

76TH CONGRESS
3D SESSION

H. R. 9858

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1940

Mr. DIES introduced the following bill; which was referred to the Committee on Immigration and Naturalization

A BILL

To promote the national defense and the public welfare by providing for the reduction in quota immigration, the exclusion and the deportation of certain classes of undesirable aliens, and for the creation of a Board of Deportation Appeals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That no alien who is a Nazi, a Fascist, or a Communist, or
4 who advises, teaches, or advocates nazi-ism, fascism, or com-
5 munism, or who is associated, directly or indirectly, with
6 any organization or group which advises, teaches, or advo-
7 cates nazi-ism, fascism, or communism, shall be granted a
8 visa for entry into or be admitted into the United States.

1 SEC. 2. (a) That the Secretary of State may deny a
2 visa to any alien whose presence in the United States as
3 a visitor or for permanent residence he deems would in any
4 way be contrary to the public welfare.

5 (b) That the Secretary of State shall have the power,
6 at any time, to revoke a visa which was obtained by mis-
7 representation or fraud in which case the alien shall be
8 forthwith deported.

9 (c) That no visa shall be granted to any alien making
10 an application to enter the United States temporarily as
11 a tourist, or temporarily for business or pleasure, or to carry
12 on business under treaty, unless proof of an official character
13 satisfactory to the consul be submitted by the applicant that
14 upon the expiration of the term for which the visa is granted
15 or extension thereof the alien will be readmitted to his or her
16 country of origin.

17 (d) That the term for which any visa may be granted
18 to an alien visiting the United States temporarily as a
19 tourist, or temporarily for business or pleasure, shall not be
20 extended more than once, nor shall the term for which
21 the visa was issued and any extension thereof exceed in the
22 aggregate a period of one year.

23 SEC. 3. That from and after July 1, 1940, the quota in
24 the case of any nationality for which a quota has been deter-
25 mined and proclaimed under the Immigration Act of 1924,

1 as amended, shall be one-third of such quota, but the mini-
2 mum quota of any nationality shall be one hundred: *Pro-*
3 *vided*, That for the five fiscal years next succeeding July 1,
4 1940, no alien shall be admitted to the United States for
5 permanent residence who is not the husband or wife or minor
6 child of a citizen of the United States, or the husband or wife
7 of an alien married prior to the passage of this Act who has
8 been lawfully admitted to the United States, or the minor
9 child of such marriage.

10 SEC. 4. That from and after July 1, 1940, no immigra-
11 tion visa shall be issued under subdivision (c) of section 4
12 of the Immigration Act of 1924, but all the provisions of
13 the immigration laws shall be applicable to immigrants born
14 in any of the geographical areas specified in such subdivi-
15 sion as if each of such areas had at that time a quota equal
16 to the largest number of immigrants admitted into the United
17 States from such geographical areas in any of the fiscal years
18 1936 to 1939, inclusive, unless the number of American citi-
19 zens admitted into such geographical areas in any succeed-
20 ing year is greater than the number admissible under such
21 quota; in which event, the quota assigned to such geographi-
22 cal area shall be equal to that number of American citizens
23 admitted into any of the aforesaid geographical areas.

24 SEC. 5. That any alien, other than a diplomatic officer of
25 a foreign government duly accredited to the United States

1 or in transit through the United States, applying for a visa to
2 enter the United States shall have his or her fingerprints
3 taken. It shall be the duty of the consul to forward two
4 copies of the fingerprints to the port of entry through which
5 the applicant plans to enter the United States for the pur-
6 pose of determining the identity of the applicant upon arrival.
7 It shall be the duty of the immigration officer at the port of
8 entry, upon permission being granted to the alien to enter
9 the United States, to forward one copy of the fingerprints
10 to the Commissioner of Immigration and the other copy to
11 the Noncriminal Division of the Bureau of Identification of
12 the Department of Justice of the United States.

13 SEC. 6. (a) That any alien who, at any time after
14 entering the United States, is found to have been at the time
15 of entry, or to have become thereafter, a member of the
16 Nazi, Fascist, or Communist Party, or who advises, advo-
17 cates, or teaches the doctrines of nazi-ism, fascism, or com-
18 munism, or who is a member of, or affiliated with, any organ-
19 ization, association, society, or group, that advises,
20 advocates, or teaches the doctrines of nazi-ism, fascism,
21 or communism, shall, upon the warrant of the Secretary of
22 Labor, be taken into custody and deported in the manner
23 provided in the Immigration Act of February 5, 1917.

24 (b) That any alien who, at any time after entering the
25 United States, shall have been convicted of three offenses

1 involving moral turpitude regardless of the nature of the
2 sentence imposed or the suspension of sentence, and any
3 alien certified by the chief police officer of any State, or
4 county, or municipality, to be a habitual criminal, or an
5 associate of criminals, or a revolutionary agitator, or a per-
6 sistent disturber of the public peace, or a white slaver, or a
7 pimp, or a corrupter of youth, or a gambler, or a confidence
8 man, or a panhandler, or an alien who belongs to any para-
9 sitic or predatory class of the population of the United States,
10 shall, upon the warrant of the Secretary of Labor, be taken
11 into custody and deported in the manner provided in the
12 Immigration Act of February 5, 1917.

13 SEC. 7. (a) That there is hereby created a board of
14 three members to be known as the Board of Deportation
15 Appeals composed of an Assistant Secretary of State to be
16 designated by the Secretary of State, who shall be chairman
17 of the board; an assistant to the Attorney General to be
18 designated by the Attorney General; and the Commissioner
19 of Immigration.

20 (b) That the records of the Board of Deportation Ap-
21 peals shall be open for public examination and a digest
22 thereof in the case of any alien whose deportation is tem-
23 porarily suspended, as hereinafter provided, shall be for-
24 warded to the President of the Senate and to the Speaker

1 of the House of Representatives, for the information of the
2 Congress.

3 SEC. 8. That the board, by an unanimous vote of its
4 members, shall have power to suspend, for a period not to
5 exceed in the aggregate twelve months, the execution of a
6 warrant of deportation of an alien when the alien has a
7 dependent husband, wife, or minor child who is a citizen
8 of the United States: *Provided*, That no warrant shall be
9 stayed if the alien has served a term in prison or has been
10 certified by the chief police officer of any State, or county,
11 or municipality, to be an habitual criminal, or is deportable
12 under the Act of October 16, 1918 (40 Stat. 1012), pro-
13 viding for the exclusion and expulsion of anarchists and
14 similar classes, as amended, or is a Nazi, a Fascist, or a
15 Communist.

16 SEC. 9. That if any alien has been arrested and deported
17 in pursuance of law, he shall be excluded from admission to
18 the United States whether such deportation took place before
19 or after the enactment of this Act; and if he enters or
20 attempts to enter the United States after the enactment of
21 this Act, he shall be guilty of a felony: *Provided*, That this
22 Act shall not apply to any alien who has, prior to its enact-
23 ment, obtained the lawful permission of the Secretary of
24 Labor to reenter the United States and has reentered, or
25 who arrives in the United States with such permission

1 within sixty days after this Act becomes effective. For the
2 purposes of this section any alien ordered deported (whether
3 before or after the enactment of this Act) who has left the
4 United States shall be considered to have been deported in
5 pursuance of law, irrespective of the source from which the
6 expenses of his transportation were defrayed or of the place
7 to which deported. Section 7 of the Act entitled "An Act
8 to further amend the naturalization laws, and for other pur-
9 poses", approved May 25, 1932, is hereby repealed.

10 SEC. 10. That any person who violates or attempts to
11 violate any provision of this Act, or any person who con-
12 nives at, aids, or abets any violation of this Act, shall upon
13 conviction thereof be fined not more than \$10,000 or impris-
14 oned for not more than five years, or both such fine and
15 imprisonment, and if such convicted person be an alien he
16 shall be deported, first serving, however, any sentence
17 imposed by the court.

18 SEC. 11. That the provisions of this Act are in addition
19 to and not in substitution for the provisions of the immigra-
20 tion laws, and shall be enforced as a part of such laws, and
21 all the penal or other provisions of such laws not inapplicable
22 shall apply to and be enforced in connection with the pro-
23 visions of this Act. An alien, although admissible under the
24 provisions of this Act, shall not be admitted to the United
25 States if he is excluded by any provision of the immigration

1 laws other than this Act, and an alien, although admissible
2 under the provisions of the immigration laws other than this
3 Act, shall not be admitted to the United States if he is
4 excluded by any provision of this Act.

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