them once a month at this time), or wilful failure to "give information under oath as to his nationality, circumstances, habits, associations and activities and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper."

Worst of all is the self-deportation provision. Under this provision Knut Heikkinen, an editor of the Finnish-American newspaper *Tyomies-Eteenpain*, of Superior, Wisconsin, has been sentenced to ten years imprisonment for alleged failure to apply for papers to deport himself. This is a virtual death sentence for this 64 year-old man.

Act for Repeal

The McCarran-Walter law can and must be repealed. This can be done if a grassroots movement called for by Senator Lehman is developed. One important recent development is the organization of the American Immigration Conference to promote cooperation among organizations interested in a humanitarian and non-discriminatory immigration policy. Former Commissioner of Immigration and Naturalization Earl G. Harrison, of Philadelphia, was named president. Vice presidents include Walter Bieringer, Edward Corsi, Mrs. Mildred McAfee Horton, Dr. George N. Shuster and Dr. Walter W. Van Kirk.

Another opportunity for revision or repeal is now opened with the convening of the new Congress. The broad and wide resistance to the McCarran-Walter law should be mobilized. Since the Lehman-Celler bill died with the adjournment of the 83rd Congress, congressmen must now be queried as to whether they will introduce a revision or repeal and urged to support such bills.

The American Committee for Protection of Foreign Born, meeting in a National Conference to Defend the Rights of Foreign Born Americans, in New York, on December 11 and 12, 1954, adopted a program for repeal of the McCarran-Walter law and defense of its victims. One of the important actions on this program is the convening of a national legislative conference in Washington, D. C. on March 27 to further repeal. To erase the blot of the McCarran-Walter law from the statute books of our country, maximum action of every kind should be carried forward.