

U. S. DEPARTMENT OF LABOR  
OFFICE OF THE SECRETARY  
WASHINGTON

JUN 17 1952

Honorable Frederick J. Lawton  
Director, Bureau of the Budget  
Executive Office of the President  
Washington 25, D. C.



Dear Mr. Lawton:

This is in response to the request of Mr. Roger W. Jones for my comments on the enrolled bill, H.R. 5678, "To revise the laws relating to immigration, naturalization, and nationality; and for other purposes."

I am mindful of the amount of work and time on the part of the sponsors of the bill and of the staffs of the Senate and House Committees on the Judiciary which has gone into the drafting and consideration of the bill. It is a monumental task, to revise and codify the existing mass of immigration, naturalization and nationality laws. Too, the bill represents some improvement in these laws, notably its removal of discriminations on the basis of sex and its elimination of the discriminatory Asiatic exclusion policy. In view of these considerations, I would like to be able to recommend to the President that the bill be approved. I am unable, however, to do so.

A principal reason for recommending that this bill be vetoed is the fact that, while it removes certain discriminations against Asiatics, it introduces new discriminatory concepts into our immigration laws. In the first place, under this bill, the national origin of a would-be immigrant would be disregarded in determining the quota to which he is chargeable if that person is "attributable by as much as one-half of his ancestry" to Asiatic races. This status is extended to persons of Philippine ancestry who are not presently subject to the Asiatic exclusion policy of existing law. If our immigration policy is to be based upon the national origin formula, the only test should be the immigrant's country of birth. Certain immigrants should not be subjected to a discriminatory examination into the race of their ancestors. The implication of inferior races underlying this provision of H.R. 5678 is bound to be offensive to those countries of Asia whose co-operation we are seeking in the struggle between democracy and communism.

The bill contains another provision which is discriminatory against certain races, although not in such specific terms as the provision described in the preceding paragraph. This is the provision which imposes a maximum limit of 100 upon immigration from any colony. Under the existing law immigration from colonial areas is chargeable to the quota of the mother country. The change contemplated by H.R. 5678 would have a particularly serious effect upon Negro immigration from the British West Indies, which is presently chargeable to the largely unused quota of Great Britain. This provision can only add to the anti-Americanism which is being so assiduously cultivated by the Communists in colonial areas throughout the world.

The bill, furthermore, perpetuates the existing discriminations against Middle and Southern Europeans by its retention of the 1920 census as the base for determining the quotas to be assigned to immigration from the various nations. Any legislation which purports to bring our immigration laws up to date should provide for basing national quotas on current census figures. The quota-determining provisions of both the existing law and the enrolled bill are particularly discriminatory against areas of Europe, such as Italy, Greece and the Netherlands, which have serious problems of surplus population.

I have called particular attention to the above provisions of H.R. 5678 because the discriminations on the basis of race and national origin which they represent are so contrary to the theories of individual liberty and equal opportunity which we profess. They should not be a part of our immigration policy. There are many more provisions of the bill which are as undesirable or as retrogressive as these. The most important objection to the bill, however, is the fact that the opportunity presented by this attempt to recodify our immigration, naturalization and nationality laws, to humanize them and to provide greater procedural protections to aliens and naturalized citizens has been so tragically wasted. I agree that the present mass of immigration, naturalization and nationality laws should be overhauled. This overhauling should be done, however, without introducing into these laws new discriminations and new denials of process for immigrants and naturalized citizens. At the same time wages, working conditions and employment opportunities of American workers could adequately be protected from any possible adverse effects.

For the foregoing reasons, I recommend that this enrolled bill be vetoed by the President. It should be noted that a veto of this bill would not have the effect of leaving us without legislation in these fields. It would only mean that we would continue under the existing laws, which in



most cases are no more undesirable than the revisions contained in H.R. 5678, while we undertake a revision and recodification of such laws which is more in accord with the humane and liberal principles under which this Nation has reached its present greatness.

Yours very truly,



*Michael J. Calvin*  
MICHAEL J. CALVIN  
Acting Secretary of Labor

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