

May 3, 1952

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Immigration Bills

I. The Walter and McCarran Bills.

The McCarran bill is a three hundred page comprehensive revision of all the Federal laws pertaining to immigration and naturalization. McCarran has been working on it a long time and claims that it is the result of intense and serious study. It was reported out by the Senate Judiciary Committee on January 29, 1952.

The McCarran bill embodies Senator McCarran's philosophy of how to treat aliens and naturalized citizens. It tends to make the granting of visas and the proceedings of immigration authorities more arbitrary than usual. It widens the scope of deportation and makes it possible to revoke the citizenship of naturalized Americans in several new ways. It is prejudiced against the alien and against the naturalized citizen.

It has two good features. One is simply a correction of the harsh provisions of the McCarran Act which exclude an alien because of membership in a communist or Fascist organization, even when he was forced to belong. The other is a section which admits a small number of immigrants from the countries of Asia and permits them to become naturalized citizens.

These two good provisions do not, however, outweigh the bad that the bill does with respect to our traditional concepts of human decency and liberty.

The Walter bill is the companion bill in the House to the McCarran bill. It is just about the same except for a few provisions which are better than the McCarran bill. There were several attempts to amend it in a more liberal direction on the Floor of the House, but most of these amendments were defeated.

Both these bills contain provisions which would tend to place the Executive agencies concerned with immigration under closer supervision and control by the Congress.



We already have trouble in the field of immigration policy because the Visa Division in the State Department, under Mr. L'Heureux, plays "footsie" with McCarran and is practically outside the control of the Secretary of State. In the same way, the Immigration and Naturalization Service in the Department of Justice tends to become independent of Executive control, and to look more for guidance to the Congress than it does to the Attorney General.

The two bills would require these agencies to submit their operating policies to the Congress and would virtually put Congress in the business of running these executive functions.

II. The Humphrey-Lehman Bill.

This bill is also a revision of our existing immigration laws. It is almost as complex as the McCarran bill, but its purpose is exactly the opposite. It tries to make immigration procedures more humane. It increases quotas and provides for the pooling of quotas so that immigrants can take advantage of unused quotas. It is an excellent bill in most respects.

This bill was concocted by the staff of Senators Lehman and Humphrey as a measure to head off the McCarran bill, but it has had no Committee hearings. It is supported by a number of other Senators.

The Humphrey-Lehman bill was drafted before the President's Message on Immigration went to the Congress. It is not based on the recommendations of the President's Message. While it is a good bill as a general revision of immigration laws, and while it would make it possible to bring in a good portion of immigrants recommended in the President's message, it will not do the whole job. The President's message is an emergency proposal to meet the present problem, whereas the Humphrey-Lehman bill is a complete revision of permanent statutes.

III. The President's Immigration Proposals.

The President's immigration proposals are designed to meet an emergency in international affairs. They provide for aid and assistance for the thousands of refugees coming into Western Europe from behind the Iron Curtain. They provide for the admission of 300,000 new immigrants over and above the quota limitations in the next three-year period. These new immigrants include 21,000 Iron Curtain refugees, with the balance coming from areas of over-population in Europe, principally Germany and Italy, and, to a smaller extent, from Holland and Greece.

The President's proposals are of immediate and urgent importance in connection with our relations with Italy.



More than any other country, Italy needs immigration outlets in order to maintain its political stability and to keep the communists from gaining ground internally. The President's proposals are very important as an indication of United States attitude toward the problem, and if adopted, would have very good political effects in Italy.

The major aspects of the President's proposals have been incorporated in a bill introduced in the House by Congressman Celler. Congressman Walter has promised to have hearings on this bill in the Immigration sub-Committee of the Judiciary Committee on May 12.

No such bill has been introduced in the Senate.

IV. The Present Situation.

The Walter bill passed the House on April 25. McFarland is scheduling the McCarran bill for action in the Senate after the Senate finishes work on the Mutual Security bill. It is highly unlikely that Senators Humphrey and Lehman and their friends can stop the passage of the McCarran bill. They may be able to attract enough votes to sustain a veto later on. It must be remembered that the McCarran bill has the approval of the Senate Judiciary Committee, that it is a long and very complicated bill, and that no one can understand its provisions and effects without a detailed study of the complex provisions of our existing immigration laws. The counter proposal, the Humphrey-Lehman bill is almost equally complicated, and is incomprehensible to the average layman.

The only clear and intelligible proposal in the field is the President's Message. Anybody can understand this. It is temporary legislation to admit certain specific groups of people who are in great need. These are people who have friends and relatives in this country who are interested in their fate, and who have votes. The proposals in the President's Message are similar in their popular appeal to the Displaced Persons Bill, with the added advantage that they are anti-communist and an important part of the cold war.

If the liberal Senators had not become so involved in the Humphrey-Lehman bill, they would almost certainly be much more active and vigorous protagonists for the President's proposals at this time. After the McCarran bill fight is over in the Senate, these Senators will be able to give greater support to the President's recommendations.



V. Future Strategy.

The best strategy in the Senate would be to threaten the McCarran bill with a long series of amendments, and intensive debate on each, which would tie up so much time that the leadership would be inclined to let it slide for this session. It is unlikely, however, that this strategy can be put into play, since few of the liberal Senators have the time to study the problem sufficiently to present the amendments and argue about them effectively.

An attempt to substitute the Humphrey-Lehman bill for the McCarran bill would probably be defeated because the Senators will not thoroughly understand either bill and the McCarran bill has Committee approval.

It would be a mistake to suggest that the President's proposals should be made an amendment to the McCarran bill. If such a proposal were adopted, the President would be faced with a very embarrassing situation. He would not be able to veto the McCarran bill without vetoing his own program.

In the light of these facts, therefore, the best strategy is for the liberal Senators to oppose the McCarran bill as best they can on the Floor and get as many votes as they can against it, pending a veto. Then they should immediately turn their attention to the President's proposals. At the same time, Walter and the House Committee should take quick action on the President's proposals.

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