

PS  
-668  
36

FOR RELEASE AT  
12 NOON, EST  
WEDNESDAY, JANUARY 26, 1955

HUMANIZING THE ADMINISTRATION OF THE IMMIGRATION  
LAW

Address

By

Honorable Herbert Brownell, Jr.  
Attorney General of the United States

Prepared for Delivery

before

A Conference Sponsored

by

American Council of Voluntary Agencies  
Committee on Migration and Refugee Problems

The American Immigration Conference

National Council on Naturalization and Citizenship

Town Hall Club

New York City

Wednesday, January 26, 1955

12:15 P.M.

It is a privilege to discuss with you recent developments marking a more humane administration of the Immigration laws.

You - the organizations and agencies which you represent - have long been working to give aliens every possible consideration when they seek to enter this country, and likewise to see that aliens are fairly treated under our laws while they reside here. Therefore, it is appropriate that our report of progress should be made to you in the first instance. If you believe our efforts are well planned and well executed, we welcome your continued cooperation in the days ahead.

A new detention policy was established by the Immigration Service last November.

The results of the new detention policy will be of interest to you. Under this policy aliens who are issued visas by American consular officers, and who encounter technical difficulties on arrival, are being admitted by the immigration officials with virtually no delay at the port of arrival. Such persons are promptly permitted to proceed to their ultimate destinations in the United States. Notification of the final disposition of the question of their admissibility is sent to them there.

Great reduction has been effected in the number of aliens being held in immigration custody since the new policy went into operation. In fact practically a 100 percent reduction has been accomplished in the custody of persons seeking entry. As of January 21, 1955, there were in immigration custody only 4 persons seeking entry and two of these were stowaways. None are in jails.

This contrasts strongly with the hundreds who formerly had been held in immigration custody as a matter of routine on arrival, pending determination of some question as to their admissibility.

Under our new policy, aliens found to be unlawfully in the United States are now released under conditional bond or parole or supervision while their deportation proceedings are pending so long as they appear to be deserving of their personal liberty. Reasonable restrictions are imposed to assure their availability when their presence is required by the Immigration and Naturalization Service.

There are but few necessary exceptions to the operations of this policy. The principal exception concerns those aliens whose freedom at large in this country would constitute a present danger to the national security and public safety. Another exception concerns aliens whose cases involve criminal violations.

Generally, the relatively few aliens who fall within these exceptional classes will be held in immigration custody at a Service or hotel facility. However, if an alien who has been previously released or detained in a Service or hotel facility absconds or proves too difficult or dangerous to handle in a Service or hotel facility, he may be held in immigration custody at an approved jail. Transfers to jail facilities are made only upon the personal approval of the district director of the Service where the person is in custody, and he keeps a public record of such detention.

About a 90 percent reduction has also been accomplished in the custody of aliens under deportation proceedings. As of January 21, 1955, there were in immigration custody throughout the entire country only 73 persons held as

aliens illegally in the United States, not counting the aliens collected in the wetback "staging" operations conducted in the Southwest. Of these I will have more to say later.

These figures speak for themselves. The far-reaching effect of the new policy has also led to the discontinuance of the Service's large seaport detention facilities. These had been located at New York's Ellis Island, Boston, Seattle, San Francisco, San Pedro, and Honolulu. The closing of these facilities has incidentally resulted in a considerable financial saving to the Government. Where needed, small Service facilities will be used, as for example in New York City.

There is another kind of situation in which the Service has made notable strides away from inhumane, harsh and inflexible construction of the law. This involves certain "hardship" cases.

Under the strict letter of the law, an adult or child alien found to be illegally in the United States must be deported. However, the law provides a procedure permitting deportation in certain cases to be suspended and enables the alien to acquire the status of a lawful permanent resident of the United States.

Since the procedure is often misunderstood, I should like briefly to outline it.

If an alien is believed to be unlawfully in the country, the law requires the issuance of a deportation warrant of arrest. He is accorded a hearing at which he is given an opportunity to contest the action. If the facts show an illegal entry, for instance, but disclose that deportation would result in exceptional and extreme hardship to the alien or his family, the

Attorney General may enter an order suspending the deportation. One more step is then required before the alien acquires lawful status. It is a concurrent resolution by Congress favoring the suspension of deportation.

Before passing any bill legalizing the entry of a deserving alien, Congress generally desires to know whether or not the alien has exhausted all possibilities for administrative adjustment of his status under law. Consequently, to make the alien eligible for favorable consideration by Congress, it becomes necessary for his own benefit to compel him to carry the administrative proceedings to the final order stage. The point I make is that many times these administrative hearings are held to aid the alien complete the legal processes to allow him to stay here.

We have established the policy of aiding persons wherever possible under law. I am sure that the members of the Congress who enacted the Immigration and Nationality Act, and the American public, desire that the law be administered with good common sense, sound discretion, and the application of compassion in circumstances that cry out for relief.

A few illustrations will suffice to demonstrate how the law has been applied by the Service.

A recent case involved an eight-year-old Chinese girl by the name of Grace Hwang. Her father and mother have had their immigration status in the United States adjusted to that of permanent resident aliens.

In her case, a private bill had been long pending in the Congress. The Congressional sponsor of the bill wanted to be in a position to state to the Committee considering the bill that all administrative remedies had been exhausted, that no administrative relief was available, and her departure

from the United States was required. Prior private bills in this little girl's behalf had failed of passage because administrative remedies under the law had not been completed in her case.

Contrary to a few uniformed newspaper accounts, the Service had no intention of deporting this little girl. It was merely setting the stage for favorable Congressional action.

Another case in point is that of little Bobby Woods, age 7 of Columbus, Ohio. An article appeared in the press captioned, "Seven-year old faces deportation under McCarran law." The lead paragraph commenced:

"Little Bobby Woods romped through a game of cowboys and Indians with his playmates, unaware that the Federal Government may take him from his home and deport him to Germany. The seven-year old is the victim of a quirk in the immigration law. The law says the blonde-haired Bobby is an alien and that he can't legally live here with his parents, even though both of them are American citizens. The Immigration and Naturalization Service has given Bobby's parents six months to raise the money to pay his way back to Germany."

The writer of this article apparently did not have all the facts. We hastened to reassure the boy's parents, the Service was not proceeding to deport him. The district director of the Service at Detroit, Michigan, made it possible for the parents to proceed to Canada and to bring the child back the same day as a legal entrant entitled to permanent residence.

Take the case of Ignatz Mezei. You will recall that there was widespread publicity that he was doomed to life imprisonment on Ellis Island without a

hearing. It was because of this that shortly after taking office I ordered a review of the case and a full hearing by a Special Board of Inquiry.

Here was a man born 60 years ago in a part of Hungary which later became Rumania. He first came here in 1923 and lived here until 1948. During that time he was very active in a branch of the International Workers Order, holding office in a Buffalo Lodge from 1932 until 1940. He returned to Europe May 17, 1948, purportedly to visit his dying mother, but did not reach Rumania. He returned to the United States February 9, 1950, was given a preliminary hearing and then ordered excluded by an Acting Attorney General May 10, 1950. He was granted no hearing and it was held that his entry would be prejudicial to the interests of the United States. He took his case to the Supreme Court which in March 1953 affirmed the power of the Attorney General to exclude aliens whose entry would be prejudicial to the interests of the United States. It also ruled that exclusion could be ordered without hearing when the order was based on confidential information.

The Special Board of Inquiry, convened at my direction, held him excludable after a hearing and the Board of Immigration Appeals agreed. But there was no country which would accept him. So on August 9, 1954, I ordered that he be released in parole until such time as his departure from the United States may be effected.

There just was no justification for keeping him continually in custody and my action was based on a decision that his release would not result in any damage to the national security or the public safety.

We are giving both heart and conscience to the administration of the

immigration laws, as American justice requires.

I have told you at some length of the way in which we are handling the "hardship" cases. At the same time we are strictly enforcing the immigration laws against security risks, criminals and other undesirables who are deportable more vigorously than ever before in our history. Both actions truly represent our American justice.

We have also instituted a structural reorganization of the Immigration Service, resulting in better supervision over the field functions and improved methods of field operations. Efforts have been made to elevate the most competent and devoted career Government employees to the most responsible management positions. Salaries have been increased to attract and keep top-notch personnel. Reorganization of the Service has reduced administrative costs thus making new manpower available for operating functions. The Investigations Division of the Service is concentrating on the cases that produce affirmative law enforcement results.

During the past calendar year about 170,000 persons were naturalized, the highest since 1945, when 189,000 received citizenship. Yet, in 1954 the naturalization force was less than one-half the number assigned to that duty in 1945. On Veterans Day, mass ceremonies across the nation resulted in the admission to citizenship of over 55,000 persons on that one day.

By far the most graphic illustration of the effectiveness of our reorganization of the Service is "operation wetback." This is the program initiated in June 1954 which succeeded in stemming and turning back the illegal Mexican labor invasion across our Southern border. Even though it reached tremendous proportions, we did not lose sight of the need always to deal humanly with those affected.

There are two kinds of Mexican aliens working in our country. One is called a "Bracero." His entry is legal. He carries no formal passport but a white card which makes him eligible for temporary employment in our country. He is engaged under a formal contract, the terms of which are approved by the Mexican and the United States Governments. This contract guarantees the prevailing wage, stable employment, housing, food at reasonable cost and occupational insurance. In farm areas where the Department of Labor finds that there is not sufficient domestic help available for planting, harvesting and other needs, these "braceros" are a welcome and appreciated addition to our work force. When their work is completed, they are required to return to Mexico.

The other kind of Mexican alien found in our country comes illegally. He is called a "Wetback" because many of them swim or wade the Rio Grande in the Texas area to get into this country unnoticed. Others come hidden in trains, trucks and cars. Since they are here illegally, they will work for starvation wages and live in sub-standard housing often without sanitation facilities. These conditions breed crime and disease. Many become a burden on the welfare resources of cities and communities. They cause other serious social and economic problems for the United States.

You will appreciate the enormity of this problem when you learn that in each of the years ending June 30, 1953 and June 30, 1954, there were more than 1,000,000 apprehensions of Mexican aliens illegally in the United States.

After making my survey trip to the Mexican border, I determined that this situation had to be cleaned up. Accordingly, in May 1954, we started a drive against illegal Mexican labor, hoping to wipe out the disease, criminal

activity, juvenile delinquency and social instability that attends any wet-back invasion. To gain control over the situation, we used all available manpower of the Service from all sections of the country to reinforce the Border Patrol.

'Operation wetback' began on June 10, 1954, in California, and on July 15, 1954 in South Texas. Public notice was given before the operation began that a concentrated drive was to be made on the wetbacks. Employers were urged to arrange to obtain legal Mexican labor. The Service officers engaged on this operation worked without time off and around the clock. They swept the border areas clean. Before their net many of the illegal Mexican laborers voluntarily fled back to Mexico without awaiting enforcement of their departure. Thousands more were rounded up, collected in staging areas, and returned to Mexico.

This large scale operation involving about 250,000 "wetbacks" was carried out humanely without disorder or incident. Members of family groups were allowed to remain together. Persons having property or equities in the United States were allowed reasonable opportunity to dispose of them. When periods of waiting were required for transportation, adequate food and shelter were provided. As a whole, ranchers and farmers willingly cooperated in the program, and agreed to conform with the law. Material assistance was given too by counties, cities and towns where the program was underway. The Mexican Government also cooperated fully in the operation.

These vigorous and well organized efforts have brought the lawless situation under control. The Border Patrol has been augmented. Its patrols are covering more ground than ever before. The success of "operation

wetback" can be noted from the fact that, despite the increase in border patrol operations, the apprehensions of wetbacks which formerly reached 3,000 a day have fallen off along the entire Mexican border to less than 300 a day.

The large health, social and economic benefits of this successful enforcement action are not to be overlooked. The repatriated wetbacks have been replaced in agriculture by United States workers and by legally contracted "bracero" Mexican labor who enjoy fair wages and decent living conditions.

On July 27, 1954, William A. Burkett, Director of the California Department of Employment, wired us conveying the thanks of Governor Knight of California for the excellent work done in removing illegal aliens from California. He said that as a result of the first month of the Service's concentrated operations in California, claims for unemployment insurance benefits had dropped about 15 percent, as compared with the normal drop of 5 percent during prior years at the same period. This was so because our American unemployed citizens who had been drawing benefits were referred to suitable jobs vacated by wetbacks. Savings to California employers and taxpayers was estimated to be about \$325,000 per week.

After the wetback situation was brought under control along our Southern border, a wetback drive was undertaken in the Chicago area. It was publicly announced in advance. Persons illegally here thus were told that, if they turned themselves in and satisfactorily established their readiness and willingness to depart from the United States, they would be permitted to depart without detention and without impediment. As of November 30, 1954

1,548 aliens surrendered themselves voluntarily and received voluntary departure letters--these avoid disabilities which attach to a deportation proceeding. Another 2,000 illegal aliens were apprehended.

The Chairman of the Illinois Division of the American Civil Liberties Union, Committee on Immigration, Naturalization and Loyalty, described this operation as follows:

"The Chicago wetback drive could have been an unmitigated horror. It has turned out to be a relatively humane operation. Inherent in any mass expatriation action is cruelty and suffering. Still the drive against Mexican illegal entrants has demonstrated that even large scale 'drag net' police activity can be effectively conducted with respect for civil liberties."

Thus you can see that "operation wetback" succeeded. It was dealt with intelligently, effectively and in the best tradition of our Republic.

I deem this a fitting occasion to thank these Immigration and Naturalization Service employees for the most excellent job they did. It meant leaving their homes and families for many weeks. Despite this and other hardships, they performed commendably. In this, and in all other aspects of their work this year, the INS employees have made a fine contribution to the public service. Whenever you encounter thoughtless or ill-informed criticism of our conscientious and able group of employees in INS, I hope you will give the facts as you know them.

I have attempted to tell you about some of our immigration problems and how we have tried to solve them. The great improvements in administration

this year have been made - and made without fanfare - under the able leadership of General Joseph M. Swing. We owe him a great debt of gratitude for this latest of his many accomplishments in the service of his country.

In dealing with thousands of cases, some mistakes will be made but they will be honest mistakes-- to be corrected as soon as we learn of them. We will welcome your constructive criticism and suggestions as to how the Service may further humanize immigration policies.

We shall always be mindful of the need for fair treatment of aliens in our country. Consistent with our heritage, we shall continue to provide a haven for those whom we can accommodate.

In his most recent State of the Union Message, President Eisenhower made this statement:

\*\*\* Through humane administration, the Department of Justice is doing what it legally can to alleviate hardships. Clearance of aliens before arrival has been initiated, and except for criminal offenders, the imprisonment of aliens awaiting admission or deportation has been stopped. Certain provisions of law, however, have the effect of compelling action in respect to aliens which are inequitable in some instances and discriminatory in others. These provisions should be corrected in this session of the Congress."

Meanwhile, through humane administration of the laws we are called upon to enforce, we shall endeavor to do our part in the Department of Justice to continue to extend a welcoming hand to immigrants; to help them realize their

dreams of liberty; to share with them a fuller and richer life; and by uniting with them, advance the well-being and best interests of our great Republic and the other free nations of the world. I am confident you will continue to do your part, as American citizens, to uphold these arms and thus help to demonstrate to all the world the blessings of freedom in these United States.