

IN THE HOUSE OF REPRESENTATIVES

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MAY 22, 1940

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



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.

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 advo7 cates nazi-ism, fascism, or communism, shall be granted a
8 visa for entry into or be admitted into the United States.

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

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5 (b) That the Secretary of State shall have the power,

at any time, to revoke a visa which was obtained by misrepresentation or fraud in which case the alien shall be 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 outended

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.

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

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as amended, shall be one-third of such quota, but the minimum quota of any nationality shall be one hundred: *Pro- vided*, That for the five fiscal years next succeeding July 1,
1940, no alien shall be admitted to the United States for
permanent residence who is not the husband or wife or minor
child of a citizen of the United States, or the husband or wife
of an alien married prior to the passage of this Act who has
been lawfully admitted to the United States, or the minor
child of such marriage.
SEC. 4. That from and after July 1, 1940, no immigration visa shall be issued under subdivision (c) of section 4
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 States from such geographical areas in any of the fiscal years 17 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 admitted into any of the aforesaid geographical areas. 23 C.C. 24 SEC. 5. That any alien, other than a diplomatic officer of a foreign government duly accredited to the United States 25

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-

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pose of determining the identity of the applicant upon arrival. 6 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 the United States, to forward one copy of the fingerprints 9 10 to the Commissioner of Immigration and the other copy to the Noncriminal Division of the Bureau of Identification of 11 the Department of Justice of the United States. 12 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 provided in the Immigration Act of February 5, 1917. 23 1 6 3 (b) That any alien who, at any time after entering the 24 United States, shall have been convicted of three offenses 25

involving moral turpitude regardless of the nature of the
 sentence imposed or the suspension of sentence, and any
 alien certified by the chief police officer of any State, or
 county, or municipality, to be a habitual criminal, or an

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- associate of criminals, or a revolutionary agitator, or a persistent disturber of the public peace, or a white slaver, or a
 pimp, or a corrupter of youth, or a gambler, or a confidence
 man, or a panhandler, or an alien who belongs to any parasitic or predatory class of the population of the United States,
 shall, upon the warrant of the Secretary of Labor, be taken
 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.

(b) That the records of the Board of Deportation Appeals shall be open for public examination and a digest
thereof in the case of any alien whose deportation is temporarily suspended, as hereinafter provided, shall be forwarded to the President of the Senate and to the Speaker

1 of the House of Representatives, for the information of the 2 Congress. SEC. 8. That the board, by an unanimous vote of its 3 4 members, shall have power to suspend, for a period not to 5 exceed in the aggregate twelve months, the execution of a

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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.

SEC. 9. That if any alien has been arrested and deported 16 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 who arrives in the United States with such permission

within sixty days after this Act becomes effective. For the
 purposes of this section any alien ordered deported (whether
 before or after the enactment of this Act) who has left the
 United States shall be considered to have been deported in
 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 pur9 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 con12 nives at, aids, or abets any violation of this Act, shall upon
- conviction thereof be fined not more than \$10,000 or imprisoned for not more than five years, or both such fine and
 imprisonment, and if such convicted person be an alien he
 shall be deported, first serving, however, any sentence
 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-

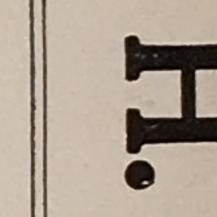
tion laws, and shall be enforced as a part of such laws, and
all the penal or other provisions of such laws not inapplicable
shall apply to and be enforced in connection with the provisions of this Act. An alien, although admissible under the
provisions of this Act, shall not be admitted to the United
States if he is excluded by any provision of the immigration

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

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76TH CONGRESS 3D Session



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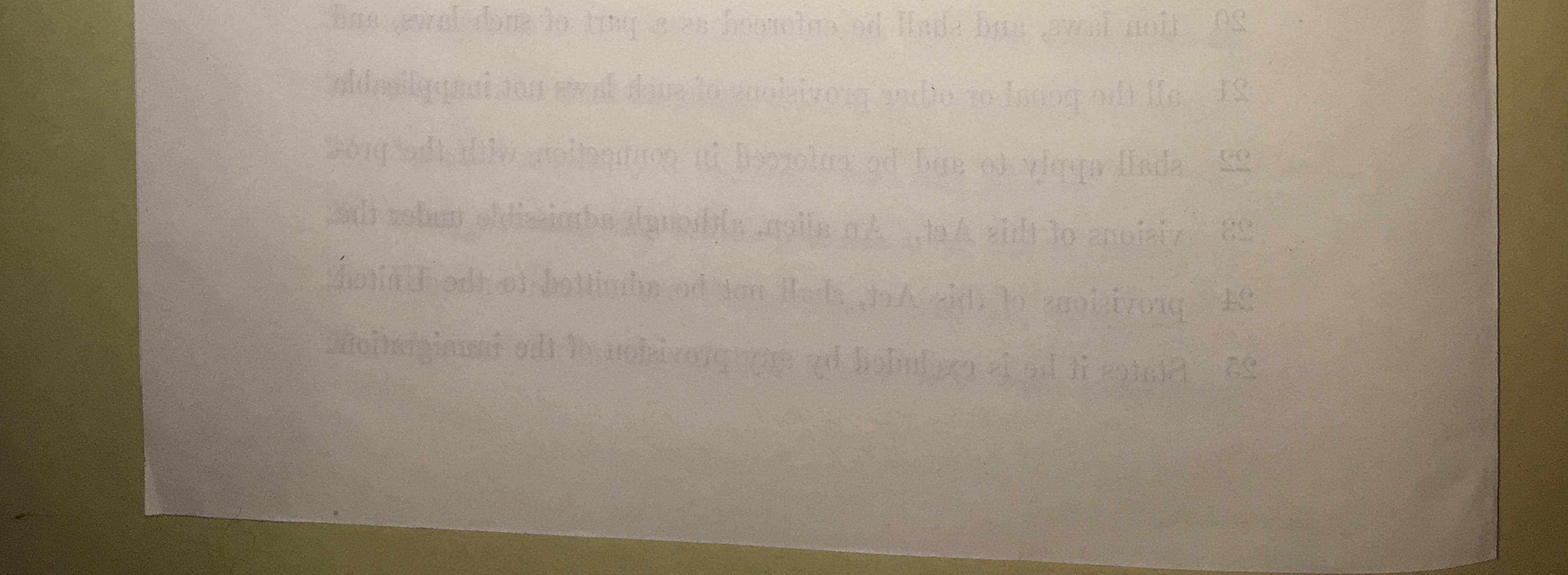
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By Mr.

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Spot 31. That the provisions of this Act are m addition